

work to ensure that taxpayers receive their refunds in the year 2000.

The SPEAKER pro tempore. Under the rule, the gentleman from Massachusetts (Mr. OLVER) will be recognized for 30 minutes, and the gentleman from Arizona (Mr. KOLBE) will be recognized for 30 minutes.

Mr. OLVER. Mr. Speaker, as my colleagues can see, I have been filling in here. So I ask unanimous consent to hand the time over to the gentleman from Maryland (Mr. HOYER), my distinguished ranking member.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Maryland (Mr. HOYER) will control the 30 minutes.

The Chair recognizes the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have offered this motion to instruct conferees on the basis that the Y2K issue has been an ongoing issue government-wide as well as with the Treasury Department. We are very concerned.

I want to make it clear that I believe that we need more than this restored; but at minimum, we need this money restored. That is why this motion to instruct has been offered.

Mr. Speaker, I reserve the balance of my time.

Mr. KOLBE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not oppose this motion to instruct conferees. Obviously, at this moment we do not have an allocation that is sufficient to permit us to easily restore these Y2K funds without having to take it from some other place that might be even more detrimental. But I am certainly hopeful that it will be possible for us to restore at least this amount of the Y2K funding to the Internal Revenue Service and other Federal agencies.

So, I have no objection to this motion to instruct. But I say that with the understanding that I can give no absolute assurances to my colleagues in this body that we can accomplish this in the conference, although I am hopeful that we would be able to.

Mr. SANDERS. Madam Chairman, I yield myself the balance of my time.

I would urge the Members to have the courage to stand up to the pharmaceutical industry and support this amendment cosponsored by the gentleman from Illinois (Mr. JACKSON), the gentleman from California (Mr. STARK), the gentleman from California (Mr. ROHRABACHER), the gentlewoman from Georgia (Ms. MCKINNEY), the gentleman from Ohio (Mr. KUCINICH), the gentleman from Alabama (Mr. HILLIARD), the gentleman from California (Mr. GEORGE MILLER), the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the gentleman from Arkansas (Mr. BERRY).

Let us win this fight.

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

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The motion was agreed to.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include tabular and extraneous material on H.R. 2490.

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

There was no objection.

The SPEAKER pro tempore. The Chair will appoint conferees later today.

#### AMERICAN EMBASSY SECURITY ACT OF 1999

The SPEAKER pro tempore (Mr. BURR of North Carolina). Pursuant to House Resolution 247 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2415.

□ 1050

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2415) to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes, with Mr. KOLBE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, July 20, 1999, amendment No. 8 printed in House Report 106-235 offered by the gentleman from Texas (Mr. PAUL) had been disposed of.

It is now in order to consider amendment No. 15 printed in Part B of House report 106-235.

#### AMENDMENT NO. 15 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 15 offered by Mr. SANDERS:

Page 35, after line 9, insert the following (and conform the table of contents accordingly):

#### SEC. 211. PROHIBITION ON INTERFERENCE WITH INTELLECTUAL PROPERTY LAW RELATING TO PHARMACEUTICALS OF CERTAIN FOREIGN COUNTRIES.

No employee of the Department of State shall take any action to deter or to other-

wise interfere with any intellectual property law or policy of any country in Africa or Asia (including Israel) that is designed to make pharmaceuticals more affordable if such law or policy, as the case may be, complies with the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)).

The CHAIRMAN. Pursuant to House resolution 247, the gentleman from Vermont (Mr. SANDERS) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 5 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I yield myself 1 1/4 minutes.

Mr. Chairman, this amendment, co-sponsored by the gentleman from Illinois (Mr. JACKSON), the gentleman from California (Mr. STARK), the gentleman from California (Mr. ROHRABACHER), the gentlewoman from Georgia (Ms. MCKINNEY), the gentleman from Ohio (Mr. KUCINICH), the gentleman from Alabama (Mr. HILLIARD), the gentleman from California (Mr. MILLER), the gentlewoman from Illinois (Ms. SCHAKOWSKY), and the gentleman from Arkansas (Mr. BERRY) deals with one of the great moral challenges of this century.

Millions of people in Africa and Asia are suffering from the horrible AIDS epidemic decimating their countries. Because of poverty, they are unable to afford the very expensive prescription drugs needed to combat this killer disease.

Sadly, the major pharmaceutical companies are using their enormous wealth and influence to fight legislation passed in South Africa, Israel, and Thailand which allows those countries to purchase and manufacture anti-AIDS drugs at far lower prices than those charged by the major drug companies.

These laws are consistent with international trade and copyright law. Once again, these laws are consistent with international trade and copyright laws.

Tragically, the U.S. State Department is currently working with the drug companies to punish South Africa because their government has committed the terrible crime of trying to get affordable drugs to treat their AIDS patients.

What South Africa is doing is legal under international law. And it is morally right.

Please support this amendment. Get the U.S. Government on the right side of this issue and help save millions of lives.

Mr. Chairman, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the case of the gentleman from Vermont (Mr. SANDERS) frankly is completely flawed. And though while his motives may be noble, the final result of his action will be reduction in new drugs that will save lives.

We have tested the theory here in this Chamber and elsewhere to see if governments will come up with the research dollars to invent new medicines. Frankly, we cannot get our Government to provide medicine for its own citizens let alone citizens of other countries.

Fully 45 percent of all new drugs are developed in the United States; and the next closest country, the U.K., develops but 14 percent. American taxpayers, through its Congress, will not provide the research dollars to find the cures for cancer and AIDS like the new \$4 pill that will be able to protect the children of mothers with AIDS by one pill given one time at the cost of \$4 instead of AZT at the cost of hundreds of dollars.

What the bill does, it will give the opportunity for wealthier nations to try to evade our intellectual property laws. The United States already loses one out of three dollars when it comes to the opportunity of sales overseas for intellectual property. But we are not talking about corporate profits here. We are talking about countries being able to avoid intellectual property laws, and we are talking about denying the resources from wealthier countries, not from the poorest countries, they already have the ability to control prices.

The poorest countries in this world make agreements with pharmaceutical companies that limit the price of those products in those countries. Frankly, the only country in the world that does not limit prices is the United States.

What the amendment of the gentleman will do is allow wealthy countries like Israel, frankly, that has a per capita income of almost \$16,000, to avoid our intellectual property laws. He will thereby undermine the basic flow of funds to research and may reverse what we see here today.

Forty-five percent of all the new drugs come from the United States. Accept the Sanders amendment and we will not be helping the poor, we will be hurting every one of us in this process as we do not develop the new drugs for AIDS and breast cancer and other illnesses around the world.

The poorest countries already get a lower price for those products. The legislation of the gentleman from Vermont (Mr. SANDERS) would prevent the U.S. Government from protecting intellectual property that is made here in the United States and give wealthier countries the ability to purchase these products through poorer countries. We are not helping poor African countries. We are not helping Bangladesh. These countries can already control prices in agreements with these pharmaceutical companies.

What his legislation would allow is American countries can see their intellectual property transferred to other countries. This is simple theft. It seems to me, if we stand by the Sanders amendment, we will only have ourselves to blame in injuring what has

been one of the most productive sectors in the American economy in creating new drugs for all our citizens.

Madam Chairman, I reserve the balance of my time.

Mr. SANDERS. Madam Chairman, I yield 1 minute to the gentlewoman from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Madam Chairman, have my colleagues ever seen a bully on the playground and they knew it was not right? Well, that is exactly what our own State Department is doing right now to South Africa.

We can tell a lot about a country the way they act when they think no one is watching. The State Department of the world's indispensable Nation has decided that poor Africans dying of preventable and treatable diseases is okay.

In South Africa, thousands of people are dying every week because they cannot afford to treat deadly but preventable and treatable diseases like malaria, tuberculosis, and typhoid.

In South Africa, it costs more to get a prescription filled than to go to the doctor's office. Therefore, they can go to the doctor to find out what is wrong, but they cannot treat it; they cannot treat the illness.

Accordingly, South Africa decided to fight back. South Africa went to the free market to buy its prescription drugs rather than to the pharmaceutical cartel and the State Department objects to that. Once again, seems to prefer corporate profits over healthy people.

It looks to me like the State Department is the bully on the playground and they think no one is watching. Well, let them see that the Congress is watching by supporting the Sanders amendment.

Mr. GEJDENSON. Madam Chairman, may I inquire how much time I have remaining?

The CHAIRMAN pro tempore (Mrs. EMERSON). The gentleman from Connecticut (Mr. GEJDENSON) has 2 minutes remaining. The gentleman from Vermont (Mr. SANDERS) has 2-3/4 minutes remaining.

Mr. GEJDENSON. Madam Chairman, I yield 1 minute to the gentleman from New York (Mr. GILMAN).

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Madam Chairman, I thank the gentleman for yielding me the time.

□ 1100

Mr. GILMAN. Madam Chairman, I thank the gentleman for yielding me this time. I rise in opposition to the amendment being offered by the gentleman from Vermont.

I share the concerns of the gentleman from Vermont and all those who want to combat the spread of AIDS in Africa and I very much welcome Monday's announcement that the administration is joining our House Republicans in calling for a \$127 million spending program

to meet this growing health crisis. I will note the Republicans have ensured funding for this for some time. I have also held the only hearings on this subject last year. I intend to work to ensure that this program continues to receive strong support.

The White House AIDS policy director, Sandra Thurman, has reported that the disease is turning millions of children into orphans, reducing life expectancy by more than 20 years and undermining economic development in large parts of Africa. More than 12 million people have died of AIDS in sub-Saharan Africa over the past decade.

However, I believe that the amendment before us is not the way to address this important issue. It threatens patent protection rights and will create new impediments to future AIDS research efforts. Furthermore, its implementation would put the U.S. in violation of our obligations under the Uruguay Round Implementation Act to seek the strengthening of intellectual property laws.

The CHAIRMAN pro tempore (Mrs. EMERSON). The time of the gentleman from New York (Mr. GILMAN) has expired.

Mr. GEJDENSON. Madam Chairman, I ask unanimous consent that debate on this amendment be extended for 2 minutes equally divided and controlled by me and the gentleman from Vermont (Mr. SANDERS).

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GEJDENSON. Madam Chairman, I yield 1 minute to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Madam Chairman, I thank the gentleman for yielding me this additional time.

This amendment would use policies such as compulsory licensing and parallel trade to make pharmaceuticals more affordable. Compulsory licensing would allow generic manufacturers to produce and sell a patented pharmaceutical product before the patent expires, without protecting the rights of the patentholder in the importing country. This approach will discourage research efforts and will not address the underlying problems confronting AIDS patients.

Parallel trade involves purchasing a product at a low price in one market and reselling it in another market at a higher price, outside of normal distribution channels. This proposal has been tried and found wanting in Kenya where it resulted in a flood of counterfeit medicine imports.

Accordingly, I join the gentleman from Connecticut in urging the defeat of the Sanders amendment.

Mr. SANDERS. Madam Chairman, I yield 30 seconds to the gentleman from Arkansas (Mr. BERRY), a former pharmacist.

Mr. BERRY. Madam Chairman, I rise this morning to support this amendment. I commend the gentleman from

Vermont for introducing this amendment.

It is critical that our State Department allow countries the tools they need to fight health epidemics such as AIDS as long as they play by the international rules. WTO agreements and fairness should be the driving force behind U.S. policy relating to this issue, not a few very profitable international pharmaceutical companies. We do not have to do things that inappropriately protect their markets like we do in this country and allow them to take advantage of other people.

Mr. SANDERS. Madam Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Chairman, I believe this amendment is a good amendment. This amendment will prevent the State Department from punishing countries that use legal means to procure low-cost lifesaving drugs for their citizens. This practice, called parallel importing, is allowed by the World Trade Organization. Many of the poorest nations on earth are experiencing some of the highest death rates because there is not enough money to pay for the high cost of lifesaving drugs. Some countries are even experiencing a return of age-old illnesses such as tuberculosis.

The AIDS epidemic is causing a health care crisis worldwide. What good are lifesaving drugs if they are not affordable for people who need them? We should not punish countries for trying to save their citizens' lives. We should not punish countries for being concerned about their own citizens. We should not punish countries for using perfectly legal means to procure low-cost pharmaceuticals.

Help to save millions of lives by ending a counterproductive State Department practice. Put human life above profit. I urge my colleagues to support this amendment.

Mr. SANDERS. Madam Chairman, I yield myself such time as I may consume. This amendment deals with one of the great moral challenges of our time. While the pharmaceutical industry, which makes wide campaign contributions, spends more money on lobbying and campaign contributions than any other industry in this country, while they are enjoying record-breaking profits, millions of people, poor people throughout the world, are dying of AIDS. Meanwhile, the pharmaceutical companies are down in South Africa trying to do away with legislation in the courts, trying to do away with legislation passed by the South African government because the South African government is trying to get inexpensive drugs to deal with the epidemic of AIDS.

What this legislation says very clearly is get the State Department off the backs of South Africa when South Africa is operating legally, legally under international law. If the pharmaceutical companies think they are operating illegally, if the U.S. State De-

partment thinks they are operating illegally, go to the World Trade Organization. But the State Department does not want to go to the World Trade Organization. They want to put unilateral action against South Africa. The drug companies want to use their muscle against South Africa. What South Africa is doing is legal. The State Department does not want to challenge them in the World Trade Organization because they will lose.

It is a shame and an embarrassment that the government of the United States of America is working with the multi-billion dollar drug companies to push around South Africa because that country is trying to do the right thing for its people with AIDS.

Madam Chairman, I reserve the balance of my time.

Mr. GEJDENSON. Madam Chairman, I yield the balance of my time to the gentleman from New Jersey (Mr. MENENDEZ).

The CHAIRMAN pro tempore. The gentleman from New Jersey is recognized for 1 minute.

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Madam Chairman, I share the gentleman from Vermont's concerns, but I think this amendment is the wrong way to go about it. We do not seek to hurt South Africa, but we also do not seek to hurt American companies and their international intellectual property rights. When you go down the road of saying to American companies, forget about all of the research, all of the intellectual property rights that you possess, you go down a road that is going to hurt South Africa and Africa ultimately, because you want investment to take place and that investment is going to take place if people believe that their intellectual property rights are going to be observed.

This amendment would restrict the ability of the administration to protect the intellectual property rights of American pharmaceutical companies in foreign countries. The State Department plays a crucial role in assisting U.S. companies whose intellectual property rights are violated by foreign governments. In fact, the law says we should defend intellectual property rights.

Now, in the context of AIDS, we share that concern. That is why the U.S. Global Strategy on AIDS, released in March of 1999, cites health care infrastructure problems, including shortage of doctors, clinics and laboratories. That is our biggest obstacle. That is what we should be doing with the Vice President, \$100 million more, but not violating the intellectual property rights of our companies.

#### IMPACT OF AMENDMENT

The amendment would restrict the ability of the administration to protect the intellectual property rights of American pharmaceutical companies in foreign countries. The State Department plays a crucial role in assisting U.S.

companies whose intellectual property rights are violated by foreign governments. The State Department has been successful in negotiating acceptable resolutions to these international trade conflicts, protecting both American interests and jobs.

In fact, the law says that we should defend intellectual property rights. Section 315 of Uruguay Round Implementation Act states that it is the policy of the U.S. to seek enactment and implementation of foreign intellectual property laws that "strengthen and supplement" TRIPs. This amendment contradicts the law and would inhibit the pharmaceutical industry from seeking assistance from their own government to resolve intellectual property rights issue with foreign governments.

While the author of the amendment contends that the restrictions would not apply if the bill was in compliance with TRIPs, I'm not sure how such a determination of a violation can be made without going to WTO. Unless, we decide that the State Department can make legal determinations about the legality or illegality of intellectual property rights actions, this amendment would allow the Administration to prejudge the outcome of a WTO case.

The amendment is broadly drafted and could prohibit the Administration from acting even when there is a clear violation of TRIPs, as in the case of South Africa. The South African Medicines Act, which is under litigation in South Africa, not only permits parallel importation which is not permitted under Article 28 of the TRIPs agreements, it also contains a provision which allows the complete abrogation of patient rights at the discretion of the Minister of Health.

Specifically, Section 15c of the South African Medicines Act says that, the Health Minister may determine "that the rights with regard to any medicine under a patent granted in the Republic shall not extend to acts in respect of such medicine which has been put on the market by the owner of the medicine, or with his or her consent."

Conceivably the amendment could compel the State Department to refrain from action if the government in question—in this case South Africa—claims that their actions are in compliance with TRIPs, since the amendment does not establish how to determine if an action is compliant with TRIPs.

Members need to know the facts, Article 28 of TRIPs—the WTO Agreement on Trade-Related Aspects of Intellectual Property obligates countries to prohibit parallel importation of patented products.

Pharmaceutical companies spend millions of dollars annually for the research and development of pharmaceutical products—patents protect their intellectual property. If those rights can be arbitrarily violated what incentive remains to pursue R&D for new and more effective drugs.

It is irresponsible to forbid our State Department from acting on behalf of companies and citizens and that is what this amendment would do.

#### AIDS CRISIS

It is important to note that the amendment is not specific to AIDS drugs and as such, would affect imports of all medicines.

This amendment is not about the AIDS crisis. We do need to address the AIDS crisis in Africa. Last Friday this Chamber passed two amendments which recognize the need for the

public and private sector to expand efforts, including legislation to address the AIDS crisis in Africa.

We should address the AIDS crisis by adopting appropriate policies and programs. We should not adopt a policy which abrogates property rights and international agreements.

The U.S. Global Strategy on HIV/AIDS, released in March 1999, cites health care infrastructure problems, including shortage of doctors, clinics and laboratories, as the biggest obstacles to the delivery of effective HIV/AIDS care. These are issues which we need to consider. On Monday, Vice President GORE announced a \$100 million initiative to fight the growing AIDS epidemic in Africa, this is the type of action that we need to take and I intend to advocate for the authorization and appropriations of those funds.

I urge Members to vote against the Sanders amendment and to look for real, meaningful solutions to the AIDS crisis.

Mr. SANDERS. Madam Chairman, I yield myself the balance of my time.

I would urge the Members to have the courage to stand up to the pharmaceutical industry and support this amendment cosponsored by the gentleman from Illinois (Mr. JACKSON), the gentleman from California (Mr. STARK), the gentleman from California (Mr. ROHRABACHER), the gentlewoman from Georgia (Ms. MCKINNEY), the gentleman from Ohio (Mr. KUCINICH), the gentleman from Alabama (Mr. HILLIARD), the gentleman from California (Mr. GEORGE MILLER), the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the gentleman from Arkansas (Mr. BERRY).

Let us win this fight.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. GEJDENSON. Madam Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 247, further proceedings on the amendment offered by the gentleman from Vermont (Mr. SANDERS) will be postponed.

It is now in order to consider amendment No. 18 printed in part B of House Report 106-235.

AMENDMENT NO. 18 OFFERED BY MR. GIBBONS

Mr. GIBBONS. Madam Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 18 offered by Mr. GIBBONS:

Page 46, after line 22, insert the following:

**SEC. 257. ISSUANCE OF PASSPORTS FOR THE FIRST TIME TO CHILDREN UNDER AGE 14.**

(a) IN GENERAL.—

(1) REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall issue regulations providing that before a child under the age of 14 years is issued a passport for the first time, the requirements under paragraph (2) shall apply under penalty of perjury.

(2) REQUIREMENTS.—

(A) Both parents, or the child's legal guardian, must execute the application and

provide documentary evidence demonstrating that they are the parents or guardian; or

(B) the person executing the application must provide documentary evidence that such person—

(i) has sole custody of the child;

(ii) has the consent of the other parent to the issuance of the passport; or

(iii) is *in loco parentis* and has the consent of both parents, of a parent with sole custody over the child, or of the child's legal guardian, to the issuance of the passport.

(b) EXCEPTIONS.—The regulations required by subsection (a) may provide for exceptions in exigent circumstances, such as, those involving the health or welfare of the child.

The CHAIRMAN pro tempore. Pursuant to House Resolution 247, the gentleman from Nevada (Mr. GIBBONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

(Mr. GIBBONS asked and was given permission to revise and extend his remarks.)

Mr. GIBBONS. Madam Chairman, I yield myself such time as I may consume.

Simply put, this amendment will help protect our American children from international parental child abduction. It is an inconceivable but irrefutable fact that once a child is taken from the United States, it is nearly impossible to get that child returned.

One of the most difficult and frustrating experiences for parents of internationally abducted children is that U.S. laws and court orders are not usually recognized in foreign countries and therefore are not entitled or enforceable actions abroad.

Even when criminal charges have been filed against the abducting parent in the United States, many foreign nations will not honor a U.S. request for extradition. It is therefore imperative that any measure we take must be preventive, for once these children are taken out of the country, they are often gone forever.

The aim of this amendment is prevention, prevention of anguish to families, prevention of the violation of parental rights, prevention of international child abduction.

These children are often abducted during or shortly after a contentious divorce, sometimes by an abusive parent. At a time when these children are most vulnerable and most uncertain about their future, they are snatched and taken away to a foreign country.

Let me tell a story, Madam Chairman, of Mikey Kale from my home State of Nevada for whom this amendment is named. On Valentine's Day in 1993, then 6-year-old Mikey was abducted by his biological father and kidnapped to war-torn Croatia.

Mikey's father and mother were divorced at this time. His mother had sole legal custody of Mikey. His father did not. But Mikey's father was still able to get a passport for his son even though he did not have any legal custodial rights. Thankfully, after a number of weeks and months and tremendous

emotional and financial effort, Mikey's mother was able to get Mikey returned home.

Mikey's mother, Barbara, had this to say about her family's ordeal:

I learned through the State Department in Washington that my ex-husband had obtained a passport and birth certificate for Mikey within weeks of the divorce. I didn't think a person could get a passport for their child unless they had legal custody. I was wrong.

Mikey's mother goes on to say that this one law needs to be revised to help protect American children.

Madam Chairman, I am here to say that Mikey's mom is right. This law needs to be revised. It needs to be changed to protect our American children. We need to make it more difficult for would-be parental child abductors to obtain passports for children to prevent their further goal of taking young children out of this country. My amendment is a simple legislative solution which will implement a system of checks and safeguards prior to the issuance of a passport for the first time issuance to a child under the age of 14.

We who are parents and grandparents know that we are the ones who are looked upon as protectors by our children. This is a common-sense legislative solution to a devastating and tragic problem. And this problem is more common than you would think. Each year, more than 1,000 children are abducted and then taken out of the United States to foreign countries.

Here in the United States where our missing and abducted children are counted meticulously inside our borders, it is still hard to track the number of children who are taken overseas because only 45 nations have signed a Hague treaty designed to resolve international child custody disputes.

Mikey Kale is one of the fortunate ones. Most children are not. Regardless of the number of cases, whether it is 10 or 10,000, one case of international child abduction is too many, and my amendment seeks to prevent that tragedy from occurring.

I ask my colleagues to help me join in this effort to protect the Mikey Kales out there. Until more can be done, I believe this is the simplest, most cost-effective legislative solution to protect our children's rights and their lives. I would ask all my colleagues to join with me.

Madam Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does any Member seek time in opposition to the amendment?

Mr. GILMAN. Madam Chairman, I ask unanimous consent to claim the time in opposition.

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

There was no objection.

Mr. GILMAN. Madam Chairman, I yield myself such time as I may consume.

I appreciate the efforts by the gentleman from Nevada on this amendment and the efforts of the Bureau of Consular Affairs at the State Department. We are willing to accept this amendment. Stopping child abduction is extremely important and the right thing to do.

I commend the gentleman for proposing this matter. We accept the amendment.

Mr. SMITH of New Jersey. Madam Chairman. I rise to support the amendment of my colleague from Nevada, Mr. GIBBONS, which adds safeguards to the issuance of first-time passports to children. By requiring the consent of both parents, or proof that the person executing the application has legal custody of the child, it will be an important weapon in the fight against international child abduction by noncustodial parents.

The problem is very real. In numerous cases, estranged parents who are foreign residents have abducted their children to foreign countries, flagrantly violating the orders of courts in the United States. The problem is serious enough that the United States has become a party to the Hague Convention on the Civil Aspects of International Child Abduction. That Convention establishes an international standard according to which children abducted to foreign countries will be returned to the country of their habitual residence.

Unfortunately, the problem persists, even under the Convention. there are continuing, credible allegations that some countries have become havens for child abductors, and ignore return orders issued pursuant to the Hague Convention. For that reason, Section 203 of the underlying bill extends and expands the State Department's annual reporting on the compliance of signatories to the Convention.

The Gibbons amendment is an additional safeguard that will help ensure that children are not wrongfully removed from the United States in the first place. I hope it receives wide support from my colleagues on both sides of the aisle.

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

Mr. GIBBONS. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Nevada (Mr. GIBBONS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. GEJDENSON. Madam Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 247, further proceedings on the amendment offered by the gentleman from Nevada (Mr. GIBBONS) will be postponed.

It is now in order to consider amendment No. 22 printed in part B of House Report 106-235.

AMENDMENT NO. 22 OFFERED BY MR. GILMAN

Mr. GILMAN. Madam Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 22 offered by Mr. GILMAN:

Page 84, after line 16, insert the following (and make such technical and conforming changes as may be necessary):

**SEC. 703 RESTRICTIONS ON NUCLEAR COOPERATION WITH NORTH KOREA.**

(a) IN GENERAL.—Notwithstanding any other provision of law or any international agreement, no agreement for cooperation (as defined in sec. 11 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2014 b.)) between the United States and North Korea may become effective, no license may be issued for export directly or indirectly to North Korea of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement, and no approval may be given for the transfer or retransfer directly or indirectly to North Korea of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement, until—

(1) The President determines and reports to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that—

(A) North Korea has come into full compliance with its safeguards agreement with the IAEA (INFCIRC/403) and has taken all steps that have been deemed necessary by the IAEA in this regard;

(B) North Korea has permitted the IAEA full access to all additional sites and all information (including historical records) deemed necessary by the IAEA to verify the accuracy and completeness of North Korea's initial report of May 4, 1992, to the IAEA on all nuclear sites and material in North Korea;

(C) North Korea is in full compliance with its obligations under the Agreed Framework;

(D) North Korea is in full compliance with its obligations under the Joint Declaration on Denuclearization;

(E) North Korea does not have the capability to enrich uranium, and is not seeking to acquire or develop such capability, or any additional capability to reprocess spent nuclear fuel;

(F) North Korea has terminated its nuclear weapons program, including all efforts to acquire, develop, test, produce, or deploy such weapons; and

(G) the transfer to North Korea of key nuclear components, under the proposed agreement for cooperation with North Korea and in accordance with the Agreed Framework, is in the national interest of the United States; and

(2) there is enacted a joint resolution stating in substance that the Congress concurs in the determination and report of the President submitted pursuant to paragraph (1).

(b) CONSTRUCTION.—The restrictions contained in subsection (a) shall apply in addition to all other applicable procedures, requirements, and restrictions contained in the Atomic Energy Act of 1954 and other laws.

AMENDMENT NO. 22, AS MODIFIED, OFFERED BY

MR. GILMAN

Mr. GILMAN. Madam Chairman, I ask unanimous consent that my amendment be modified with the modification that I have placed at the desk.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Part B amendment No. 22, as modified, offered by Mr. GILMAN:

Page 84, after line 16, insert the following (and make such technical and conforming changes as may be necessary):

**SEC. 703. RESTRICTIONS ON NUCLEAR COOPERATION WITH NORTH KOREA.**

(a) IN GENERAL.—Notwithstanding any other provision of law or any international

agreement, no agreement for cooperation (as defined in sec. 11 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2014 b.)) between the United States and North Korea may become effective, no license may be issued for export directly or indirectly to North Korea of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement, and no approval may be given for the transfer or retransfer directly or indirectly to North Korea of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement, until—

(1) The President determines and reports to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that—

(A) North Korea has come into full compliance with its safeguards agreement with the IAEA (INFCIRC/403), and has taken all steps that have been deemed necessary by the IAEA in this regard;

(B) North Korea has permitted the IAEA full access to all additional sites and all information (including historical records) deemed necessary by the IAEA to verify the accuracy and completeness of North Korea's initial report of May 4, 1992, to the IAEA on all nuclear sites and material in North Korea;

(C) North Korea is in full compliance with its obligations under the Agreed Framework;

(D) North Korea is in full compliance with its obligations under the Joint Declaration on Denuclearization;

(E) North Korea does not have the capability to enrich uranium, and is not seeking to acquire or develop such capability, or any additional capability to reprocess spent nuclear fuel;

(F) North Korea has terminated its nuclear weapons program, including all efforts to acquire, develop, test, produce, or deploy such weapons; and

(G) the transfer to North Korea of key nuclear components, under the proposed agreement for cooperation with North Korea and in accordance with the Agreed Framework, is in the national interest of the United States; and

(2) there is enacted a joint resolution stating in substance that the Congress concurs in the determination and report of the President submitted pursuant to paragraph (1).

(b) CONSTRUCTION.—The restrictions contained in subsection (a) shall apply in addition to all other applicable procedures, requirements, and restrictions contained in the Atomic Energy Act of 1954 and other laws.

(c) DEFINITIONS.—In this section:

(1) AGREED FRAMEWORK.—The term "Agreed Framework" means the "Agreed Framework Between the United States of America and the Democratic People's Republic of Korea", signed in Geneva on October 21, 1994, and the Confidential Minute to that Agreement.

(2) IAEA.—The term "IAEA" means the International Atomic Energy Agency.

(3) NORTH KOREA.—The term "North Korea" means the Democratic People's Republic of Korea.

(4) JOINT DECLARATION ON DENEUCLEARIZATION.—The term "Joint Declaration on Denuclearization" means the Joint Declaration on the Denuclearization of the Korean Peninsula, signed by the Republic of Korea and the Democratic People's Republic of Korea on January 1, 1992.

Mr. GILMAN (during the reading). Madam Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

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

There was no objection.

The CHAIRMAN pro tempore. Without objection, the modification is agreed to.

There was no objection.

The CHAIRMAN pro tempore. Pursuant to House Resolution 247, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

□ 1115

Mr. GILMAN. Madam Chairman, I yield myself such time as I may consume.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Madam Chairman, I am pleased to be joined today in offering this amendment by the distinguished gentleman from Massachusetts (Mr. MARKEY) who has been a pre-eminent leader in this body in our fight against proliferation of nuclear weapons and other weapons of mass destruction. I know that we were on the right track when this amendment was agreed to by Mr. MARKEY in his cosponsoring this measure.

Our amendment deals with North Korea. There is a debate among experts about the definition of a rogue regime, but so far as I know, everyone agrees that North Korea meets that definition. It is a Nation that has remained in a state of war with our Nation for some 49 years. North Korea has been listed by the State Department as a state sponsor of terrorism. If the State Department had an official list of state sponsors of drug trafficking today, they would probably be on that list as well. And they are probably the leading proliferator in the world today.

Our amendment deals with the so-called agreed framework which is a 1994 agreement between our Nation and North Korea designed to induce the North Koreans to end their nuclear weapons program. The bargain contained in the agreed framework is very simple. In exchange for some very large benefits from our Nation, the North Koreans promised to freeze or shut down their existing nuclear program and eventually to stop violating the nuclear nonproliferation treaty, the NPT.

The principle benefit that we have to give them is two advanced light water nuclear reactors worth about \$5 billion. Until the first of these reactors is completed, we are obliged to give them about \$50 million worth of heavy fuel oil each and every year. Technically, we promised to organize an international consortium to deliver these things to the North Koreans; but as part of the deal, President Clinton signed a letter obligating our Nation to deliver these things to North Korea in

the event such an international consortium failed to do its part.

The critical stage for implementation of the agreed framework will come a few years down the road when a significant portion of the nuclear reactor project has been completed. At this point, North Korea is required under the agreed framework to satisfy the International Atomic Energy Agency, the IAEA, that it has fully accounted for the history of its nuclear program.

Essentially what this amendment does is to require North Korea to meet all of its obligations under the agreed framework including satisfying the IAEA before the key components of the two nuclear reactors can be delivered. We are not trying to re-write the agreed framework, we are not trying to impose any new obligations on North Korea. All that this amendment states is they have to live up to the obligations they accepted before they receive the \$5 billion worth of nuclear power plants from our Nation and our allies.

Now why is it necessary to revise U.S. law to make it clear that the North Koreans should be living up to their end of the bargain if they want us to live up to our end of the bargain? Their answer is that the North Koreans seem to be operating under the misapprehension that at the end of the day the agreed framework is more important to us than it is to them and that our Nation is going to let them get away with less than full compliance with their obligations. This seems to be the only explanation for some of their actions. They have not been cooperating very well with the IAEA. They have been withholding key operating records of their nuclear reactor for the IAEA. Their relations with the IAEA could hardly be worse.

Then there have been many news stories about the North Koreans cheating on the agreed framework. Most of those reports are sourced to U.S. intelligence reports, so obviously I do not want to discuss that issue in detail during today's debate. But allow me merely to point out that until last year, the administration repeatedly informed us in testimony and in public statements that the agreed framework has ended North Korea's nuclear program. Beginning about this time last year, they stopped making those statements. Now what they tell us, that the agreed framework has ended North Korea's nuclear program at Yongbyon which is the location of the nuclear facilities they publicly acknowledge under the NPT.

Obviously there seems to be a world of difference between saying they have ended their nuclear program period and saying that they have ended it at one location in their country. But that is all that the administration is now stating, and I invite our colleagues to carefully review the administration's statements and reflect on the implications of what the administration is no longer stating to us.

Now I know that some will claim that our amendment could kill the

agreed framework, but anyone who states that must believe that North Korea is not going to live up to its obligations under the agreed framework. Either that or they do not believe that the Congress can be expected to use its good judgment in evaluating a certification that they have lived up to those obligations.

The bottom line here, Madam Chairman, is that Congress should not abdicate to the Executive Branch all of our responsibility for judging whether North Korea is actually living up to its obligations.

For those reasons, Madam Chairman, I urge our colleagues to support the Gilman-Markey amendment.

Madam Chairman, I reserve the balance of my time.

Mr. GEJDENSON. Madam Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Madam Chairman, I appreciate what the gentleman from New York (Mr. GILMAN) and the gentleman from Massachusetts (Mr. MARKEY) are trying to do. I understand the thrust of their amendment. I remember 5 years ago Dr. Perry was Secretary of Defense. He asked me to go to Korea because the crisis was to the point where he now in retrospect calls it the greatest crisis in his tenure as Secretary of Defense. He felt we were on the verge of nuclear war.

I went to Korea with a number of members of the Subcommittee on Defense. We looked at our defenses. We felt they were inadequate. We came back and made a number of recommendations to the administration. We think these recommendations played a part in diffusing this very, very delicate situation between North and South Korea. General Luck was very vigorous in his concern about the possibility of the North Koreans coming south.

Now I think all of us appreciate the difficulty for an administration when it is negotiating with any foreign country to be completely frank and public about what is going on. North Korea being completely ruled by a dictator, being one of the most unstable countries in the world, and yet they have responded to our overtures. From everything I can tell, this crisis has been diffused.

Now Dr. Perry, as all of us know, is heading up a research or a committee that is trying to resolve these difficulties between North Korea and South Korea. They are trying to make sure there is no nonproliferation. He tells me in a phone call that I received just the other day that this would undercut his effort to secure an agreement to continue the progress that they have made.

I got a call from Dr. Hamre today, Undersecretary of Defense. He contends the same thing, that this amendment would be harmful for the progress that they have made.

I understand the nuances of what the gentleman from New York has said, I

understand what he is saying about the administration not saying the same thing they were saying before. I do not know why they have said that. In the intelligence that I have read, intelligence reports, the threat is no longer as severe as it was 5 years ago. It is substantially less, and it is less because this administration, working with the Congress, has made North Korea believe that they would pay a heavy price if they were to invade South Korea. One of our most important allies in the world today is Korea.

I enlisted in the Marine Corps in 1952 at the height of the Korean War. We have had troops deployed there since that time, since the end of the Korean war.

There is no question about our obligation to South Korea and the fact that we are trying to prevent any invasion by North Korea, but there is also no question about our obligation to stop proliferation by North Korea. Dr. Perry tells me they are making progress, and he feels that this amendment would not be helpful to man. I do not know that the administration would veto the bill. I know this is a long ways off, but I think it would cause them great concern, and certainly it is something that all of us have to think about.

So I would request and suggest strongly that the Members vote against this. It sounds good on the face, it sounds like we are doing something that is marvelous, it sounds like we are stopping proliferation. But one thing I found over the years, passing an amendment like this in the Congress of the United States does not always do what we think it is going to do. Sometimes it backfires, sometimes it has the opposite impact, and I think in this particular case, this amendment, although everything sounds good, the thrust of the amendment sounds good, it could have the opposite impact about what we hope.

So I would hope that the Gilman-Markey amendment is defeated and that we send a message to Dr. Perry that we support him in trying to stop proliferation of nuclear weapons.

Mr. GILMAN. Madam Chairman, I yield 6 minutes to the gentleman from Massachusetts (Mr. MARKEY), the former chairman of the Committee on Commerce's Subcommittee on Energy and Power.

Mr. MARKEY. Madam Chairman, I thank the gentleman from New York for yielding this time to me, and I rise obviously with great respect for the gentleman from Connecticut (Mr. GEJDENSON) and the gentleman from Pennsylvania (Mr. MURTHA) and obviously with some ambivalence since I am opposing their position and the position of an administration that is headed by a party of which I am a member. So this is not an easy issue, and without question this administration has done much good work on the subject of nonproliferation, but here I think it is important for us to clearly

differentiate North Korea from other areas of the world where progress is definable, where progress is being made.

Let us suppose a country spent decades and vast amounts of money to develop nuclear weapons while its people starved. Let us suppose that it signed a series of international agreements and then broke them and that it threatened our allies. Let us suppose that while signing and breaking nuclear agreements it went on developing ballistic missiles that could reach U.S. territory and went on transferring missile technology to other countries.

□ 1130

Would we agree to provide that country with nuclear materials and technology? Surprisingly, the answer is yes.

North Korea has signed a nuclear nonproliferation treaty and then refused to carry out its treaty obligations and threatened to withdraw from the agreement. It has signed an agreement with South Korea not to develop nuclear weapons or reprocessing and then continued to make plutonium.

It has signed a safeguards accord with the International Atomic Energy Agency and then blocked the IAEA inspections of its facilities. And, after agreeing not to develop nuclear weapons, North Korea has ramped up its ballistic missile program. It is expected soon to test a missile that might be able to reach the West Coast of the United States. These missiles have only one purpose: to be able to deliver nuclear weapons. And, North Korea is spreading this technology around.

In the last few weeks, 177 crates of equipment for making missiles were intercepted on route from North Korea to Pakistan. Yet, in 1994, the United States signed an agreement with North Korea to provide them advanced nuclear technology and to assist them in the building of two nuclear power plants.

This action was intended to provide incentives to North Korea to abandon their nuclear weapons program. But what if they again do not live up to their commitments? What do we do then?

Madam Chairman, this bipartisan amendment has a simple premise. The United States should not help North Korea to develop nuclear weapons. We should assist North Korea in obtaining nuclear power plants only if they actually implement their side of the bargain.

Specifically, they must give the International Atomic Energy Agency full on-site access to verify that they are not using nuclear plants to assist a nuclear weapons program, as they agreed to do in 1992.

Second, they must comply with nuclear treaties they have signed with South Korea in 1991 and with the United States in 1994. And finally, they must end their nuclear weapons program.

This amendment does not raise the bar set by the agreement with North Korea, but just ensures that it stays in place. This amendment also would require the active consent of Congress before the U.S. ships nuclear technology to North Korea.

Too often the executive branch decisions on nuclear exports have been heavily influenced by commercial or extraneous diplomatic issues. Under current law, nuclear cooperation agreements must be submitted to Congress, but they automatically take effect unless both parties pass a joint resolution within 90 days. Congress has never voted to disapprove a nuclear cooperation agreement. Indeed, most of the time Congress has never even cast a vote before the clock runs out.

Recently, the administration brought into effect an agreement allowing nuclear exports to China, despite evidence of continued covert Chinese nuclear assistance to Pakistan and Iran. Despite efforts of opponents of this agreement to block it, supporters were able to run out the congressional clock.

We think that Congress should actively consider the wisdom of giving nuclear technology to North Korea, not simply allow an agreement to slip by. We should have a vote in this body and in the Senate before we send sensitive nuclear technology to North Korea; and before we vote, we should assure ourselves that North Korea is meeting the requirements of its agreements with the United States, and of the United States nonproliferation laws.

It would certainly be better to have foreign light-water nuclear reactors producing electricity in North Korea than indigenous graphite reactors that produce more weapons material and are not even hooked up to the electricity grid. But it makes absolutely no sense to provide North Korea with any nuclear technologies if they will use our assistance to make nuclear weapons, or if they accept the assistance and then proceed to thumb their noses at international nonproliferation norms.

We should not help a country get weapons that could explode in our face. We should send a strong message to North Korea that we will not provide nuclear assistance unless they live up to their commitments to end their nuclear weapons program.

Madam Chairman, I urge a strong "aye" vote for the Gilman-Markey amendment to limit the spread of nuclear materials on this planet.

Mr. GEJDENSON. Madam Chairman, I yield such time as he may consume to the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Madam Chairman, I rise in opposition to the amendment, and I do so reluctantly only because of the great respect that I have for the sponsors of the amendment, both the gentleman from New York (Mr. GILMAN) and the gentleman from Massachusetts (Mr. MARKEY).

Let me start for a moment at the beginning, if I may, to just give the framework of what this is really all about. North Korea is a rather isolated country, probably the most isolated country on the planet Earth. It is a country that the very few of us who have been there have come to realize is almost like a country in a bubble. They are absolutely paranoid.

Madam Chairman, 99.9 percent of the people have never been outside of their country, including the leadership of the country. The people have no idea what is going on in the real world, and they have all been indoctrinated and brainwashed into believing that the entire world is lined up against them and the United States and South Korea at any moment about to invade their country and usurp their way of life.

It is very difficult to deal and to negotiate with the North Koreans who have very, very little experience in the field of dealing with the outside world, let alone the ability to negotiate the way most societies can.

There came a time, Madam Chairman, when we and others were very fearful of the very fact that North Korea had nuclear capability; that it had nuclear reactors; that it was producing nuclear energy; that these were heavy-water nuclear reactors; and that these reactors were producing weapons-grade plutonium that could be used in weapons of mass destruction.

At around that time, Madam Chairman, discussions were held with Kim Il Sung, the then leader of North Korea, in which he and others within his government were persuaded that it would be in their best interests if they were allowed because of their financial need and because of their great desire to get assistance, to be able to do away with their very dangerous heavy-water reactors and exchange those heavy-water reactors for light-water reactors.

The difference between those two kinds of reactors, Madam Chair, is that the light-water reactors make it very difficult, if not impossible, to produce nuclear weapons-grade materiel. The world would be much safer if they had light-water reactors rather than the heavy-water reactors which were, indeed, already producing this fissionable material.

The North Koreans entered into an agreement only on certain terms. They said, if we turn off our heavy-water reactors in order to substitute light-water reactors during the interregnum, we will have no power for our poor country, after making tremendous investment in the heavy-water reactors, albeit for reasons of energy as well as producing weapons of mass destruction. So they had a mixed reason.

But they were willing at that time and signed an agreement that said they were willing to swap. But what happens to us, they asked realistically, in the meantime, when we have no power to run our plants and to meet the energy needs of our country?

We led an international consortium that was put together, mainly funded

by our friends in Japan and South Korea, in which they said, those other countries said, we will put up the billions of dollars to build the reactor. The North Koreans want the prestige of U.S. leadership and participation, and the U.S. at that time agreed that we would supply them with the money for oil and other alternative sources of energy other than nuclear while they closed down one reactor system and substituted it for another. That is good common sense. This is a very small investment on our part financially, and especially compared to the huge commitment being made by our other international partners in what is known as KEDO. We have been working on that.

What this amendment would do is this amendment would take away our ability to participate in the project that switches the heavy- to the light-water reactors.

Madam Chairman, if the goal today is to see North Korea resume its nuclear weapons program, using their heavy-water reactors, then we should vote for the amendment with the gentleman from New York, because that is the likely outcome of adopting that amendment. By unilaterally adding new criteria to this agreed framework, the amendment sets out conditions that the President cannot possibly certify. It guarantees failure. The amendment requires the President to certify North Korean intentions instead of actions.

Who in their right mind would certify anybody else's intentions, let alone the intentions of North Korea? It is their actions that we should be asking the President to certify.

In addition, the amendment requires the President to certify North Korean adherence to the joint declaration on denuclearization, an agreement that the U.S. is not even a party to. The adoption of this amendment will tell our allies in Seoul and Tokyo that we are not prepared to follow through on our commitments. It will also confirm, unfortunately, the worst distorted suspicions of the North Koreans who already believe that we never intended to uphold our portion of the agreement.

Madam Chairman, the underlying assumption of this amendment is that the administration has not been tough with North Korea in demanding that they adhere to the agreed framework. In fact, as the inspection of the suspected site at Kamchang-Ri indicated, where everybody thought they were rebuilding their original nuclear facilities and which proved to be a vast, empty, cavernous system of caves, we found that the administration is holding North Korea to its commitments.

The purpose of the agreed framework was to freeze the North Korean nuclear program and it has done so. That is an inconvenient fact for my friends on the other side of this issue; but nonetheless, it is the fact. The fastest way to unfreeze that program is to abandon the agreed framework as this amendment would do.

Madam Chairman, I ask my colleagues to seriously consider whether the world is more secure if North Korea has nuclear weapons. I think not, Madam Chairman; and therefore, I urge all of my colleagues in the House to oppose this amendment.

Mr. GILMAN. Madam Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. SMITH), the distinguished chairman of our Subcommittee on International Operations and Human Rights of our Committee on International Relations.

Mr. SMITH of New Jersey. Madam Chairman, let me just make a couple of points. First of all, let me respond briefly to my friend from New York on one of the points that he raised. He talked about the visit to Kamchang-Ri by inspectors and they found nothing in that hole. Well, we had a hearing, and the gentleman, I am sure, remembers when Ambassador Lilley, our former ambassador to the People's Republic of China, came and testified and said, as matter of fact as he possibly could have, that we are not going to find anything. They have had about a year to clean it out; there are other caves and caverns and holes where they could put this material.

So this is a Potemkin village, if ever there was one, to have a preannouncement that yes, we are going to come here. We had to buy our way to get into that site to begin with, and wonder of wonders, as predicted, as Ambassador Lilley pointed out so clearly, we know we are not going to find anything.

□ 1145

So I think it is very, very disingenuous to raise that somehow North Korea is complying. We were told in advance by the former ambassador to the People's Republic of China, Ambassador Lilley, that we were not going to find anything. And wonder of wonders, we did not find anything. They had plenty of time to move it to one of their other sites, and there are perhaps 11 other sites that have not been checked out where they could have done so.

So, again, that is why I think the language in here where we talk about the IAEA, full access to all additional sites and all information, including historical records deemed necessary by the IAEA to verify accuracy and completeness and so on, that is the kind of unfettered access that is needed. Otherwise we engage in a diplomatic fiction. We buy into a potential big lie of which this regime in North Korea is certainly highly capable.

Let me just say, Madam Chairman, I do rise in strong support of the Gilman-Markey amendment.

The CIA recently reported that, and I quote, "North Korea has no constraints on its sales of ballistic missiles and related technology," close quote.

As we know, that is alarming; but it is not surprising. In 1992, the IAEA concluded that Pyongyang had violated

the nuclear nonproliferation treaty that it signed in 1985. Furthermore, the North Korean government has avoided cooperating with monitoring efforts by the International Atomic Energy Agency as required by its subsequent 1994 agreement with the United States.

Thus, until Pyongyang reverses its practices and abides by the nuclear nonproliferation treaty, any country that sends nuclear reactors and technology to North Korea should assume that it is exporting these most dangerous technologies to other dangerous regimes around the world.

Madam Chairman, the government of North Korea has egregiously violated the human rights of countless of its own citizens, and I know that Members are aware of that. They may not be aware that food is being used, regrettably, as a weapon, against some of their own people.

There are children—estimated to be somewhere on the order of 500,000 kids—arrested, often incarcerated, because they are poor.

We have these children who are just being arrested. The government is so contemptuous of its own people that these kids are dying; and when they escape, sometimes they even escape to China to try to get a meal, they are brought back and arrested. The international community has no access to them, and that includes UNICEF, which has tried.

So that is the kind of government we are dealing with. I just put that in as a parenthetical because I think it gives a backdrop to what we are talking about here.

Let me just say also, Madam Chairman, before we have any U.S. exports of nuclear reactors, technology and the like to North Korea, we believe—I believe and the chairman believes and the gentleman from Massachusetts (Mr. MARKEY) believes—the President should be required to certify that North Korea is fully complying with its obligations under NPT.

The Congress must shoulder its responsibility to ensure that the North Korean government has kept its agreement not to develop or to export nuclear technology and weapons. When dealing with a country whose record on so many issues has been so poor as North Korea's and with such weighty issues as nuclear technology transfers, we have a responsibility to do no less.

Mr. GEJDENSON. Madam Chairman, I would inquire as to how much time each side has remaining.

The CHAIRMAN pro tempore (Mrs. EMERSON). The gentleman from Connecticut (Mr. GEJDENSON) has 17 minutes remaining and the gentleman from New York (Mr. GILMAN) has 12 minutes.

Mr. GEJDENSON. Madam Chairman, I yield 2 minutes to the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Madam Chairman, the gentleman from New Jersey (Mr. SMITH) is correct in his recollection that we all remember the discussion

that we had. We did have that discussion and his recollection of it is correct, but also if the gentleman recalls, that cave and the discovery thereof was hyped to the highest degree I have ever seen around here, with accusations that this is where the new nuclear activity was taking place in North Korea. We insisted, and rightfully so, that the IAEA gain admission. It was hyped, I think, more than was hyped Geraldo's insistence that he was going to find great evidence when they opened Al Capone's safe.

When, indeed, the IAEA was allowed in, they found several things. First, they found the cavernous structure was certainly one that could not permit the kind of reactor to be built there.

Scientific tests by the IAEA revealed two things, that there was no evidence that anything of which we are talking about had ever been put there, let alone removed. There was no evidence of a nuclear reactor being taken out and nor was there any evidence that Al Capone had ever visited there.

Mr. GILMAN. Madam Chairman, I yield 30 seconds to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Chairman, just to respond again, it is a very unuseful fiction. The diplomatic fiction sometimes has a place. I do not like it. I like absolute honesty, transparency, everything on the table when dealing with something.

That is why Ambassador Lilley's testimony was so compelling. He said, you are going to go to Kamchang-Ri and you are not going to see anything. They have had sufficient time to move everything out.

For the gentleman from New York (Mr. ACKERMAN), my good friend, to raise it as an example of some kind of compliance, I think misleads, however unintentionally he is doing that.

Mr. GILMAN. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Chairman, in brief response to my colleague from New York, who invoked the name of Al Capone and Geraldo Rivera's opening of the safe, I think it is fair to say that Al Capone was never said to have been involved in the manufacture of nuclear weapons and that Al Capone was eventually put away when someone checked his books.

What we are saying here is, we ought to check their books in North Korea. If we verify, then maybe the world can be a peaceful place.

Now, in the agreed framework, North Korea agreed to take steps to implement, and that is, quote, the denuclearization agreement, and agreed to, quote, remain a party to, unquote, and, quote, allow implementation of its safeguards agreement, unquote, under the nonproliferation treaty, and agreed to allow the IAEA inspections and account for any current plutonium stockpile before nuclear plant components are delivered.

Now, if North Korea follows through on these promises, meeting the require-

ments in this amendment, there should be no problem. This amendment is not meant to renegotiate the agreed framework but to ensure that it is implemented, to ensure that we help build nuclear power plants in North Korea only if North Korea keeps to its commitments to end its nuclear arms program.

I have a great deal of concern, as the gentleman from New York (Mr. ACKERMAN) and others have spoke, that we not exclude North Korea from the world community; but as we seek to embrace them, we need to share with them our principles about truth and about verification.

Support the amendment.

Mr. GEJDENSON. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I think there is not a general disagreement on our goals here. As a matter of fact, the gentleman from Ohio (Mr. KUCINICH) actually restates the existing policy. We do have to check their books. The administration's agreement is to certify that there is no enriched uranium there, that they are not seeking to get additional uranium there.

The problem with the proposed legislation is that if only a handful of United States senators, more so than the House, decide they do not like something about the agreement, they can stop it with a filibuster.

What troubles me about the proposal before us is that it mandates that both Houses of Congress take an affirmative action once the administration has made these certifications.

Well, the problem, of course, with that, is that the Congress may not be in session; there may be a political squabble in the Senate that has nothing to do with North Korea but may engender the actions of senators, as we watch them hold up nominees because of unrelated issues, decide they are going to hold up the agreement.

Now, the fundamental question is, are we better off today than we were before the agreement?

I do not think there is anybody in this Chamber who thinks it would have been preferable to have the North Koreans continue the development of their own unhindered nuclear program with heavy water reactors.

Dr. Perry, who has the broadest support in this Chamber, says the present approach is right. There is agreement that none of us have any fondness for the policies or the actions of the North Korean government.

To stand here today and say that we are offended by the starvation and the horrors committed to their own people by the North Koreans, there is not an argument over that. The argument on this amendment is should the Congress create a process that allows a handful of senators to bottle up this agreement that has been so critical for reducing tensions on the Korean peninsula? The question is, what happens to South Korea in this process? What happens to

the agreement that we have that has, for the first time, gotten real inspections in North Korea?

Prior to this agreement, there were not a handful of Americans or foreign nationals who had been to North Korea. As a result of this agreement, we have begun that process.

We have more contact with the North Koreans today than we had in the previous decade. Now, should we have more? Should we have a new government in North Korea? Everybody agrees with that.

The question is whether or not the Congress ought to set into law a process that will undermine the credibility we have with the South Koreans and that will allow a handful of United States senators to stop, for whatever reasons they may choose, the approval of the certification that the President has confidence that they do not have the enriched uranium they need to make nuclear weapons.

Now, it seems to me that it is irresponsible of us to move forward with legislation that will undermine what has been a stabilizing factor on the Korean peninsula.

Madam Chairman, I reserve the balance of my time.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. The Chair would remind Members not to characterize the actions of the Senate.

Mr. GILMAN. Madam Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. KNOLLENBERG), the distinguished Member of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mr. KNOLLENBERG. Madam Chairman, I thank the gentleman from New York (Mr. GILMAN) for yielding me this time.

Madam Chairman, I rise in strong support of the Gilman-Markey amendment. I would like to thank the gentleman from New York (Mr. GILMAN) and the gentleman from Massachusetts (Mr. MARKEY) for their inspiration and leadership on this very important issue.

North Korea presents numerous risks to our national security and to the stability of East Asia. The dangerous regime in Pyongyang contributes to the proliferation of weapons of mass destruction and missile technology, engages in drug trafficking, and sponsors terrorist activities throughout the international community.

Given this rogue nation's hostility to American values over the last 50 years, I believe that it would be irresponsible for the Clinton administration to hand over \$5 billion worth of nuclear reactors to North Korea until it honors its commitments under the 1994 agreed framework.

This agreement calls for the North Koreans to freeze their nuclear weapons program and to come into full compliance with the nuclear nonproliferation treaty. Compliance must be certified by the International Atomic En-

ergy Agency, or the IAEA, but to date, to date, North Korea has denied the IAEA the access it needs to make this assessment.

Madam Chairman, before the United States provides sensitive nuclear technology to the North Koreans, we must ensure that Pyongyang is holding up its end of the bargain. To do anything less would undermine the credibility of the agreed framework and endanger our national security and that of our allies in Asia.

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I urge my colleagues to support the Gilman-Markey amendment. This common sense proposal prohibits key components of the two nuclear reactors in question from being transferred to the North Koreans until the following two things happen: number one, the President certifies to Congress that North Korea has fully satisfied the IAEA that it is in compliance with the Nuclear Non-Proliferation Treaty; and, number two, Congress passes a resolution that it agrees with the President's certification.

Madam Chairman, when it comes to North Korea, we should verify before we trust. Instead of providing another carrot to this rogue nation, the United States must insist that the requirements of the Agreed Framework are met.

I urge the strongest support for the Gilman-Markey amendment.

Mr. GEJDENSON. Madam Chairman, it is my privilege to yield 3½ minutes to the gentleman from Ohio (Mr. HALL).

(Mr. HALL of Ohio asked and was given permission to revise and extend his remarks.)

Mr. HALL of Ohio. Madam Chairman, I thank the gentleman from Connecticut (Mr. GEJDENSON) for yielding me the time.

Mr. Chairman, I rise in opposition to the Gilman-Markey amendment. Madam Speaker, like almost everything else having to do with North Korea, this amendment appears deceptively simple. In reality, the issues it raises are extremely complex. On its face, it makes sense to hold North Korea to its obligations under the 1994 agreement that it signed with the United States. But when we scratch the surface, it is clear that this amendment will not do that, and that in fact it may do just the opposite.

This amendment insists that North Korea keep the bargain it made in the 1994 Agreed Framework years before the United States is required to keep our end of the bargain. It is unreasonable to expect any country to follow the course this amendment suggests, and I urge my colleagues to reject the temptation this amendment represents. This is a highly sensitive time in relations between the United States and North Korea. Now is not the time to micromanage our policy.

Last year, Congress insisted that the President appoint a special envoy to

evaluate U.S. policy towards North Korea. That man, former Secretary of Defense, William Perry, has painstakingly consulted with all of us who have expressed an interest in this issue. He has conferred at length with our allies in Japan and South Korea. He has met with officials in China and North Korea. Dr. Perry brings to this work an unparalleled understanding of the military risks that a policy failure may bring, and he works without the constraints of bureaucracy and career concerns.

Dr. Perry's work is nearing completion. No matter what the House of Representatives thinks of the Agreed Framework, no matter what we think of the peace of the IAEA inspections, no matter what we think of North Korea's policies, now is not the time to undercut Mr. Perry or our national security team.

Nor is this the time to betray our allies. Japan and South Korea, who face a direct threat if North Korea's nuclear program is not frozen, do not just support the Agreed Framework in words, they also are bearing the entire \$4 billion to \$5 billion burden for constructing the light-water reactors that it promises North Korea if it freezes its nuclear weapons programs. Officials in both countries have expressed their concern to me and administration officials about Congressional meddling in U.S. relations with North Korea.

I believe we owe the safety and the wishes of the 175 million people who live in these democratic nations some consideration. This amendment serves neither our national interest nor those of our allies, and we should reject it.

In the months and years ahead, Congress will have many opportunities to ensure the goals of the Gilman-Markey amendment are met. Consideration of this amendment today is premature. Voting for it might make us feel good, but it is likely to do real damage to the serious efforts under way to ease the threat that North Korea still poses.

Our vote today and our rhetoric during this debate hinder the real progress the United States is making in northeast Asia. I urge my colleagues to act responsibly by voting against this amendment.

Mr. Chairman, I rise today in opposition to the Gilman-Markey amendment to H.R. 2415, and ask that my full statement be inserted at the appropriate place in the RECORD.

Mr. Chairman, like almost everything else having to do with North Korea, this amendment appears deceptively simple. In reality, the issues it raises are extremely complex. On its face, it makes sense to hold North Korea to its obligations under the 1994 agreement it signed with the United States. But when you scratch the surface, it is clear that this amendment will not do that—and that in fact, it may do just the opposite.

This amendment insists that North Korea keep the bargain it made in the 1994 Agreed Framework years before the United States is required to keep our end of that bargain. It is unreasonable to expect any country to follow the course this amendment suggests and I

urge my colleagues to reject the temptation this amendment represents. This is a highly sensitive time in relations between the United States and North Korea; now is not the time to micro-manage our policy.

Mr. Chairman, I have visited North Korea on several occasions, focusing on the famine there but of necessity examining our broader policy. During the three years I have tried to help save the innocent people in North Korea from starvation, three things have become quite clear:

First, I am convinced that North Korea is changing. Change is not as fast or as dramatic as we all would like, but it is change nevertheless.

Its people, who for 50 years have known Americans only as an enemy, no longer run from me and the dozens of other Americans who now visit the countryside. They know we and others are helping them, but our faces and by the millions of bags of food we have provided—bags that now can be found in almost every corner of the country because they are used over and over, long after the food is gone.

Its government, which for 50 years has engaged in few constructive discussions with the United States, now is willing to talk about a range of issues of concern to both our countries—from its missile exports, to nuclear matters, to the fundamental issues of peace in Northeast Asia.

Even North Korea's military, which for 50 years has posed one of the world's greatest threats to America—and particularly to the 37,000 American servicemen who face North Korean soldiers across the tense DMZ—is changing.

North Korean soldiers' cooperation with efforts to recover the remains of American veterans of the Korean War is outstanding, according to our own military. This work is answering the questions of the families of missing servicemen at the same time it is giving our soldiers and theirs an opportunity to work side by side—something that, until very recently, had been unimaginable.

Second, it is clear to me that the 1994 agreement is one of the more imperfect deals the United States has ever made. It is focused more narrowly than Congress would like, on nuclear issues alone—instead of on the missile program that now poses an equal challenge to our country, and it undertakes an endeavor whose success is dubious: to assure changes in a country that has confounded all diplomatic and military efforts during the past 50 years.

In fairness, though, the Agreed Framework is a document that represents the best our negotiators could do under difficult circumstances. And if it succeeds, it could be a starting point for real progress on other issues.

Unfortunately, the Gilman-Markey amendment asks Congress to look at the Agreed Framework as if it is a snapshot; to judge an agreement that covers many more years not on the basis of its overall progress—but instead by how it appears on July 21, 1999.

Safeguards are written into the Agreed Framework that will ensure North Korea has (1) frozen its nuclear program, and (2) not re-processed plutonium in violation of the nuclear Non-Proliferation Treaty just as this amendment insists. But these safeguards are not triggered until the light-water reactors are closer to completion, several years from now.

The IAEA's inspectors need every moment of the time between today's vote and the day the reactors receive their nuclear cores. They need that time to build relationships with their North Korean counterparts, relationships that will ensure they get the access they need to make the inspections required by the Agreed Framework. And, to persuade North Korea to keep its obligation to allow inspections, the IAEA needs the United States, South Korea, and Japan to keep their word.

This amendment will not help the IAEA's inspectors do their work—because it will convince North Korea that the United States plans to renege on our commitment. North Korea's leaders already suspect this is our intention, because we have made precious little progress on normalizing relations—as we promised in the Agreed Framework.

Third, it is clear to me that there is great suspicion among our colleagues about this Administration's policy toward North Korea. The amendment before us today would let many long-time opponents of the Agreed Framework wrest the tiller from the President and put Congress at the helm of our ship of state.

Mr. Chairman, that is not what the Founding Fathers had in mind. Adopting this amendment would break new ground—an experiment we shouldn't try on a nation that remains a threat to our national security.

Last year, Congress insisted that the President appoint a special envoy to evaluate U.S. policy toward North Korea. That man, former Secretary of Defense William Perry, has painstakingly consulted with all of us who have expressed any interest in this issue. He has conferred at length with our allies in Japan and South Korea, and he has met with officials in China and North Korea. Dr. Perry brings to this work an unparalleled understanding of the military risks that a policy failure may bring; and he works without the constraints of bureaucracy and career concerns.

Dr. Perry's work is nearing completion. No matter what the House of Representatives thinks of the Agreed Framework, no matter what we think of the pace of IAEA inspections, no matter what we think of North Korea's policies—now is not the time to undercut Dr. Perry or our national security team.

Nor is this the time to betray our allies. Japan and South Korea—who face a direct threat if North Korea's nuclear program is not frozen—don't just support the Agreed Framework in words; they also are bearing the entire \$4–5 billion burden for constructing the light-water reactors that it promises North Korea if it freezes its nuclear weapons program. Officials in both countries have expressed their concern to me and administration officials about Congressional meddling in U.S. relations with North Korea.

I believe we owe the safety and wishes of the 175 million people who live in these democratic nations some consideration. This amendment serves neither our national interests, nor those of our allies and we should reject it.

In the months and years ahead, Congress will have many opportunities to ensure the goals of the Gilman-Markey amendment are met. Consideration of this amendment today is premature. Voting for it might make us all feel good, but it is likely to do real damage to the serious efforts underway to ease the threat that North Korea still poses.

Our vote today, and our rhetoric during this debate, hinder the real progress the United States is making in northeast Asia. I urge my colleagues to act responsible by voting against the Gilman-Markey amendment to H.R. 2415.

Mr. GILMAN. Madam Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Chairman, I also would like to support the Gilman-Markey amendment. I know that both sides on this issue are trying to prevent nuclear proliferation by North Korea. But whatever efforts are taking place I do not believe are working.

We have all been concerned in the last few weeks about the conflict in Kashmir, because India and Pakistan both have nuclear weapons. India developed its nuclear weapons indigenously, but not so with Pakistan that continues to get help from North Korea, China, and other countries exporting nuclear weapons and equipment.

On June 25 of this year, a North Korean vessel, the M.V. *Kuwolsan*, docked at Kandia port, which is an India port in the state of Gujarat.

During the examination of the cargo on board, it was found to contain 148 boxes, declared as machines and water-refining equipment. Subsequent examination of these boxes established that equipment was, in fact, for production of tactical surface-to-surface missiles with a range in excess of 300 kilometers. It included special materials and equipment, components for guidance systems, blue prints, drawings, and instruction manuals for production of such missiles.

Subsequently, in what seems to establish North Korea's active role in Pakistan's missile program, *Kuwolsan*, the owner of the Korean ship that was impounded, admitted that the Malta-bound missile parts-manufacturing machinery were to be delivered at the Karachi port in Pakistan.

So we know that North Korea's continued support for the Pakistani nuclear program missile and missile development program continues at this time. Whatever efforts we are making are not working. North Korea continues to be a rogue state. There is no reason why the U.S. Government should allow their nuclear proliferation to continue.

I urge support for the Gilman-Markey amendment. I yield back the balance.

Mr. GEJDENSON. Madam Chairman, I reserve the balance of my time.

Mr. GILMAN. Madam Chairman, I am pleased to yield 5 minutes to the gentleman from Nebraska (Mr. BEREUTER), our distinguished vice chairman of our committee.

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Madam Chairman, I thank the gentleman from New York (Chairman GILMAN) for yielding me this time.

Madam Chairman, I have been involved in committee debate and have not prepared remarks for the amendment that is offered by the gentleman from New York. But I do think it is so important that we need to see if there is any common ground. I want to address some remarks particularly to the gentleman from Connecticut (Mr. GEJDENSON) and to the gentleman from New York (Mr. ACKERMAN).

As some of my colleagues know, I chair the Subcommittee on Asia and the Pacific. In each of the last three Congresses, I have made the hearing on North Korea the first held each Congress in the Subcommittee on Asia and the Pacific, because I feel it is potentially the most dangerous place in the world that, indeed, as the gentleman from New York (Mr. Ackerman) pointed out, this is a very isolated regime. I would go on to say a very paranoid regime that, all too apparently, cares very little about the welfare of their people.

Among the people I have known in the executive branch appointed to leadership positions, few, if any, would be up there in the ranks of Dr. Perry, a former Secretary of Defense. I have great respect for him. I do not want to do anything to undercut his effort in trying to find if North Korea is willing to take a different tack.

On the other hand, I have great suspicion that, in fact, North Korea is violating the Agreed Framework, that they are proceeding with nuclear development. They are the world's greatest tunnelers. The fact that we have examined one site where we have suspicion tells us really nothing definitive about what they may be doing.

I would say, as they approach what appears to be their intent to proceed with the launch of a Taepo Dong 2 missile, which has extraordinary range, I believe that, if in fact they launch this missile, they will have crossed the line; and we will have to conclude that they are irrevocably on a path that is dangerous for our interest and dangerous for our world and ultimately dangerous for the people living in the United States.

I am very familiar with what we are attempting to do, of course, with KEDO, the light-water reactors, two of them, which would be provided primarily at the expense of the Republic of Korea, South Korea, and Japan, but basically U.S.-licensed design. Of course we have been providing heavy fuel to assist during this period of time when North Koreans say they need the energy.

But we have fallen into a pattern of complying with extortion on the part of the North Koreans. Again and again, we have provided assistance, primarily indirectly through international organizations for food, to help the people of North Korea. They have become our largest recipient of humanitarian assistance in Asia. This is a country that continuously daily, day after day, condemns the United States in the most incredible language.

Now, the gentleman from New York (Mr. ACKERMAN), for whom I have great respect, who was a previous chairman of the Subcommittee on Asia and the Pacific, says he is concerned that none of the conditions for certification by the President could be really implemented, or at least some of them could not be implemented because they express intent. I read them to be action, not intent. So I am not quite sure I understand the gentleman's argument in that respect.

Mostly, however, I would like to say to the gentleman from Connecticut (Mr. GEJDENSON), the point that he has made about, I will refer to it indirectly, action that might take place to stall any kind of affirmative action by the Congress by resolution, joint resolution to approve. The House, of course, earlier, by a 300-plus margin, with the gentleman concurring, voted for such an affirmative action for the transfer of domestic nuclear power components to China. Now, that did not become law, but in fact we embraced that as a possibility.

I would say to the distinguished gentleman from Connecticut (Mr. GEJDENSON) that an expedited procedure, on a one-time basis only, would bridge the gap, would find common ground between those of us concerned about what may be happening there, the need for certification, that could be something that could be accomplished in conference, for example.

Would the gentleman from Connecticut care to comment to the reaction to an expedited procedure so that, in fact, there could be no delays which would make it impossible to have an affirmative action by a joint resolution?

Madam Chairman, I yield to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Madam Chairman, I certainly would find it far more acceptable for a process that provided for expedited procedure than allowing inaction to undermine the entire process.

Mr. BEREUTER. Madam Chairman, I thank the gentleman. I think that is something that we need to consider.

I would say to the gentleman, if Dr. Perry finds they are on a different track, the wrong track for us, clearly this kind of resolution will come to the floor, even if the amendment of the gentleman from New York (Mr. GILMAN) and the gentleman from Massachusetts (Mr. MARKEY) is not approved today. It is inevitable.

Mr. MARKEY. Madam Chairman, I will the gentleman yield.

Mr. BEREUTER. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Madam Chairman, I agree with the gentleman that an expedited procedure is something that needs to be supported.

Mr. GEJDENSON. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I think that one of my hesitations in this legislation, of

course, is both process and substance. The chairman of the committee was in the process of marking up a piece of legislation to address the situation in North Korea, and then we find ourselves without really having sat down, held hearings and the substantial kind of work that ought to happen with Dr. Perry, that we find ourselves presented with this amendment that has the potential of undermining the agreement on the Korean Peninsula.

I would say to my colleagues that I would venture there is not one Member of this Chamber that believes we were better off on the Korean Peninsula prior to the agreement that the administration worked out.

Frankly, if my colleagues looked at the facts seriously, they could not come to that conclusion. The North Koreans were in the process of developing sufficient fissionable material to make weapons. They have stopped that program. We have inspectors there. We have more contact than we have ever had before.

I, frankly, think wherever the Communist or totalitarian government is, the one element that constantly undermines authoritarian rule is contact with Americans and free societies.

I urge my colleagues to reject this. The chairman of the committee has an opportunity to bring a bill forward that could take a look at expedited procedures, that could set up a process that makes sense. It does not make sense to pass this here. I urge the defeat of this legislation.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mrs. EMERSON). The question is on the amendment, as modified, offered by the gentleman from New York (Mr. GILMAN).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. GILMAN. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The Chairman pro tempore. This will be a 15-minute vote followed by a 5-minute vote on the Sanders amendment.

The vote was taken by electronic device, and there were—ayes 305, noes 120, not voting 8, as follows:

[Roll No. 321]

AYES—305

Abercrombie	Bereuter	Brown (OH)
Aderholt	Berkley	Bryant
Andrews	Berry	Burr
Archer	Biggert	Burton
Armey	Bilbray	Buyer
Bachus	Bilirakis	Callahan
Baird	Blagojevich	Calvert
Baker	Biley	Camp
Ballenger	Blunt	Campbell
Barcia	Boehlert	Canady
Barr	Boehner	Cannon
Barrett (NE)	Bonilla	Capps
Barrett (WI)	Bono	Carson
Bartlett	Boswell	Castle
Barton	Boucher	Chabot
Bass	Brady (TX)	Chambliss
Bateman	Brown (FL)	Coble

Coburn	Jenkins	Riley	Farr	Levin	Rahall		[Roll No. 322]
Collins	Johnson (CT)	Rivers	Fattah	Lewis (GA)	Reyes		AYES—117
Combest	Johnson, Sam	Rogan	Filner	Lofgren	Rodriguez		
Condit	Jones (NC)	Rogers	Frank (MA)	Luther	Roemer	Abercrombie	Gutierrez
Cook	Kaptur	Rohrabacher	Gejdenson	Maloney (NY)	Royal-Allard	Allen	Hall (OH)
Cooksey	Kasich	Ros-Lehtinen	Gephhardt	Martinez	Rush	Bachus	Hastings (FL)
Costello	Kelly	Rothman	Gonzalez	Mascara	Sabo	Baird	Hayworth
Cox	Kildee	Roukema	Green (TX)	Matsui	Sandlin	Baldacci	Hilliard
Cramer	Kind (WI)	Royce	Hall (OH)	McCarthy (MO)	Sawyer	Baldwin	Hinjosa
Crane	King (NY)	Ryan (WI)	Hastings (FL)	Meek (FL)	Scott	Barrett (WI)	Jackson (IL)
Cubin	Kingston	Ryun (KS)	Hill (IN)	Meeks (NY)	Sisisky	Bartlett	Johnson, E.B.
Cunningham	Knollenberg	Salmon	Hilliard	Millender	Skelton	Becerra	Jones (OH)
Danner	Kolbe	Sanchez	Hinojosa	McDonald	Slaughter	Berry	Kaptur
Davis (VA)	Kucinich	Sanders	Hoeffel	Miller, George	Smith (WA)	Blagojevich	Kildee
Deal	Kuykendall	Sanford	Holden	Minge	Snyder	Bonior	Kilpatrick
DeFazio	LaHood	Saxton	Hoyer	Mink	Stark	Brady (PA)	Kucinich
DeLay	Latham	Scarborough	Jackson (IL)	Mollohan	Stupak	Brown (FL)	Lantos
DeMint	LaTourette	Schaffer	Jefferson	Murtha	Tauscher	Brown (OH)	Lee
Diaz-Balart	Lazio	Schakowsky	John	Nadler	Thompson (CA)	Campbell	Lewis (GA)
Dickey	Leach	Sensenbrenner	Johnson, E. B.	Napolitano	Thompson (MS)	Capuano	Luther
Doolittle	Lee	Serrano	Jones (OH)	Oberstar	Udall (CO)	Carson	Maloney (NY)
Dreier	Lewis (CA)	Sessions	Kanjorski	Obey	Visclosky	Castle	Snyder
Duncan	Lewis (KY)	Shadegg	Kilpatrick	Olver	Waters	Clay	Stabenow
Dunn	Linder	Shaw	Kleczka	Owens	Waxman	Clyburn	Shays
Ehlers	Lipinski	Shays	Klink	Pastor	Weiner	Coburn	Strickland
Ehrlich	LoBiondo	Sherman	LaFalce	Payne	Wexler	Condit	Taylor (MS)
Emerson	Lowey	Sherwood	Lampson	Pelosi	Woolsey	Cox	Thompson (CA)
English	Lucas (KY)	Shimkus	Lantos	Pickett		Cummings	Thompson (MS)
Eshoo	Lucas (OK)	Shows	Larson	Pomeroy		Miller, George	Tierney
Etheridge	Maloney (CT)	Shuster				Davis (IL)	Towns
Evans	Manzullo	Simpson				DeFazio	Mink
Everett	Markey	Skeen	Chenoweth	Kennedy	Peterson (PA)	Nadler	Udall (NM)
Ewing	McCarthy (NY)	Smith (MI)	Dicks	Largent	Talent	Delahunt	Vento
Fletcher	McCollum	Smith (NJ)	Hinchey	McDermott		DeLauro	Wamp
Foley	McCrary	Smith (TX)				Dixon	Waters
Forbes	McGovern	Souder				Duncan	Obey
Ford	McHugh	Spence				Emerson	Olver
Fossella	McInnis	Spratt				Evans	Owens
Fowler	McIntosh	Stabenow				Farr	Weldon (FL)
Franks (NJ)	McIntyre	Stearns				Fattah	Wexler
Frelinghuysen	McKeon	Stenholm				Filner	Weygand
Frost	McKinney	Strickland				Frank (MA)	Woolsey
Galleghy	McNulty	Stump				Green (TX)	Wu
Ganske	Meehan	Sununu				Rangel	Wynn
Gekas	Menendez	Sweeney					
Gibbons	Metcalf	Tancredo					
Gilchrest	Mica	Tanner					
Gillmor	Miller (FL)	Tauzin					
Gilman	Miller, Gary	Taylor (MS)					
Goode	Moakley	Taylor (NC)					
Goodlatte	Moore	Terry					
Goodling	Moran (KS)	Thomas					
Gordon	Moran (VA)	Thornberry					
Goss	Morella	Thune					
Graham	Myrick	Thurman					
Granger	Neal	Tiahrt					
Green (WI)	Nethercutt	Tierney					
Greenwood	Ney	Toomey					
Gutierrez	Northup	Towns					
Gutknecht	Norwood	Traficant					
Hall (TX)	Nussle	Turner					
Hansen	Ortiz	Udall (NM)					
Hastings (WA)	Ose	Upton					
Hayes	Oxley	Velazquez					
Hayworth	Packard	Vento					
Hefley	Pallone	Vitter					
Herger	Pascrell	Walden					
Hill (MT)	Paul	Walsh					
Hilleary	Pease	Wamp					
Hobson	Peterson (MN)	Watkins					
Hoekstra	Petri	Watt (NC)					
Holt	Phelps	Watts (OK)					
Hooley	Pickering	Weldon (FL)					
Horn	Pitts	Weldon (PA)					
Hostettler	Pombo	Weller					
Houghton	Porter	Weygand					
Hulshof	Portman	Whitfield					
Hunter	Price (NC)	Wicker					
Hutchinson	Pryce (OH)	Wilson					
Hyde	Quinn	Wise					
Inslee	Radanovich	Wolf					
Isakson	Ramstad	Wu					
Istook	Rangel	Wynn					
Jackson-Lee (TX)	Regula	Young (AK)					
	Reynolds	Young (FL)					
NOES—120							
Ackerman	Brady (PA)	Davis (IL)					
Allen	Capuano	DeGette					
Baldacci	Cardin	Delahunt					
Baldwin	Clay	DeLauro					
Becerra	Clayton	Deutsch					
Bentsen	Clement	Dingell					
Berman	Clyburn	Dixon					
Bishop	Conyers	Doggett					
Blumenauer	Coyne	Dooley					
Bonior	Crowley	Doyle					
Borski	Cummings	Edwards					
Boyd	Davis (FL)	Engel					
NOES—307							
Ackerman							Graham
Aderholt							Crane
Andrews							Granger
Archer							Crowley
Armey							Green (WI)
Baker							Cubin
Ballenger							Greenwood
Barcia							Cunningham
Barr							Gutknecht
Barrett (NE)							Hall (TX)
Barton							Hansen
Bass							Hastings (WA)
Bateman							Hill (MT)
Bentsen							Hilleary
Bereuter							Dickey
Berkley							Dingell
Berman							Hobson
Barrett (NE)							Hefley
Barton							Herger
Bass							Hill (IN)
Bateman							DeMint
Bentsen							Deutsch
Bereuter							Diaz-Balart
Berkley							Hobson
Berman							Hill (MT)
Barrett (NE)							Hilleary
Barton							Dickey
Bass							Dingell
Bateman							Hobson
Bentsen							Hefley
Bereuter							Herger
Berkley							Hill (IN)
Berman							DeMint
Barrett (NE)							Deutsch
Barton							Diaz-Balart
Bass							Hobson
Bateman							Hill (MT)
Bentsen							Hilleary
Bereuter							Dickey
Berkley							Dingell
Berman							Hobson
Barrett (NE)							Hefley
Barton							Herger
Bass							Hill (IN)
Bateman							DeMint
Bentsen							Deutsch
Bereuter							Diaz-Balart
Berkley							Hobson
Berman							Hill (MT)
Barrett (NE)							Hilleary
Barton							Dickey
Bass							Dingell
Bateman							Hobson
Bentsen							Hill (MT)
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Bereuter							Hilleary
Berkley							Dickey
Berman							Dingell
Barrett (NE)							Hobson
Barton							

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 LaTourette Oxley Sisisky  
 Lazio Packard Skeen  
 Leach Pallone Skelton  
 Levin Pascrell Smith (MI)  
 Lewis (KY) Pastor Smith (TX)  
 Linder Pease Smith (WA)  
 Lipinski Petri Souder  
 LoBiondo Phelps Spence  
 Lofgren Pickering Spratt  
 Lowey Pickett Stearns  
 Lucas (KY) Pitts Stenholm  
 Lucas (OK) Pombo Stump  
 Maloney (CT) Pomeroy Stupak  
 Manzullo Porter Sununu  
 Martinez Portman Sweeney  
 Mascara Price (NC) Tancredo  
 Matsui Pryce (OH) Tanner  
 McCarthy (MO) Quinn Tauscher  
 McCarthy (NY) Radanovich Tazin  
 McCollum Rahall Taylor (NC)  
 McCrery Ramstad Terry  
 McHugh Regula Thomas  
 McInnis Reyes Thornberry  
 McIntosh Reynolds Thune  
 McIntyre Riley Thurman  
 McKeon Rodriguez Tiahrt  
 Menendez Roemer Toomey  
 Metcalf Rogan Traficant  
 Millender- McDonald Rothman Uddal (CO)  
 Miller (FL) Roukema Upton  
 Miller, Gary Royce Visclosky  
 Minge Ryan (WI) Vitter  
 Mollohan Ryun (KS) Walden  
 Moore Salmon Walsh  
 Moran (KS) Sanchez Watkins  
 Moran (VA) Sandlin Watt (NC)  
 Morella Sawyer Watts (OK)  
 Murtha Saxton Weldon (PA)  
 Myrick Schaffer Weller  
 Napolitano Sensenbrenner Whitfield  
 Nethercutt Sessions Wicker  
 Ney Shadegg Wilson  
 Northup Shaw Wise  
 Norwood Sherman Wolf  
 Nussle Sherwood Young (AK)  
 Ortiz Shuster Young (FL)

## NOT VOTING—9

Chenoweth Kennedy Mica  
 Dicks Lewis (CA) Peterson (PA)  
 Hinckey McDermott Talent

## □ 1247

Mrs. KELLY and Mr. RAHALL changed their vote from "aye" to "no."

Messrs. WU, TOWNS, GEORGE MILLER of California and BECERRA changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MICA. Madam Chairman, on rollcall no. 322, I was unavoidably detained. Had I been present, I would have voted "no."

## AMENDMENT NO. 18 OFFERED BY MR. GIBBONS

The CHAIRMAN pro tempore (Mrs. EMERSON). The pending business is the demand for a recorded vote on Part B amendment No. 18 offered by the gentleman from Nevada (Mr. GIBBONS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 418, noes 3, not voting 12, as follows:

[Roll No. 323]  
 AYES—418  
 Dicks Jones (OH)  
 Ackerman Dingell Kanjorski  
 Aderholt Dixon Kaptur  
 Allen Doggett Kasich  
 Andrews Archer Doolittle  
 Stearns Armey Doyle  
 Stenholm Bachus Dreier  
 Baird Duncan King (NY)  
 Baker Dunn Kingston  
 Baldacci Edwards Kleczka  
 Baldwin Ehlers Klink  
 Ballenger Ehrlich Knollenberg  
 Barcia Emerson Kolbe  
 Barrett (NE) Engel Kucinich  
 Tauscher Barrett (WI) Kuykendall  
 English Bartlett Eshoo LaHood  
 Blagojevich Barton Etheridge Lampson  
 Bliley Fowler Lazio Lantos  
 Blumenauer Frank (MA) Everett Reynold  
 Blunt Franks (NJ) Ewing Larson  
 Boehlert Frelinghuysen Farr Latham  
 Boehler Frost LaTourette  
 Boerner Berkley Fattah Linder  
 Bonilla Bliley Lazio  
 Bonior Ganske Leach  
 Bono Gejdenson Lee  
 Borski Gekas Foley  
 Boswell Gephardt Levin  
 Boucher Gibbons Ros-Lehtinen  
 Boyd Gilchrest LoBiondo  
 Brady (PA) Gilmor Rush  
 Brady (TX) Gilman Ryan (WI)  
 Brown (FL) Gonzalez Stabenow  
 Brown (OH) Goode Ryan (KS)  
 Bryant Goodlatte Rothman  
 Burr Goodling McCarthy (NY)  
 Burton Gordon McCollum  
 Buyer Goss McCrery  
 Callahan Graham McGovern  
 Calvert Granger McHugh  
 Camp Green (TX) McInnis  
 Campbell Green (WI) McIntosh  
 Canady Greenwood McIntyre  
 Cannon Gutierrez McKeon  
 Capps Gutknecht McNulty  
 Capuano Hall (OH) Meehan  
 Cardin Hall (TX) Meek (FL)  
 Carson Hansen Meeks (NY)  
 Castle Hastings (FL) Menendez  
 Chabot Hastings (WA) Metcalf  
 Chambliss Hayes Mica  
 Clay Hayworth Millender-  
 Clayton Heffley McDonald  
 Clement Herger Miller (FL)  
 Clyburn Hill (IN) Miller, Gary  
 Coble Hill (MT) Miller, George  
 Coburn Hilleary Minge  
 Collins Hilliard Mink  
 Combest Hinojosa Moakley  
 Condit Hobson Mollohan  
 Conyers Hoeffel Moore  
 Cook Hoekstra Moran (KS)  
 Cooksey Holden Moran (VA)  
 Costello Holt Morella  
 Cox Hooley Murtha  
 Coyne Horn Nadler  
 Cramer Hostettler Napolitano  
 Crane Houghton Nethercutt  
 Crowley Hoyer Ney  
 Cubin Hulshof Northup  
 Cummings Hunter Norwood  
 Cunningham Hutchinson Hyde  
 Danner Inslee Nussle  
 Davis (FL) Isakson Oberstar  
 Davis (IL) Davis (VA) Istock Obey  
 Deal Jackson (IL) Jackson-Lee Ortiz  
 DeFazio (TX) DeGette Jackson-Lee  
 Delahunt Jefferson Ose  
 DeLauro Jenkins Owens  
 DeMint John Oxley  
 Deutsch Johnson (CT) Packard  
 Diaz-Balart Johnson, E. B. Pallone  
 Dickey Jones (NC) Pascrell  
 Pastor

Payne Pease Sawyer Taylor (NC)  
 Pease Saxton Scarborough Terry  
 Pelosi Schaffer Thomas  
 Petri Schakowsky Thompson (CA)  
 Phelps Scott Thompson (MS)  
 Pickering Sensenbrenner Thune  
 Pickett Serrano Thurman  
 Pitts Sessions Tiahrt  
 Pombo Shadegg Tierney  
 Pomeroy Shaw Toomey  
 Porter Shays Towns  
 Portman Sherman Traficant  
 Kingston Sherwood Turner  
 Kilecza Pryce (OH) Shimkus Udall (NM)  
 Knollenberg Radanovich Shows Upton  
 Kolbe Rahall Shuster Velazquez  
 Kucinich Ramstad Simpson Vento  
 Kuykendall Rangel Sisisky Visclosky  
 LaHood Regula Skeletton Walden  
 LaTourette Lampson Reyes Walsh  
 Lazio Lantos Reynolds Smith (MI)  
 Linder Everett Largent Riley Smith (NJ)  
 Lee Rohrabacher Spratt Weldon (FL)  
 Levin Larson Rivers Smith (TX)  
 Latham Rodriguez Smith (WA)  
 Farr Roemer Snyder Watts (OK)  
 Blagojevich Filner Rogan Souder Waxman  
 Bliley Fowler Fletcher Rogers Spence Weiner  
 Blumenauer Frank (MA) Everett Royce Stump Wicker  
 Frank (MA) Linder Lipinski Rush Wilson  
 Franks (NJ) Blunt Lucas (OK) Ryan (WI)  
 Boehlert Frelinghuysen LoBiondo Stabenow  
 Boerner Frost Frost Ryan (KS)  
 Bonilla Gallegly Lowey Sabo Sweeney  
 Bonior Ganske Lucas (KY) Salmon Tancredo  
 Bono Gejdenson Lucas (OK) Sanchez Tanner  
 Borski Gekas Luther Sanders Tauscher  
 Boswell Gephardt Maloney (CT) Sandlin  
 Boucher Gibbons Maloney (CT) Tausin  
 Boyd Gilchrest Markey Sandlin  
 Brady (PA) Gilmor Martinez Taylor (MS)  
 Brady (TX) Gilman Sanchez  
 Brown (FL) Gonzalez Tauscher  
 Brown (OH) Goode Matsui  
 Bryant Goodlatte McCarthy (MO)  
 Burr Goodling McCarthy (NY)  
 Burton Gordon McCollum  
 Buyer Goss McCrery  
 Callahan Graham McGovern  
 Calvert Granger McHugh  
 Camp Green (TX) McInnis  
 Campbell Green (WI) McIntosh  
 Canady Greenwood McIntyre  
 Cannon Gutierrez McKeon  
 Capps Gutknecht McNulty  
 Capuano Hall (OH) Meehan  
 Cardin Hall (TX) Meek (FL)  
 Carson Hansen Meeks (NY)  
 Castle Hastings (FL) Menendez  
 Chabot Hastings (WA) Metcalf  
 Chambliss Hayes Mica  
 Clay Hayworth Millender-  
 Clayton Heffley McDonald  
 Clement Herger Miller (FL)  
 Clyburn Hill (IN) Miller, Gary  
 Coble Hill (MT) Miller, George  
 Coburn Hilleary Minge  
 Collins Hilliard Mink  
 Combest Hinojosa Moakley  
 Condit Hobson Mollohan  
 Conyers Hoeffel Moore  
 Cook Hoekstra Moran (KS)  
 Cooksey Holden Moran (VA)  
 Costello Holt Morella  
 Cox Hooley Murtha  
 Coyne Horn Nadler  
 Cramer Hostettler Napolitano  
 Crane Houghton Nethercutt  
 Crowley Hoyer Ney  
 Cubin Hulshof Northup  
 Cummings Hunter Norwood  
 Cunningham Hutchinson Hyde  
 Danner Inslee Nussle  
 Davis (FL) Isakson Oberstar  
 Davis (IL) Davis (VA) Istock Obey  
 Deal Jackson (IL) Jackson-Lee Ortiz  
 DeFazio (TX) DeGette Jackson-Lee  
 Delahunt Jefferson Ose  
 DeLauro Jenkins Owens  
 DeMint John Oxley  
 Deutsch Johnson (CT) Packard  
 Diaz-Balart Johnson, E. B. Pallone  
 Dickey Jones (NC) Pascrell  
 Pastor

## NOES—3

Becerra Hinckey McDermott  
 Bishop Johnson, Sam Peterson (PA)  
 Chenoweth Kennedy Talent  
 DeLay LaFalce Udall (CO)

## □ 1256

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. DELAY: Mr. Chairman, on rollcall No. 323, I was inadvertently detained. Had I been present, I would have voted "aye."

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). It is now in order to consider amendment No. 24 printed in part B of House Report 106-235.

## AMENDMENT NO. 24 OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 24 offered by Mr. BEREUTER:

Page 84, after line 16, add the following (and make such technical and conforming changes as may be necessary):

## SEC. 703. SELF-DETERMINATION IN EAST TIMOR.

(a) FINDINGS.—The Congress finds the following:

(1) On May 5, 1999, the Government of Indonesia and the Government of Portugal signed an agreement that provides for a vote on the political status of East Timor to be held on August 8, 1999, under the auspices of the United Nations.

(2) On June 22, 1999, the vote was rescheduled for August 21 or 22, 1999, because of concerns that the conditions necessary for a free

and fair vote could not be established prior to August 8, 1999.

(3) On January 27, 1999, Indonesian President Habibie expressed a willingness to consider independence for East Timor if a majority of the East Timorese reject autonomy in the August 1999 vote.

(4) Under the agreement between the Governments of Indonesia and Portugal, the Government of Indonesia is responsible for ensuring that the August 1999 vote is carried out in a fair and peaceful way and in an atmosphere free of intimidation, violence, or interference.

(5) The inclusion of anti-independence militia members in Indonesian forces that are responsible for establishing security in East Timor violates this agreement because the agreement states that the absolute neutrality of the military and police is essential for holding a free and fair vote.

(6) The arming of anti-independence militias by members of the Indonesian military for the purpose of sabotaging the August 1999 ballot has resulted in hundreds of civilians killed, injured, or missing in separate attacks by these militias and these militias continue to act without restraint.

(7) The United Nations Secretary General has received credible reports of political violence, including intimidation and killing, by armed anti-independence militias against unarmed pro-independence civilians in East Timor.

(8) There have been killings of opponents of independence for East Timor, including civilians and militia members.

(9) The killings in East Timor should be fully investigated and the individuals responsible brought to justice.

(10) Access to East Timor by international human rights monitors and humanitarian organizations is limited and members of the press have been threatened.

(11) The presence of members of the United Nations Assistance Mission in East Timor has already resulted in an improved security environment in the East Timorese capital of Dili.

(12) A robust international observer mission and police force throughout East Timor is critical to creating a stable and secure environment necessary for a free and fair vote.

(13) The Administration should be commended for its support for the United Nations Assistance Mission in East Timor which will provide monitoring and support for the ballot and include international civilian police, military liaison officers, and election monitors.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the President and the Secretary of State should immediately intensify their efforts to prevail upon the Indonesian Government and military—

(A) to disarm and disband anti-independence militias in East Timor;

(B) to grant full access to East Timor by international human rights monitors, humanitarian organizations, and the press; and

(C) to allow Timorese who have been living in exile to return to East Timor to participate in the vote on the political status of East Timor to be held on August 1999 under the auspices of the United Nations; and

(2) not later than 21 days after the date of the enactment of this Act, the President should prepare and transmit to the Congress a report that contains a description of the efforts of the Administration, and an assessment of the steps taken by the Indonesian Government and military, to ensure a stable and secure environment in East Timor for the vote on the political status of East Timor, including an assessment of the steps taken in accordance with subparagraphs (A), (B), and (C) of paragraph (1).

The CHAIRMAN pro tempore. Pursuant to House Resolution 247, the gentleman from Nebraska (Mr. BEREUTER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

PARLIAMENTARY INQUIRY

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. BEREUTER. For purposes of a parliamentary inquiry, I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I would like to know the appropriate time to claim the time in opposition. I do not plan to oppose this amendment. I would ask unanimous consent at that point to have the time in opposition allotted to this Member.

When is the appropriate time to take that?

The CHAIRMAN pro tempore. Without objection, the Member may be recognized to control that time.

Mr. GEJDENSON. Mr. Chairman, I ask unanimous consent to get the time in opposition, to control that time, while I am not in opposition.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. BEREUTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment concerns the upcoming U.N.-administered plebiscite in which the people of East Timor will choose between autonomy within Indonesia and independence. Formerly a Portuguese colony, East Timor was occupied in 1975 by Indonesia. Since that time, its status has been in dispute. The U.N. and most governments, including the United States, have never recognized the incorporation of East Timor into Indonesia.

Mr. Chairman, the human rights violations created by Indonesian security forces seeking to suppress the independence movement in East Timor have for a long time seriously affected U.S. relations with Indonesia and certainly it has been debated here on the House floor fairly often. Admittedly some of the actions by the Indonesians were reprisals for tragic provocations, but violence from any quarter must be condemned.

Indonesia is the world's fourth most populous Nation. It has the largest population of Muslims in the world, and plays a leading role in the important Southeast Asian region. Indonesia is currently embarked on what we certainly hope is a transition to democracy, following the resignation of its longtime ruler Soeharto in May of 1998.

As described in the "findings" portion of the amendment I offered, the Indonesian government has taken important steps toward a solution to the East Timor problem. Under a United Nations-brokered agreement between Indonesia and Portugal, the East

Timorese people will choose between autonomy and independence in a vote tentatively scheduled for August 21 or 22 of this year. Unfortunately, repeated violent incidents in East Timor are threatening the ability of the United Nations to organize the vote in a climate free from intimidation.

Much of the violence has been carried out by armed, pro-Indonesian paramilitary organizations attempting to bully the population into supporting the autonomy option. Since last June, militias have also been targeting U.N. officials and non-government organization representatives seeking to aid the displaced local population.

□ 1300

There continues to be evidence that the militias are operating with the support or at least the acquiescence of the Indonesian forces. Although lesser in scope, pro-independence guerrillas have committed violent acts of their own.

Mr. Chairman, the amendment puts the Congress on record in support of a free and fair vote in East Timor. It also expresses the sense of Congress that the administration should redouble its efforts to prevail upon the Indonesian government to disarm the militias and allow the vote to proceed in a climate free of violence and intimidation. Certainly a peaceful outcome in East Timor is important for its own sake. At the same time, it would remove a long standing irritant in relations between the United States and Indonesia, and Indonesia can be and at times has been a very important ally in proceedings in southeast Asia and elsewhere in that region.

This Member urges, therefore, his colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Chairman, I yield myself 1 minute.

I want to join in support of this amendment. The outrage and attempted genocide by the Indonesians in East Timor over the last decade and more has been an outrageous act. We had initial optimism. We now see some sliding back. This resolution does the right thing. I hope we pass it unanimously.

Mr. Chairman, I ask unanimous consent that our time be controlled by the gentlewoman from Georgia (Ms. MCKINNEY).

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman from Connecticut for his support, and I yield 1 minute to the distinguished gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I commend the gentleman from Nebraska (Mr. BEREUTER) for this amendment. The upcoming August vote in East Timor on independence from Indonesia must take place in an atmosphere that is going to be free and fair. U.N. representatives have been intimidated and hundreds of pro-independence civilians have been killed by anti-independence militias armed by the Indonesian military. The Indonesian government should disarm and disband the anti-independence militias, grant full access to East Timor by international human rights organizations and monitors and allow East Timorese living abroad to return home for the August elections.

Accordingly I am pleased to be supportive of the proposal of the gentleman from Nebraska (Mr. BEREUTER) and I urge Members to support this amendment.

Ms. MCKINNEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, on April 5 of this year, 25 men, women, and children were murdered in a church yard in Liquica, a town about 20 miles west of East Timor's capital. Two weeks later, militia members burst into the home of a prominent independence organizer and murdered his son as well as 14 other people. These attacks and others including attacks upon U.N. referendum monitors are being carried out by bands of paramilitary thugs with the backing of Indonesia's military who are intent on preserving Indonesia's illegal military occupation of East Timor.

They have chosen the tactics of terror over the ballot because it is clear that if the August U.N.-sponsored referendum on independence is free and fair, the people will choose freedom and independence. But the outcome of the referendum is very much in doubt. The people of East Timor know very well the brutality of Indonesia. Since Indonesia illegally invaded and occupied East Timor 24 years ago, 200,000 East Timorese have lost their lives to political violence. Those 200,000 deaths lend a haunting credence to the threats of the paramilitary bands.

Today we have an opportunity to send a very different message to the people of East Timor. Today we can join our colleagues in the Senate who voted unanimously last month to support disarming, the militia's release of political prisoners, and a free referendum on independence for the people of East Timor.

I urge all of my colleagues to support the Bereuter amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BEREUTER. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), a subcommittee chairman of the Committee on International Relations.

Mr. SMITH of New Jersey. Mr. Chairman, I thank my good friend for yielding this time to me, and I want to com-

mend the gentleman from Nebraska (Mr. BEREUTER) for his amendment regarding self-determination in East Timor. It does represent a modest, but much needed, congressional statement that deserves the overwhelming support of this body.

Mr. Chairman, for over 20 years international human rights advocates have been calling attention to abuses by the Indonesian government in the occupation of East Timor. Indonesia's armed forces invaded East Timor in 1975 only weeks after East Timor had obtained independence from Portugal. Since then, the Indonesian army has carried out a campaign of what amounts to ethnic cleansing against the Timorese through a program of forced migration. Persecution has been particularly harsh against the Christian majority.

More than 200,000 Timorese out of a total population of 700,000 have been killed directly or by starvation in forced migration from their villages since the Indonesian invasion. The upcoming August vote on the political status of East Timor is of critical importance to the people of that region and represents the first step toward a just and humane solution of their political status.

Of course, to be meaningful, that election must be carried out in a fair and peaceful atmosphere, free of violence and free of intimidation. Unfortunately, Mr. Chairman, members of the Indonesian military have been arming anti-independence militias which have been responsible for the intimidation and killing of unarmed pro-independence civilians in East Timor.

According to one estimate, more than 58,000 people are now internally displaced as a result of paramilitary violence in East Timor. There has not been any independent investigation of recent atrocities including the atrocity at Liquica, the massacre in which over 50 civilians were killed in and around a church.

Notwithstanding the helpful presence of members of the United Nations Assistance Mission in East Timor's capital of Dili, the political atmosphere is far from fair and peaceful, especially in rural areas where there is no international presence. Much more must be done and the Congress must send an unequivocal message to the Indonesian military: Stop the violence.

I would like to at this point, Mr. Chairman, enter into a colloquy with my good friend, the gentleman from Nebraska (Mr. BEREUTER).

In addition to calling on the President and the Secretary of State to intensify their efforts to support self-determination, the original draft of the gentleman's amendment submitted to the Committee on Rules also mentioned the Secretary of Defense, the Secretary of the Treasury and U.S. executive directors to international financial institutions. I understand that those references were withdrawn for reasons of germaneness. However,

given the close relationship between the U.S. and Indonesian militaries—I would just point out parenthetically that we have had hearings in my subcommittee on the JCET program in Indonesia. And I have also gone out there and met with them, and I am very, very unhappy with what is going on there in our collaboration with Kopassus. But because of this relationship and because of the obvious influence wielded by the Treasury Department and international financial institutions in Indonesia, those actors may well have more leverage with Indonesian authorities than the State Department does.

Does the gentleman believe, as I do, that although these officials are no longer mentioned in his amendment, it is just as important that they intensify their own efforts in support of self-determination in East Timor?

Mr. BEREUTER. Mr. Chairman, would the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I certainly do agree. I would say to the gentleman, as a matter of jurisdiction, that those particular high officials of our government were not mentioned.

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman, and I urge strong support for the Bereuter amendment.

Mr. BEREUTER. Mr. Chairman, I reserve the balance of my time.

Ms. MCKINNEY. Mr. Chairman, I yield 2 minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Chairman, I thank the gentlewoman for yielding this time to me, and, Mr. Chairman, I thank the gentleman from Nebraska (Mr. BEREUTER) for offering this amendment on East Timor. I would also like to take the opportunity to commend the efforts of one of our colleagues who is not here, the gentleman from Rhode Island (Mr. KENNEDY) for his dedication and work on this issue.

As the closest Member to East Timor and Indonesia, all the activities in East Timor is taken with a very strong sense of interest and concern in Guam. And at a time when the people of East Timor have a window of opportunity to decide the future of their political status, we must do all that we can to ensure that this process is unhindered and reflective of the true desires of the East Timorese.

Although the language in this amendment is not as forceful as some of us would like, I believe it is an important step in demonstrating to the Indonesian government and the East Timorese that the United States, the American people, is committed to ensuring a free and fair vote in East Timor. As the August vote nears, we may see yet a further escalation of the intimidation tactics and violence employed by the anti independence forces.

The passage of this amendment will send a strong message to the Indonesian government that these activities cannot and will not be tolerated

and must cease. I am hopeful that the democratic principles will prevail in East Timor and that at the beginning of the 21st century, we will witness the establishment of East Timorese leadership which is in line with the will of the people of East Timor. It is my earnest hope that the August elections will go on without intimidation and that we stand not only for the elections, fair elections, free and fair elections without intimidation but for the principle of self-determination in East Timor and around the world.

Ms. MCKINNEY. Mr. Chairman I yield 2 minutes to the gentleman from Rhode Island (Mr. WEYGAND).

Mr. WEYGAND. Mr. Chairman, I want to thank the gentlewoman for yielding this time to me as well as I want to thank my colleague on the Committee on Banking and Financial Services the gentleman from Nebraska (Mr. BEREUTER) and also, as mentioned before, my good colleague from the State of Rhode Island (Mr. KENNEDY). Both of them have done enormous work to bring this resolution to the floor.

I want to thank them particularly. The gentleman from Rhode Island (Mr. KENNEDY) has done an awful lot of work not only for the East Timorese, but the Portuguese community throughout our State. He has been not only a hard worker, but a hero on these causes, and unfortunately, due to circumstances he is not able to be here, but I want to congratulate him for bringing this to the floor.

Mr. Chairman, in my first term in Congress, I was visited by Constancio Pinto, who many of my colleagues may know him as a well-known leader in the fight for liberty in East Timor. At the time, Mr. Pinto was studying at Brown University in Providence, Rhode Island he came to the Hill to talk about the atrocities in the situation that has occurred in East Timor.

His experiences, he told us about the horrors not only done upon himself but also upon his family and members of his neighborhood and his community. The butchering, the slaughtering, and the kind of intimidation that was going on in East Timor would shock most any person. He was, indeed, arrested and tortured himself in 1991 and into 1992, but he came back to talk about these atrocities and asked for assistance and help.

His meeting with us, he always asked for us to allow for the East Timorese to have the opportunity to vote on independence or autonomy. This resolution does that but goes even a step further. It requires and requests that there be a disarmament of the militia which are the ones that are truly intimidating the East Timorese people. This is an atrocity that cannot occur in a democratic government. We ask them to cease and desist in this effort so that there can be a fair and open vote.

Mr. Chairman, I want to applaud the Member who brought this to the floor, the gentleman from Nebraska (Mr. BE-

REUTER) as well as the gentleman from Rhode Island (Mr. KENNEDY). This is an important vote for democracy and freedom, and I ask all Members to support it.

Ms. MCKINNEY. Mr. Chairman, I have no more speakers, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I thank the gentleman for yielding this time to me.

The Indonesian invasion and occupation of East Timor has claimed over 200,000 lives. One-third of the total population has perished as Indonesia continues to violate international law and act in defiance of the U.N. Security Council. We must not turn our backs.

□ 1315

This amendment makes it the sense of Congress to seek democracy and peace in East Timor. The amendment calls for the disarmament of anti-independence militias, full access for human rights monitors, and the right of Timorese who have lived in exile to return to their homes to vote. The provisions set out in this amendment are necessary if we are to set this region down a road towards peace and justice. This amendment lays the groundwork for ending the human rights atrocities that are committed daily in East Timor. We cannot turn our backs on this region. The time to act is now and the killing must stop, the injustice must end and peace must come to the people of East Timor.

Mr. Chairman, I urge support for the Bereuter amendment. Promote democracy, and let us start down that road to lasting peace and justice.

Mr. BEREUTER. Mr. Chairman, I am pleased to yield the remaining time to the gentleman from Virginia (Mr. WOLF).

(Mr. WOLF asked and was given permission to revise and extend his remarks.)

Mr. WOLF. Mr. Chairman, I want to thank the gentleman from Nebraska (Mr. BEREUTER) for his leadership on this, and all of the Members. There are so many, their names cannot be mentioned, but for the faithful necessary.

I visited East Timor about 2 years ago, the sites, the scenes, the stories of slaughter and death which apparently is still taking place, even in a greater amount. This resolution will help, and I would hope, and I call on the administration, Assistant Secretary Roth to take a high-level official from our DOD to go to Jakarta and also to go to East Timor to tell the Indonesian military that if the violence continues, there will be no support at all from the United States for their military. The gentleman's language I think sets up a good system whereby we can send that message.

Mr. Chairman, I thank the gentleman from Nebraska (Mr. BEREUTER) and all of the Members, the gentleman from

New Jersey (Mr. SMITH) and the gentleman from Ohio (Mr. HALL) and may others for their faithfulness.

Mr. Chairman, I rise in support of the amendment being offered by Representative DOUG BEREUTER condemning ongoing violence in East Timor.

I visited East Timor in 1997 and found the island to be in a state of siege. The people with whom I spoke were afraid to look me in the eye. I heard stories of young people being dragged away from their homes at night and could sense the massive military presence that had kept the aspirations of the East Timorese in check since 1974. I met with one young man whose ear had been cut by security officials and heard story after story of violence.

This year brought signs of hope when President Habibie announced in January of his intention of allow for a referendum on the status of east Timor. For the first time, the people of East Timor would be able to make their views known in a legitimate process monitored by the United Nations and a secret ballot. This was a very positive step forward and I personally wrote President Habibie commanding this action.

But once again, forces of darkness are conspiring to prevent a referendum from taking place. Paramilitaries, widely believed to be armed and financed by the Indonesian military, are roaming the island, threatening leaders who are calling for independence and terrorizing the population. Tens of thousands of East Timorese have been forced to flee their homes and are hiding out in the hills and forests. Many people continue to die. I enclose for the record a recent article from the Washington Post describing this situation. It is terrifying.

The United Nations mission has been attacked. U.N. monitors are restricted to the capital city of Dili and have not been allowed into the countryside where much of the violence is taking place.

Several months ago, Congress heard the testimony of one young man who survived a massacre in the village of Liquica on April 5-6. He spoke of the violence, intimidation, terror and abuse that was taking place at the hands of the pro-integration paramilitary units in Timor. More than 200 people died. He barely survived after being beaten over the head with a concrete block by his attackers. The police and plain clothes members of the Indonesian government stood by and watched this attack take place. I enclose a copy of his testimony for the record.

The Bereuter amendment condemns paramilitary violence in East Timor, urges the immediate disarmament of all paramilitary units and urges that international human rights monitors be given free and open access in order to prevent violence in the weeks leading up to the United Nations sponsored referendum.

This amendment is very, very important. Indonesia must get the message that its relationship with the United States will not be fully restored until a free and fair referendum takes place in East Timor.

For Jakarta, this could be a win/win situation. The recent elections in Indonesia showed tremendous progress and signs of hope. The international community, and the American people, are ready to move forward into a new era of U.S.-Indonesian cooperation.

But, the United States should not fully embrace Indonesia until it does everything possible to comply with the terms of the United Nations agreement set forth earlier this year and cooperate with the United Nations mission in East Timor (UNAMET).

The military leaders in Indonesia must recognize that the people of East Timor have a legitimate right to peacefully make their views known about their political future. The Indonesian military must become a force for peace, rather than violence.

Personally, I strongly oppose the resumption of a cooperative military relationship between the U.S. and Indonesia until there is a free, fair and bloodless referendum in East Timor. Congress has denied Indonesia the right to participate in the International Military Exchange Training Program (IMET) and the Joint Combined Exchange Training Program (JCET) because of its concern about ABRI's role in East Timor. We did this over the objections of the administration. I, and I know many of my colleagues share this view, do not support resuming either of these programs until after the referendum takes place.

This message must be relayed regularly and forcefully by high-ranking administration officials. I enclose for the record a copy of my recent letter to Stanley Roth urging him to visit East Timor before the referendum. I have suggested that he take with him a high-ranking military officer, such as Commander in Chief of the Pacific Fleet Admiral Blair, so that there is no doubt in the mind of the General Wiranto and the rest of the Indonesian military about our intentions. The message must be clear: there will be military cooperation between the U.S. and Indonesia until a free and fair referendum takes place in East Timor.

This amendment is a step in that direction. I support the Bereuter amendment and urge my colleagues to vote in favor of it.

[From the Washington Post, July 20, 1999]

#### THOUSANDS FLEE HOMES IN E. TIMOR

(By Keith B. Richburg)

FAULARA, INDONESIA.—Army-backed militias have forced tens of thousands of East Timorese villagers from their homes—shoving some over the border into other parts of Indonesia—in a campaign apparently aimed at influencing the outcome of next month's United Nations-sponsored referendum on independence for the territory.

The United Nations, human rights groups and aid agencies have estimated that between 40,000 and 60,000 people have been driven from their homes, with thousands being held in town centers as virtual hostages to the militias, who hold indoctrination classes instructing them to vote against independence. The militias have confiscated radios to ensure that the villagers have no access to outside information about the ballot, say U.N. officials, aid workers and some of the displaced people.

Some of the people have fled into the surrounding hills and forests where they are suffering from lack of food and medicine and outside the reach of aid agencies. Many of those in the forests and camped along roadsides said they fled after being told they would be killed if they did not join the militia, known in this area as the Besi Merah Putih (BMP), which means Red and White Iron, after the colors of the Indonesian flag.

"They came and said you all have to become Besi Merah Putih or you die," said Laurendo, 28, interviewed along the road in the Sarai area in the western portion of the territory, which is now home to about 3,500

displaced people. "Some joined, because they didn't want to die. Some ran into the hills. Others were killed. They just killed them right there, and left the bodies for others to collect."

Ian Martin, head of the U.N. mission in East Timor, known as UNAMET, said the issue of displaced people is one of the biggest hurdles to overcome in ensuring a free and fair vote next month.

He said they numbered "ten of thousands. The nature of the problem is such that you can't hope to put a number on it."

Another relief agency, whose officials asked that their names and organizations not be published, put the number of displaced at "58,000 or more," including 11,000 who have sought refuge in the territory's capital, Dili.

The three western districts where the BMP holds sway are East Timor's most populous provinces. The militias rule with virtual impunity here, and U.N. workers have been attacked and threatened. And it is here that the anti-independence militias have threatened to carve off the western provinces and partition the territory, if East Timor votes for independence.

Last May, Indonesia signed an agreement at the United Nations setting up the August referendum that most analysts say is likely to lead to approval of independence, almost 24 years after Indonesian troops invaded the territory and began a violent occupation that has killed about 200,000 people. But even while agreeing to hold the ballot, the Indonesian military since the beginning of the year has been arming and supporting as many as 13 militia groups like the Red and White Iron, which have been terrorizing and trying to intimidate people into voting to remain a part of Indonesia.

"On the face of it, it seems they want to force people to vote for autonomy [and against independence], so they use violence, terror, even money," said Anicetus Gutteres Lopes, a Timorese lawyer who heads the Legal Aid, Human Rights and Justice Foundation in Dili.

Gutteres said his group has data putting the number of displaced people as high as 60,000. "People are unable to stay in one location," he said. He also said his office has received consistent reports of displaced people, mostly women, children and the elderly, who have been forced out of East Timor, across the border to the town of Atambua, in West Timor, which is part of Indonesia. The men, he said, "are left behind and forced to join the militia."

Villagers appeared to confirm reports of a campaign to prevent large numbers of East Timorese from voting. Santiago, 20, wearing a ripped white T-shirt, shorts and a herded-band, and armed with a machete, recalls how 30 people from his village were headed away—including his mother and father.

"They took them away in an army truck," he said. "All the men were killed. Only the women and old people were spared." He said the militiamen told them their relatives were being moved across the border. And now Santiago and his friend, Maumeta, where standing along the road, on watch for any sign of militiamen approaching.

Dan Murphy, an American doctor working in Dili, was on the only aid convoy that went into the area to find displaced people. The convoy, including several U.N. vehicles, was attacked by a militia outside Likisia on the return trip. "The militias destroy any radio," he said. "You've killed or punished if you listen to a radio. The only information they want you to have is what they tell you."

"Western [East] Timor is decimated," Murphy said. "The entire population has just spread, running through the jungles . . . You

can argue about the numbers, but the fact is, the population has been decimated."

A trip to the region by three journalists confirmed the extent of the depopulation. Dozens of houses have been burned to ruin along a 30-mile stretch of road between the towns of Likisia and Sarai. The area now seems largely empty of people.

One village, called Guico, appeared especially hard hit; all that remained from a militia attack were the frames of buildings and a few collapsed corrugated tin roofs. On the wall of one burned-out shell of what may have been a guard shack, a scrawled line of graffiti reads: "Goodbye, Guico—you are a village that will always be in my memory."

Some who fled have become so hungry and weak after months in hiding that they have begun the trek back home, despite the risk of encountering the militia. This reverse movement is what aid groups and others say has made a precise count of displaced people difficult.

The journalists last week encountered a group of 11 families making the return trip, after hiding in the forest since February. They came along the road with their belongings tied to their backs, piled in wheelbarrows, and strapped on horseback—plastic containers and wicker mats, machetes for cutting wood and a few burlap sacks.

Among the group was a 28-year-old woman named Akalina, traveling with her husband, and a 1-month old baby who was listless and underweight.

"If we stayed in the forest any longer, we wouldn't have enough to eat," she said.

U.N. Secretary General Kofi Annan decided to allow voter registration to begin July 16 despite the problem of the displaced people. Even taking the lowest estimates, they represent more than 10 percent of the voting population of around 400,000.

To make sure the displaced are not left out, the world body is considering mobile voting registration teams that will seek them out. If they have lost their identity cards or other documents, the refugees will be able to sign an affidavit when they register.

In addition, the Japanese government has given 2,000 portable radios to UNAMET, and David Wimhurst, the U.N. spokesman in Dili, said some of those will be allocated to the displaced people.

For the moment, the displaced people here at Faulara are interested mainly in survival, and that means staying alert, being ready to move when necessary, and keeping one step ahead of the militias.

#### MASS KILLING IN LIQUICA

##### INTRODUCTION

First I would like to express my sincere gratitude to the people and government of the US for this invaluable opportunity to give a testimony about the suffering experienced by the people of Timor Leste.

My name is Francisco de Jesus da Costa. I am one of the victims and witnesses of the massacre committed by the Indonesian Military (TNI) in Liquica who managed to escape death.

Before the bloody incident, the TNI and the paramilitary had engaged in various forms of violence such as intimidation, terror, abuse, and killing in Liquica. They perpetrated these horrible acts to pressure and coerce people to choose the autonomy plan offered by the Indonesian government. The targets of this terror and killing are the leaders of the pro-independence movement and their followers. The terror had created an atmosphere of intense fear among the community and caused waves of refugees in different numbers to look for a safer place to live. Usually the people feel more secure in the churches.

In sub-district Liquica where I come from, the terror reached its peak with the mass killing on April 6, 1999. Before I come to the main part of my testimony, I'll describe the incident on April 5, 1999 which caused seven people to die.

## A. 5 APRIL 1999

The militia which is based in Maubara village, about 15 kilometers from the town of Liquica, attacked the pro-independence people and their leaders in Liquica. At the border of Liquica and Maubara they encountered the pro-independence people. In this clash the TNI and the militia killed two civilians and injured seven others.

At 09:00 AM the militia backed by the TNI moved toward Liquica town and along the way they terrorized just about everybody they encountered.

Around 02:00 PM they arrived in Liquica town and they were accompanied by Indonesian troops who sent random shots. This action terrorized the population and made some of them flee to the residence of Father Rafael and some others ran away to the jungle to save themselves. About 1000 people gathered at the Father's residence.

An hour later the TNI and paramilitary troops terrorized the whole town of Liquica by burning people's houses, taking way the vehicles owned by the supporters of independence and other forms of violence.

Around five in the evening, the paramilitary and the TNI killed a man, Laurindo (48) and his son, Hermínio (17), and then they took their car to terrorize other people in the town. After committing this atrocious act, they killed another two civilians at the house of the village chief of Dato. Around seven in the evening they kidnapped another man, Hermínio do Santos (38), a worker at the Public Water Office, and killed him later on at night.

## B. 6 APRIL 1999

At 06:00 AM the Red and White Iron Rod (BMP) militia began to launch provocation and terror against the refugees at the residence of Father Rafael dos Santos.

Around 8:30 AM the BMP paramilitary threw stones at the refugees gathering inside the priest residence and this caused two people injured. This act continued until around 11:00 AM.

After that one of the leaders of the militia, Eurico Guterres, came to see the priest and offered a peaceful solution. The priest took the offer. Eurico then went to pass on the message about the agreement to the leader of the BMP, Manuel Sousa, and the head of Liquica district, Leonito Martins. It turned out that both Manuel Sousa and Leonito Martins rejected the agreement made between the priest and Eurico Guterres.

Around 12:30 PM four trucks full with soldiers and two cars with police from the special force Mobil Brigade came to the area. The military were stationed at the local army headquarters (Kodim), while the police were around the location of incident.

At 1:30 PM the police attempted to drive away the militia troops from the surrounding of the priest's residence but the militia ignored it. They showed their insistence to attack us at the house.

Around 2:00 PM the militia with the support of the plain-clothes members of the Indonesian army attacked the refugees in the house of Father Rafael. The plain-clothes military shot the people from outside the fence of the priest's house, while the BMP militia rushed into the residence. They started to beat, stab and hack the people inside the priest's house. The police threw some tear gas bomb at the thousands people. The effect of this tear gas benefited the militia because they could easily butcher the refugees. Meanwhile the plain-clothes military

continued to help the militia by shooting at the hundreds of people who could not get into the priest's house because it was jammed with paniked people. This horrifying attack continued until 5:30 PM. The Police did not do anything toward the militia who slaughtered the people.

Along with some other people, I hid in the priest's dining room during the killing outside. Around five in the afternoon I was forced to go out to save myself. At that moment the militia beat me with a concrete block and jabbed my head. Later on I realized that there were about six wounds in my head. I was very lucky that I could escape death because a police friend whom I happened to know saved me.

When I was outside I saw dead bodies scattered on the ground, children, women, young and old people. I was walking among those corpses. I estimated that there were about 200 bodies at that time.

The police who saved me took me to the Mobil Brigade vehicle and I was taken to the house of the district head with more than 30 people who were injured. We received an emergency treatment from a nurse at the house of the sub-district head. We were coerced to promise to choose autonomy during the ballot. The sub-district head ordered us to raise the red and white flag once we returned to our house. I returned to my house but the situation was so unsafe that I decided to stay for the night at the house of the policeman. On Thursday I went to Dili to get treatment for my wounds.

The people who were still alive and wounded were taken to various places, including the sub-district and district military headquarters, the police office and the house of the district head. While the dead bodies were taken away by the military vehicles and thrown out in unknown place. Until now those corpses are not yet returned to their families for proper burial.

From the above story I want to emphasize several things:

1. The Liquiça incident was a mass killing of unarmed civilians. This massacre was committed by the Indonesian Military.

2. It can be said that the Indonesian military was both the brain and the actor of the massacre. They openly supported the militia.

3. According to an Indonesian military official, five people died in this massacre. The church (Bishop Belo) said that 25 people died. But, to me who escaped the massacre and witnessed it as well, I doubt the numbers they announced. I believe that more than 200 people died on that day.

4. None of the bodies of the victims have been returned to their families for proper burials.

5. All the brutal actions perpetrated by the militia and the Indonesian troops, whether it be terror, intimidation or massacre, are intended to threaten the people to choose integration with Indonesia or autonomy under Indonesian rule.

In this golden opportunity I would like to pass on some demands to the international community and to the government and the people of the US:

1. We call for the UN and especially the US government, to pressure the Indonesian government and the TNI to remove the weapons they supplied to the militia who committed terror, intimidation and killing of the unarmed civilians in Timor Leste.

2. We demand that the U.S. government as the member of the UN Security Council to be more active in pressuring the Indonesian government and its military to create a safe and secure condition for carrying out the ballot in Timor Leste this coming August.

3. We demand that the US government pressure the Indonesian government and its military forces to respect the rights of the East Timorese to self determination.

Hereby our testimony to the people and government of the US. Again thank you very much for your kind attention.

My best regards, Francisco de Jesus da Costa.

—  
JUNE 23, 1999.

Hon. STANLEY ROTH,  
*Assistant Secretary, East Asian and Pacific,  
U.S. Department of State, Washington, DC.*

DEAR AMBASSADOR ROTH: I received a briefing from my staff about the meeting in Representative Frank's office. I appreciate your taking time to come up to the Hill to discuss issues related to East Timor and apologize for not being there. I was in an Appropriations Committee markup. My staff informed me that meeting was very useful and that the administration seems to be more proactive in protesting the violence and pushing for an international presence in East Timor. I command you for your leadership.

We really cannot do too much to encourage a free and fair referendum in East Timor. People are dying, as you know well, and we must not let up the pressure before the vote. I think it may be beneficial for you to visit East Timor before the referendum and to take with you a high-ranking military flag officer such as Admiral Dennis Blair, Commander-in-Chief of the U.S. Pacific Command, Lieutenant General Edward P. Smith, commanding general of the U.S. Army Pacific region or another comparably ranked official.

I am pleased that U.S. military officials and high-ranking administration officials have been talking to General Wiranto and others about Indonesian military abuses in East Timor. I think a visit by you and a military officer at this time would help reinforce that message and let them know, again, how important a free and fair referendum, without violence and intimidation, is to the United States government.

Thank you again for taking time to meet with us. Best wishes.

FRANK R. WOLF,  
*Member of Congress.*

Mr. McGOVERN. Mr. Chairman, I rise in strong support of the Bereuter amendment on East Timor. This tiny country, so long repressed, is facing an historic moment to determine its own future, but only if the Government and military of Indonesia allow for free and fair elections to take place at the end of August. It is critical that Congress express its support for the upcoming plebiscite on independence or autonomy in East Timor, and presses the Indonesian government to remove Indonesian military forces from East Timor, disarm anti-independence paramilitary groups and keep them from interfering with a free and fair vote.

Last week, on Tuesday, July 135, the United Nations Security Council called upon Indonesia to urgently improve security in East Timor where violence threatens to halt the U.N.-sponsored August plebiscite. United Nations Secretary General Kofi Annan has already had to postpone the ballot once from August 8th to August 21st. The start of voter registration was pushed back from Tuesday, July 13th, to Friday, July 16th, because of violence that included militia attacks against United Nations staff and observers.

On Wednesday, July 14th, U.S. Assistant Secretary of State for Asian Affairs Stanley Roth warned the Indonesian government about the consequences of failing to bring under control the pro-Jakarta militias that have killed scores of civilians and attacked U.N. personnel.

According to the U.S. Catholic Conference Office of International Justice and Peace, the situation in East Timor has sharply deteriorated in recent months, with hundreds killed in paramilitary violence aimed at disrupting the referendum. As emphasized in a June 10, 1999 statement, Archbishop McCarrick, Chairman of the USCC International Policy Committee said: "Thus far this year, the people of East Timor have experienced a level of violence not seen since the 1970s when Indonesian forces invaded and annexed the territory. Rampaging groups of armed militias have committed numerous atrocities upon mostly unarmed, pro-independence communities and individuals \* \* \* On April 6, dozens of people were shot and hacked to death at the Catholic church in Liquica, a massacre Bishop Carlos Ximenes Belo of Dili has likened to that at the Santa Cruz Cemetery in 1991 \* \* \* Throughout the territory, armed members of the dozen or so local militias that have sprung up in the months after B.J. Habibie became president of Indonesia a year ago have waged a relentless campaign of intimidation and violence directed at those thought to favor independence."

Clearly a campaign of violence, of intimidation, of terror is being fostered by the Indonesian military and anti-independence paramilitary groups operating inside of East Timor. Over 40,000 East Timorese have fled their homes and farms, raising again the specter of hunger that devastated much of the island in the late 1970s. While some of the internally displaced persons are in centers assisted by the Catholic Church's CARITAS workers, many are without any help and need the protection and relief that could be provided by the international committee of the Red Cross, if it were allowed to enter in sufficient numbers.

Increased international pressure is urgently needed to address this situation, both to provide relief and an international presence to diminish the attacks and violence by paramilitary groups, which are acting with the support and tolerance of the Indonesian military. United Nations monitors have been attacked and not allowed to travel outside of Dili into the countryside. Unless the violence is brought under control and the militias disbanded, the conditions essential for a fair and free vote will be seriously lacking.

I want to thank the gentleman from Nebraska [Mr. BEREUTER] for bringing this amendment to the floor of the House today. I also want to thank Congressmen PATRICK KENNEDY and RICHARD POMBO who coordinate the Portuguese Issues Caucus for keeping the East Timor situation in the forefront of Congressional advocacy and supporting human rights, democracy and self-determination for suffering people.

The United States government and the Congress must do everything possible to ensure this historic moment is not lost. The East Timorese people have a right to determine their own destiny through a free and fair ballot on autonomy or independence.

I urge my colleagues to support the Bereuter amendment.

Mr. BEREUTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The question is on the amendment offered by the gentleman from Nebraska (Mr. BEREUTER). The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider Amendment

No. 26 printed in part B of House report 106-235.

AMENDMENT NO. 26 OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 26 offered by Mr. GOODLING:

Page 84, after line 16, insert the following new title:

**TITLE VIII—PROHIBITION ON ASSISTANCE TO COUNTRIES THAT CONSISTENTLY OPPOSE THE UNITED STATES POSITION IN THE UNITED NATIONS GENERAL ASSEMBLY**

**SEC. 801. PROHIBITION ON ASSISTANCE TO COUNTRIES THAT CONSISTENTLY OPPOSE THE UNITED STATES POSITION IN THE UNITED NATIONS GENERAL ASSEMBLY.**

(a) PROHIBITION.—United States assistance may not be provided to a country that consistently opposed the United States position in the United Nations General Assembly during the most recent session of the General Assembly.

(b) CHANGE IN GOVERNMENT.—If—

(1) the Secretary of State determines that, since the beginning of the most recent session of the General Assembly, there has been a fundamental change in the leadership and policies of the government of a country to which the prohibition in subsection (a) applies, and

(2) the Secretary believes that because of that change the government of that country will no longer consistently oppose the United States position in the General Assembly,

the Secretary may exempt that country from that prohibition. Any such exemption shall be effective only until submission of the next report under section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 2414a). The Secretary shall submit to the Congress a certification of each exemption made under this subsection. Such certification shall be accompanied by a discussion of the basis for the Secretary's determination and belief with respect to such exemption.

(c) WAIVER AUTHORITY.—The Secretary of State may waive the requirement of subsection (a) if the Secretary determines and reports to the Congress that despite the United Nations voting pattern of a particular country, the provision of United States assistance to that country is necessary to promote United States foreign policy objectives.

(d) DEFINITIONS.—As used in this section—

(1) the term "consistently opposed the United States position" means, in the case of a country, that the country's votes in the United Nations General Assembly coincided with the United States position less than 25 percent of the time, using for this purpose the overall percentage-of-voting coincidences set forth in the annual report submitted to the Congress pursuant to section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991;

(2) the term "most recent session of the General Assembly" means the most recently completed plenary session of the General Assembly for which overall percentage-of-voting coincidences is set forth in the most recent report submitted to the Congress pursuant to section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991; and

(3) the term "United States assistance" means assistance under—

(A) chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund),

(B) chapter 5 of part II of that Act (relating to international military education and training), or

(C) the "Foreign Military Financing Program" account under section 23 of the Arms Export Control Act.

(e) EFFECTIVE DATE.—This section takes effect upon the date of the submission to the Congress of the report pursuant to section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, that is required to be submitted by March 31, 2000.

The CHAIRMAN pro tempore. Pursuant to House Resolution 247, the gentleman from Pennsylvania (Mr. GOODLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

I offer a very common sense amendment. It basically says that if one cannot vote with us 25 percent of the time in the United Nations, not 50, not 75, but 25 percent of the time in the United Nations, we do not send any military aid.

Now, it is sheer arrogance for Members of Congress to say to the American public that we will send arms to countries who do not believe in the importance of human rights, who do not believe in freedom and democracy, who do not believe in anything that we believe in the United States, and we will send military arms so that they, in fact, can use them back against our own men and women. It is just as simple as that.

Now, there are people who are going to say, oh, we are targeting this country; we are targeting that country. I am not targeting any country. It is not retroactive. I am telling them up front, in advance, it is not retroactive, so we are not targeting any country. Then they will say, well, the amendment would cut off millions of dollars of development assistance to needy people around the world. Nonsense. It does not touch humanitarian aid. It does not touch developmental assistance. It is strictly military assistance.

The next thing they will say is we will tie the President's hand in the conduct of foreign policy. Nonsense. There are waivers in there. If the President believes it is in our best interest to do what he believes is important, the waiver is there, and he can do it.

Then we will hear that we are only considering a select number of votes. Again, we are considering all votes except consensus votes in the United Nations.

So I cannot imagine anybody being able to tell the American people that we are so arrogant that we will spend their tax money to send military arms to rogue nations, to nations who are going to use them back against us, to nations who support terrorism around the world. It is not retroactive; it is up front. Either they can find a way to

agree that 25 percent of the time we are right, or they get no military aid.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Is the gentlewoman from Georgia (Ms. MCKINNEY) opposed to the amendment?

Ms. MCKINNEY. Yes, I am, Mr. Chairman.

The CHAIRMAN pro tempore. The gentlewoman from Georgia is recognized for 5 minutes.

Ms. MCKINNEY. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. ACKERMAN).

(Mr. ACKERMAN asked and was given permission to revise and extend his remarks.)

Mr. ACKERMAN. Mr. Chairman, oh, that I wish it was as simple as the proponent of the amendment suggests. This is not a simple amendment. This is plain and simple and surely an amendment to bash India and another attempt to do that in a long series of failed attempts over the last several years.

Sure, it would be easy and nice to say well, they should vote with us at least 25 percent of the time at the United Nations. Well, guess what? India does that. Mr. Chairman, 77 percent of the votes in the United Nations, 70 percent of the time that they have an issue, it is done by consensus, with the agreement of India, along with the United States and the other people represented in the United Nations. What the gentleman refers to as only some recorded votes are quite different than all of the matters considered by the United Nations.

Votes in the United Nations on U.S. aid should not be used to reward somebody in order to bribe them to vote the way we think. India is a thriving democracy, the world's largest democracy.

In addition to that, this would be a terrible time to send that message. This would ironically reward Pakistan, that has just invaded India's side of the line of control in Kashmir and Jammu. When India has exercised complete constraint as the world's newest nuclear power and handled itself admirably and appropriately in the eyes of the whole international community, what a horrible message for us to send out now. India has been our friend; they are progressing as a democracy. The gentleman's amendment would cut off even the economic support fund, if he reads his own amendment, and that would be a terrible thing to do.

Mr. GOODLING. Mr. Chairman, I yield 1½ minutes to the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Chairman, I want to speak in support of the amendment of my good friend, the distinguished gentleman from Pennsylvania (Mr. GOODLING) which, as he has explained, would withhold military assistance from countries that do not support the U.S. position in at least 25 percent of the votes before the United Nations General Assembly. Let me

stress that humanitarian aid and development assistance would not be affected.

Many of my constituents question the amount of money the U.S. spends on foreign aid anyhow, including the billions we send to the United Nations. They question why we continue to send money to an organization wherein many of the recipients of that aid routinely vote against U.S. interests. And according to the statistics compiled by the State Department, that is the case.

While the United States sends military assistance to fewer nations who oppose our interests in the U.N. than it did just a few years ago, we have further to go. If we are cutting popular programs at home to remain under budget caps, the American people should be able to expect that foreign aid takes a fair share of its cuts. The Goodling amendment is one excellent way to prioritize our foreign aid dollars, and I urge its adoption.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania (Mr. GOODLING) has 2 minutes remaining; the gentlewoman from Georgia (Ms. MCKINNEY) has 3½ minutes remaining.

Ms. MCKINNEY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, this is nothing more than a slap in the face to India. The bottom line is, when did anyone decide that the votes in the general assembly, which many people in this body consider almost irrelevant, are a basis for deciding whether or not a country is a friend or a foe of the United States? I do not need to mention this again, but the gentleman's amendment refers to recorded votes. If we count all votes in the general assembly, India votes with the U.S. 84 percent of the time. If we count important votes by the State Department, India is with us 75 percent of the time. This is just a way to configure largely irrelevant votes in the general assembly to try to say that India is bad.

Well, my friends, India and the United States have a lot in common. We have a lot of business interests and trade interests in India; and India, in fact, in the last few weeks if we look at what has happened in Kashmir, India was attacked, Pakistan was the aggressor, and the United States and the President clearly pointed out that Pakistan should withdraw and that India showed restraint and cooperated with the United States in that conflict.

This is not the time to send a vote that refers to these irrelevant votes in the general assembly. Oppose the Goodling amendment.

Mr. Chairman, I believe this amendment is unnecessary and potentially destructive to U.S. interests internationally. According to the amendment, the sole method for determining how pro- or anti-U.S. a country is would be how the country votes in the United Nations General Assembly. This is a largely irrelevant way of determining who our friends and foes are. Under the Goodling Amendment, all of our other diplomatic, political, strategic or eco-

nomic interests would be sacrificed to the mostly symbolic indicator of General Assembly votes—often on issues of peripheral importance.

In practical terms, this amendment would serve as a symbolic slap at India, the world's largest democracy, a country that is moving forward with historic free-market reforms that offer tremendous opportunities for American trade and investment. At a time when Congress is working on a bipartisan basis to lift the unilateral sanctions imposed on India last year, enactment of this provision would set back much of the progress we have been making. It would be seen as a purely punitive action, creating an atmosphere of distrust that would make it much more difficult for us to achieve vitally important goals.

Mr. Chairman, the vast majority of Resolutions adopted by the General Assembly are adopted by consensus. When you count those votes, India votes with the U.S. 84 percent of the time. If you look at the votes identified as "important" by our State Department, including the consensus votes, India is with us 75 percent of the time.

India also cooperates with the U.S. in a wide range of other U.N. activities, ranging from health issues to cultural and scientific matters. India has sent significant troop contingents to various peace-keeping missions around the world, serving as a partner to further our mutual interests.

But the U.N. is only a small part of the story of how the United States and India work in partnership and friendship in ways that help the people of both of our countries. Passage of this amendment would create a poisonous atmosphere that would set back these other efforts.

Most of the other countries that would be affected by this amendment are already barred from receiving U.S. assistance under various sanctions, many of which have been on the books for decades. Thus, realistically, we're talking about cutting \$130,000 in IMET funding to one country, India, a democracy that shares many of our values and interests and works with us in countless positive ways.

Mr. Chairman, India and the United States have a great stake in working for improved relations. We should focus on the significant issues that unite us, and not the minor disagreements. I urge my colleagues to defeat the Goodling Amendment.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I support the Goodling amendment. It is about time that we stop giving our money and support to countries that in crunch time do not support us. Reports today show, for example, that Russia has given some of our foreign aid to Iran to develop a missile that could hit America. I think the gentleman from Pennsylvania (Mr. GOODLING) is on target. We have the United Nations; we have recorded votes. Those recorded votes are of significance and in significant moments those countries that get our money that are not with us should think twice.

I support this amendment, and I think our policies are foolish and maddening, that we continue to buoy up our opposition.

I was elected to the Congress of the United States, not the United Nations; and if these countries on recorded votes are not with us, then by God, we should not be with them financially.

Ms. MCKINNEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, our security assistance ought to be about U.S. security and not about the United Nations. This amendment unfortunately establishes an iron link between a country's voting pattern in the U.N. and whether or not it could receive security assistance from our country. While I understand the value of working to obtain greater support for our positions in the general assembly, this is the wrong way to go about it. We should give security assistance based on whether or not this assistance contributes to the security of the United States. That decision has absolutely nothing to do with how a country votes at the U.N.

If this amendment passes, we could be restricted in providing security assistance even when it makes our citizens safer. That makes absolutely no sense.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania (Mr. GOODLING) has 1 minute remaining; the gentlewoman from Georgia (Ms. MCKINNEY) has 1½ minutes remaining.

Mr. GOODLING. Mr. Chairman, I yield myself the balance of my time.

Let me make it very clear, we are talking about the security of the United States. Let me talk about some of the votes. U.N. embargo of Cuba. How about coercive economic measures. How about International Atomic Energy Agency report. How about nuclear testing in south Asia. How about a new agenda for nuclear disarmament, human rights in Iraq, in Iran, human rights in former Yugoslavia, human rights in Kosovo. All of those deal with our security. There is no question about it.

Again, there is a waiver there. If it is in our interests in the United States in order to do something contrary to this amendment, the waiver is there, the President uses that waiver, and the Secretary of State uses that waiver.

We are talking only about military assistance which someday may come back to kill American young men and women, and we are arrogant enough in the United States Congress to say, we will take taxpayers' money and do with it whatever we want. We do not care what the public has to say.

I do not know what country might be caught in a web because it is not retroactive, and my minister, as a matter of fact, is a wonderful gentleman from India.

Ms. MCKINNEY. Mr. Chairman, I yield the balance of my time to the gentleman from Connecticut (Mr. GEJDENSON).

□ 1330

Mr. GEJDENSON. Mr. Chairman, this is a particularly ill-advised amend-

ment. What it would do would handcuff the administration in dealing with the most populous democracy on this planet.

Some time in the last month or this month, this world becomes a 6 billion person planet. We are talking about a country that has 1 billion people. We are talking about American national interests, and when we look at the United Nations most of what happens is by consensus. Do not hamstring this or future administrations by a standard that really does not measure cooperation.

In the United Nations, most of what happens is by consensus. This is a bad amendment that would harm the relationship we have with the most populous democracy on this planet. Think of a challenge of running a democratic government with a billion people on it. It is a bad amendment. It ought to be defeated.

I urge my colleagues to join those of us who recognize the folly in this amendment to reject it and reject it strongly. I commend those who have spoken against it.

Mr. ACKERMAN. Mr. Chairman, I ask unanimous consent for 2 additional minutes divided equally so that we could afford the distinguished chairman of the full committee one of those minutes.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GEJDENSON. Mr. Chairman, I yield to the gentleman from New York (Mr. GILMAN), the chairman of the committee.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Chairman, I rise in opposition to the amendment offered by the distinguished gentleman from Pennsylvania (Mr. GOODLING). While well-intentioned and aimed at protecting our interests at the U.N., its implementation would only harm our ability to conduct multilateral diplomacy. With its arbitrary targets for foreign aid cutoffs for those countries failing to support our positions in the General Assembly votes, it is likely to end up undercutting our relations with key nations in South Asia and Latin America.

At a time when we are trying to curtail proliferation around the world and advance our vital interests, such as stopping the flow of narcotics into the United States, we should not put any additional roadblocks in the way of our diplomats trying to accomplish these important objectives.

In the near future, we will be attempting to put a U.N. reform package together whereby we will be paying our arrearages to the U.N. in return for the implementation of significant reforms inside the world body and the U.N. specialized agency.

I am concerned that the adoption of this amendment would undercut our

ability to achieve these long-sought reforms. In short, I believe that its practical effect is penny-wise and pound-foolish.

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Chairman, I rise in opposition to the Goodling amendment.

Mr. GOODLING. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me again emphasize that all this amendment says is that they have to vote with us 25 percent of the time in the General Assembly if they want our military aid.

Otherwise, if they cannot vote with us 25 percent, obviously along the line they are going to be using that same military aid against us or they are going to give it to some rogue nation to use it against us.

Let me also remind my colleagues that the waiver is big enough that the President or the Secretary of State can drive a truck through it. So if it has anything to do with protecting our security, he is protected. But for goodness sakes, respect for human rights, respect for freedom, democracy, respect for individual rights, I cannot imagine how we could possibly vote against that.

Let us not be arrogant and tell the American public we do not care what they think about how we spend their taxpayers dollars. We want to tell them that, yes, we do have respect for what they believe and what we believe is we should not support any rogue nation who is going to take care of us at a later time or could, and we are thinking about our national security, not someone else's. It is our money; not someone else's.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. GOODLING).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. GEJDENSON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 247, further proceedings on the amendment offered by the gentleman from Pennsylvania (Mr. GOODLING) will be postponed.

It is now in order to consider amendment No. 27 printed in part B of House Report 106-235.

AMENDMENT NO. 27 OFFERED BY MR. CONDIT

Mr. CONDIT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 27 offered by Mr. CONDIT:

Page 84, after line 16, insert the following:

**TITLE VIII—FOREIGN ASSISTANCE REPORTING REFORM**

**SEC. 801. SHORT TITLE.**

This title may be cited as the "Foreign Assistance Reporting Reform Act of 1999".

**SEC. 802. PROHIBITION ON FOREIGN ASSISTANCE AND CONTRIBUTIONS UNLESS CERTAIN REPORTING REQUIREMENTS ARE MET.**

Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351) is amended—  
(1) by redesignating the second section 620G (as added by section 149 of Public Law 104-164 (110 Stat. 1436)) as section 620J; and

(2) by adding at the end the following:

**"SEC. 620K. PROHIBITION ON FOREIGN ASSISTANCE AND CONTRIBUTIONS UNLESS CERTAIN REPORTING REQUIREMENTS ARE MET.**

"(a) PROHIBITION.—Notwithstanding any other provision of law, United States assistance may not be provided to a foreign country, and contributions may not be provided to an international organization, for a fiscal year unless—

"(1) such country or organization, as the case may be, prepares and transmits to the United States a report in accordance with subsection (b); and

"(2) the President transmits each such report to the Congress.

"(b) REPORTS TO THE UNITED STATES.—A foreign country that seeks to obtain United States assistance or other international organization that seeks to obtain a United States contribution, shall prepare and transmit to the United States a report that contains—

"(1) the amount of each type of United States assistance or contribution sought;

"(2) the justification for seeking each such type of assistance or contribution;

"(3) the objectives that each such type of assistance or contribution is intended to achieve;

"(4) an estimation of the date by which—

"(A) the objectives of each type of assistance or contribution will be achieved; and

"(B) such assistance or contribution can be terminated; and

"(5) a commitment to provide a detailed accounting of how such assistance or contribution was spent.

"(c) DEFINITIONS.—In this section the term 'United States assistance' means—

"(1) assistance authorized under this Act (such as the development assistance program, the economic support fund program, and the international military education and training program) or authorized under the African Development Foundation Act, section 401 of the Foreign Assistance Act of 1969 (relating to the Inter-American Development Foundation), or any other foreign assistance legislation;

"(2) grant, credit, or guaranty assistance under the Arms Export Control Act;

"(3) assistance under the Migration and Refugee Assistance Act of 1962; or

"(4) assistance under any title of the Agricultural Trade Development and Assistance Act of 1954.".

The CHAIRMAN pro tempore. Pursuant to House Resolution 247, the gentleman from California (Mr. CONDIT) and a Member opposed each will control 5 minutes.

The Chair now recognizes the gentleman from California (Mr. CONDIT).

Mr. CONDIT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the goal of my amendment is to increase the amount of information Congress receives about how the U.S. foreign assistance is being spent. Under the amendment, recipients of U.S. foreign aid would be required to file a report with the U.S. on the amount of money they received and justification for this money, the objective of the assistance, and an estimate

of when such assistance will no longer be needed.

This amendment is about transparency. I am concerned that our foreign assistance process be as transparent as possible and that the Congress be held accountable for all U.S. foreign assistance.

Mr. Chairman, I yield to the gentleman from Connecticut (Mr. GEJDENSON) for the purpose of entering into a colloquy to try to resolve some of my concerns.

Mr. GEJDENSON. Mr. Chairman, I share the concerns of my colleague and friend that Congress be provided as much information as possible about U.S. foreign assistance and how it is being spent.

At the beginning of each year, the administration sends up its congressional presentation for foreign operations with the President's annual budget request. This booklet outlines how the administration proposes to spend foreign aid for the upcoming year. The book lists the total amount, the type of aid going to particular countries, a breakdown on how that money is spent and will be used for regional stability and to open markets, expanding U.S. exports, counter-narcotics, et cetera., the guideline for how it will determine whether our foreign aid achieves its goal during that year.

Throughout the year, the agency for international development sends up to the Congress notification to the Hill which indicates any changes as to how foreign aid will be used and the name of the AID contractor if appropriate.

Mr. CONDIT. Reclaiming my time, if I may, Mr. Chairman, I am concerned that we take every possible step to ensure that any funds distributed as foreign assistance is not misspent. I would like to ask my colleague if he could address these concerns.

Mr. GEJDENSON. Mr. Chairman, to ensure that the money is not misspent, AID has personnel stationed in many embassies abroad who work closely with foreign aid recipients, closely monitoring the expenditure of the funds.

Mr. CONDIT. Under the current law, is it the understanding of the gentleman that in the event the U.S. foreign aid is used for purposes other than its original intent, such aid would be terminated?

Mr. GEJDENSON. AID has the authority to suspend its cooperation with an AID grant recipient should it determine the money is not being used for that intended purpose. The matter will then be referred to the Inspector General.

I appreciate the gentleman raising this issue, because I think there are two things that are involved here. One is, he is absolutely correct that like all government expenditures, the elected Members of Congress who do the work on these programs need to spend more time and be more informed of where those expenditures occur.

The agencies have to do a much better job making sure that every Member of Congress, when he or she has a question about how that money is spent, that those answers are presented in a timely manner. Members of Congress should not be left in the dark about these expenditures, and we have to make sure the agencies increase their effort to make sure Members are informed of how those expenditures are monitored.

Mr. CONDIT. I thank my friend, the gentleman from Connecticut (Mr. GEJDENSON), for his explanation, and I look forward to working closely with him and others during the next year to bring about additional transparency and accountability to the foreign aid process.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 29 in part B of House Report 106-235.

AMENDMENT NO. 29 OFFERED BY MR. TRAFICANT, AS MODIFIED

Mr. TRAFICANT. Mr. Chairman, I offer an amendment and ask unanimous consent to modify amendment No. 29 pursuant to the language that has been given to the desk.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 29 offered by Mr. TRAFICANT:

Page 84, after line 16, insert the following:

(a) IN GENERAL.—Funds made available for assistance for fiscal year 2000 under the Foreign Assistance Act of 1961, the Arms Export Control Act, or any other provision of law described in this Act for which amounts are authorized to be appropriated for such fiscal years, may be used for procurement outside the United States or less developed countries only if—

(i) such funds are used for the procurement of commodities or services, or defense articles or defense services, produced in the country in which the assistance is to be provided, except that this paragraph only applies if procurement in that country would cost less than procurement in the United States or less developed countries;

(2) the provision of such assistance requires commodities or services, or defense articles or defense services, of a type that are not produced in, the available for purchase from, the United States, less developed countries, or the country in which the assistance is to be provided;

(3) the Congress has specifically authorized procurement outside the United States or less developed countries; or

(4) the President determines on a case-by-case basis that procurement outside the United States or less developed countries would result in the more efficient use of United States foreign assistance resources.

(b) EXCEPTION.—Subsection (a) shall not apply to assistance for Kosovo or the people of Kosovo.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Part B amendment No. 29, as modified, offered by Mr. TRAFICANT:

Page 84, after line 16, insert the following:

**TITLE VIII—LIMITATION ON PROCUREMENT OUTSIDE THE UNITED STATES**

**SEC. 801. LIMITATION ON PROCUREMENT OUTSIDE THE UNITED STATES.**

(a) IN GENERAL.—Funds made available for assistance for fiscal year 2000 under the Foreign Assistance Act of 1961, the Arms Export Control Act, or any other provision of law described in this Act for which amounts are authorized to be appropriated for such fiscal years, may be used for procurement outside the United States or less developed countries only if—

(1) such funds are used for the procurement of commodities or services, or defense articles or defense services, produced in the country in which the assistance is to be provided, except that this paragraph only applies if procurement in that country would cost less than procurement in the United States or less developed countries;

(2) the provision of such assistance requires commodities or services, or defense articles or defense services, of a type that are not produced in, and available for purchase from, the United States, less developed countries, or the country in which the assistance is to be provided;

(3) the Congress has specifically authorized procurement outside the United States or less developed countries; or

(4) the President determines on a case-by-case basis that procurement outside the United States or less developed countries would result in the more efficient use of United States foreign assistance resources.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN pro tempore. Is there objection to the modification offered by the gentleman from Ohio (Mr. TRAFICANT)?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to House Resolution 247, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think the most amazing thing about some of our foreign aid is that we give money to needy countries and then these needy countries take American money and buy products and goods and services from Japan and other developed nations.

The Traficant language is straightforward. It says if a needy country gets money from Uncle Sam, they shall buy that product within their own country that we are trying to help, but if they do not produce that product or goods, they shall buy it from Uncle Sam.

Now, it does provide for exceptions on a case-by-case basis, where the President could waive this requirement, where the money would not be used efficiently or where there are

other circumstances, but the focus is very straightforward. If someone gets money from Uncle Sam, we do not want them buying a Japanese product. We do not want them buying a product from another developed country when America makes and sells that product at the same competitive and comparable price factor.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Is there a Member in opposition to the amendment?

Mr. BEREUTER. Mr. Chairman, I am not in opposition, but I ask unanimous consent to claim the time in opposition.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just rise to say that the majority has no objection to the amendment of the gentleman from Ohio (Mr. TRAFICANT), and we accept it.

Mr. TRAFICANT. Mr. Chairman, I appreciate the support.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment, as modified, was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 30 printed in House Report 106-235.

AMENDMENT NO. 30 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 30 offered by Mr. STEARNS:

Page 84, after line 16, insert the following:

**SEC. 703. SENSE OF CONGRESS RELATING TO LINDA SHENWICK.**

(a) FINDINGS.—The Congress makes the following findings:

(1) Linda Shenwick, an employee of the Department of State, in the performance of her duties, informed the Congress of waste, fraud, and mismanagement at the United Nations.

(2) Ms. Shenwick is being persecuted by Secretary of State Madeleine Albright and other State Department officials who have removed her from her current position at the United Nations and withheld her salary.

(3) Ms. Shenwick was even blocked from entering her office at the United States Mission to the United Nations to retrieve her personal effects unless accompanied by an armed guard.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that employees of the Department of State who, in the performance of their duties, inform the Congress of pertinent facts concerning their responsibilities, should not as a result be demoted or removed from their current position or from Federal employment.

The CHAIRMAN pro tempore. Pursuant to House Resolution 247, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is pretty simple. I thought for the benefit of my colleagues I would read this to them. Quote, it is a sense of this Congress that employees of the Department of State who, in the performance of their duties, inform the Congress of pertinent facts concerning their responsibilities, should not, as a result, be demoted or removed.

So I think my colleagues should realize that this is a sense of a Congress that is basically protecting whistleblowers.

In this great Nation of ours, we have laws to protect Federal civil servants from political manipulation. We also have Federal laws to protect whistleblowers who, in the performance of their Federal jobs, must report to Congress outside of the official channels within their bureaucracies information pertaining to their work.

Now, we have seen the case of the White House Travel Office, where with great controversy and there was accusations. We have seen the Department of Energy under Secretary Richardson, where whistleblowers were very uncomfortable and threatened. Now I think we have a case again of a dedicated, honest, trustworthy civil servant who has been unfairly and illegally removed from her Federal position.

Mr. Chairman, I am speaking of Ms. Linda Shenwick, a professional State Department employee who has been serving at the U.S. mission at the United Nations since 1987. She has held various positions during her career at the United Nations while becoming a noted budgetary expert on the United Nations finances.

During her employment, Ms. Shenwick has provided a valuable service to the United States Congress by providing to Congress information concerning budgetary reforms at the U.N. and information about waste, fraud and mismanagement there.

□ 1345

Ms. Shenwick has been labeled as a malcontent by the administration, especially within the State Department, because of her decision to perform her job as she saw fit, which required her to notify Congress of budgetary details at the U.N. and to notify Congress of waste, fraud, and mismanagement there.

So, in essence, Mr. Chairman, Ms. Shenwick provided Congress with information that the United Nations and the administration did not want made public. For instance, Ms. Shenwick reported in February of 1993 to her superiors that she had seen pictures of large amounts of U.S. currency stored openly on tables in Somalia.

Her reports were ignored. She then provided Congress with this information, and it later became public in April of 1994 that \$3.9 million of U.N. cash was reported stolen in Somalia.

Now, this report and others like it helped Congress force the United Nations to create an Office of Inspector General to end such fraud and mismanagement as had occurred in Somalia.

Between 1987 and 1994, Ms. Shenwick received the highest personal evaluation, employment evaluation, four times and the second highest once. Her job performance has not been based on political consideration or political favoritism.

In 1992, Ms. Shenwick reported that President Bush's ambassador to the United Nations, Thomas Pickering, had misused government aircraft for personal use and committed other improper activities.

When she began to report problems at the United Nations in 1993, her employment evaluations started to turn negative and the threats that she would be removed from her position began.

Ms. Shenwick has now been forcibly removed from her position at the United States Mission. When she attempted to return to her office, she was banned from entering her own office. When she attempted to collect her personal belongings in her own office, she was told that she would have to be escorted by uniformed and armed security officers.

As of this time, she has lost her Federal position, and her attorneys have notified my office that her salary has been terminated.

So I ask my colleagues this afternoon, how can this happen in our great country to a civil servant who has done such a great job?

The way she has been treated is outrageous and against Federal employment guidelines. We have Federal laws to protect whistleblowers, but somehow the bureaucrats at the State Department have gotten away with this personal vendetta against a Federal employee. It is not right. It is not fair.

My amendment is a simple "sense of the Congress" amendment that states, as I pointed out earlier, that this should not occur. So I urge my colleagues to support my sense of the Congress, do the right thing, add their voice of support for this great public servant.

Mr. GEJDENSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH), and I ask unanimous consent that he be allowed to control that time.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman from Connecticut for yielding me this time.

Mr. Chairman, I rise to express my deep concern about the course of actions that appear to constitute retaliation against Linda Shenwick. In the most recent series of questionable ac-

tions, Ms. Shenwick has been ordered to vacate her office in New York by the close of business—she has already been told to do that—with a directed transfer to another Department of State position.

We believe this action is properly construed as retaliatory and in violation of the Whistleblower Protection Act. Accordingly, I and many other Members, including the gentleman from New York (Mr. GILMAN), the chairman of the full committee, have asked that she be protected and that this proceeding needs to be looked into much more.

I think the amendment of the gentleman from Florida (Mr. STEARNS) certainly puts us on record as being very much against what is happening here.

Let me also say that she has been a whistleblower in a bipartisan way, bringing information to the fore that needs to be brought forward.

One of the things that has galled me in 19 years as a Member of Congress—4 years now and counting as the chairman of the Subcommittee on International Operations and Human Rights—is our inability to get information in a timely and usable form. There is not transparency with this administration. We need to have it. I think the whistleblower needs to be protected rather than retaliated and punished.

So I think the gentleman from Florida (Mr. STEARNS) has done a very, very good thing with his amendment. I hope everybody will support it.

Mr. GEJDENSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there are a significant number of allegations having been made here, and there is a process in place to adjudicate those accusations. That process is presently under way.

The gentlewoman in question has availed herself of legal counsel, and there is presently under consideration by the Office of Special Counsel, an independent Federal agency, a review of this case.

Now, the accusations are what? That she is being removed from her present job. It is true. She is being removed from her present job. Why? Because she got an unsatisfactory review. One of the charges, among others, is that numbers that she provided were simply inaccurate, that she mixed numbers that were preliminary numbers and gave them as final numbers.

So there is a debate here, apparently by some, whether or not this individual carried out her responsibilities in a proper, professional manner. What is the response of Congress? It seems to me the response of Congress ought to be to allow the judicial process to move forward, to allow that review so that we have some facts.

Right now, what we have is the employer saying she is not doing her job, the employee saying I am being persecuted, and we have a Member of Congress rushing to the floor, several, say-

ing, oh, we have got to protect this woman from persecution by the Secretary of State.

First of all, I think it is nonsense that the Secretary of State would be taking her time to go out and go after some staffer based on I do not know what. There is no argument here that there is any personal animosity. There is a debate about whether or not she was doing her job.

It seems to me that we ought to allow the process to go forward and make a determination did she or did she not do her job, did she provide false information, did she then end up in a situation where she had to be removed from her job because she was not doing it.

If that is the case, my understanding is they were not ordered to go in with uniformed and armed police to make this appear as some authoritarian, totalitarian action. She simply had to be escorted by another State Department employee, without guns, without machine guns, without uniforms, to remove her from a job that she was no longer allowed to be at.

Then the State Department did not say, just because she did not do this job well, we do not believe she can ever work again. The punishment was, most people would be happy to get this, we are moving you to Washington to another job. Oh, she says, no, no, no, no. You may be the employer. I may have gotten a bad report. But I do not want to move from New York to Washington. I do not want to leave the U.N.

The gentleman from Florida (Mr. STEARNS) rushes here to the floor, I am sure quite earnestly, with a conclusion that she is being persecuted. It seems to me what we ought to do is allow the judicial process to come back and determine whether or not there was persecution, whether or not she actually did her job. If she did not do her job, maybe then we ought to applaud the action.

Mr. STEARNS. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I am happy to yield to the gentleman from Florida, who I know is earnest in his desire to see justice served.

Mr. STEARNS. Mr. Chairman, this individual got one poor evaluation. But her evaluations before that were outstanding, and one she had was the highest in her department. When she was escorted back, she said, I just want to get my picture frames. I just want to get my personal effects. Oh, no, you have got to have a security armed guard.

Mr. GEJDENSON. Mr. Chairman, reclaiming my time, the gentleman is right. She could go back and get what she wanted. They simply said that a fired employee from a particular job, she is not being fired, she is being moved to another division, that want they wanted to do, for lots of security and other reasons, people are often very unhappy when they lose their jobs, was to make sure that the only

thing she does is remove the items that are personally hers. They had her escorted. Perfectly within the rules.

I urge the defeat of this very bad idea.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). All time for debate has expired.

Mr. STEARNS. Mr. Chairman, I ask unanimous consent for an additional 30 seconds.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. GEJDENSON. Mr. Chairman, I have to object. I think we have discussed this matter enough.

The CHAIRMAN pro tempore. Objection is heard.

The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 247, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 247, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Part B amendment No. 26 offered by the gentleman from Pennsylvania (Mr. GOODLING) and Part B amendment No. 30 offered by the gentleman from Florida (Mr. STEARNS).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 26 OFFERED BY MR. GOODLING

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 26 offered by the gentleman from Pennsylvania (Mr. GOODLING) on which further proceedings were postponed and on which the ayes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 169, noes 256, not voting 8, as follows:

[Roll No. 324]

AYES—169

Aderholt	Bartlett	Blunt	Cook	Green (TX)	Leach	Ose	Skelton
Andrews	Barton	Boehner	Cooksey	Greenwood	Lee	Owens	Slaughter
Armey	Bass	Bonilla	Costello	Gutierrez	Levin	Oxley	Smith (WA)
Bachus	Bateman	Bono	Coyne	Hall (OH)	Lewis (CA)	Pallone	Snyder
Baker	Bilbray	Brady (TX)	Cramer	Hall (TX)	Lewis (GA)	Pascrell	Souder
Barr	Bilirakis	Bryant	Crowley	Hastings (FL)	Lipinski	Pastor	Spratt
Barrett (NE)	Bliley	Burr	Cummings	Hill (IN)	Lofgren	Payne	Stabenow

Burton	Hillary	Rogan	Lowey	Ose	Skelton
Buyer	Hoekstra	Rogers	Luther	Owens	Slaughter
Camp	Hostettler	Rohrabacher	Maloney (CT)	Oxley	Smith (WA)
Canady	Hulshof	Ros-Lehtinen	Maloney (NY)	Pallone	Snyder
Cannon	Hunter	Ryan (WI)	Markey	Pascrell	Souder
Castle	Hutchinson	Ryun (KS)	Martinez	Pastor	Spratt
Chabot	Isakson	Sanford	Mascara	Payne	Stabenow
Chambliss	Istook	Scarborough	Matsui	Pelosi	Stark
Coble	Jenkins	Schaffer	McCarthy (MO)	Phelps	Stenholm
Coburn	Johnson, Sam	Sensenbrenner	McCarthy (NY)	Pickett	Strickland
Collins	Jones (NC)	Sessions	McCullum	Pomeroy	Stupak
Combest	Kasich	Shadegg	McGovern	Porter	Talent
Cox	King (NY)	Sherwood	McIntyre	Portman	Tauscher
Crane	Largent	Shimkus	McKinney	Price (NC)	Thompson (CA)
Cubin	Latham	Shuster	McNulty	Quinn	Thompson (MS)
Cunningham	Lewis (KY)	Simpson	Meehan	Rahall	Thurman
Deal	Linder	Skeen	Meek (FL)	Rangel	Tierney
DeLay	LoBiondo	Smith (MI)	Meeks (NY)	Reyes	Towns
DeMint	Lucas (KY)	Smith (NJ)	Menendez	Rivers	Turner
Diaz-Balart	Lucas (OK)	Smith (TX)	Mica	Rodriguez	Udall (CO)
Dickey	Manzullo	Spence	Millender	Rothman	Udall (NM)
Doolittle	McCrery	Stearns	McDonald	Royal-Allard	Velazquez
Dreier	McHugh	Stump	Miller, George	Royce	Vento
Duncan	McInnis	Sununu	Minge	Rush	Visclosky
Ehrlich	McIntosh	Sweeney	Mink	Sabo	Walsh
Emerson	McKeon	Tancredo	Moakley	Salmon	Waters
Everett	Metcalf	Tanner	Mollohan	Sanchez	Watt (NC)
Fletcher	Miller (FL)	Tauzin	Moore	Sanders	Waxman
Foley	Miller, Gary	Taylor (MS)	Moran (VA)	Sandlin	Weiner
Fowler	Moran (KS)	Taylor (NC)	Morella	Sawyer	Weldon (PA)
Franks (NJ)	Myrick	Terry	Murtha	Saxton	Wexler
Gallegly	Nethercutt	Thomas	Nadler	Schakowsky	Weygand
Gekas	Northup	Thornberry	Napolitano	Scott	Whitfield
Gibbons	Norwood	Thune	Neal	Serrano	Wilson
Gilcrest	Nussle	Tiahrt	Ney	Shaw	Wise
Gillmor	Packard	Toomey	Oberstar	Shays	Wolf
Goode	Paul	Traficant	Obey	Sherman	Woolsey
Goodlatte	Pease	Upton	Olver	Shows	Wu
Goodling	Peterson (MN)	Vitter	Ortiz	Sisisky	Wynn
Graham	Petri	Walden			
Granger	Pickering	Wamp			
Green (WI)	Pitts	Watkins			
Gutknecht	Pombo	Watts (OK)			
Hansen	Pryce (OH)	Weldon (FL)			
Hastings (WA)	Radanovich	Weller			
Hayes	Ramstad	Wicker			
Hayworth	Regula	Young (AK)			
Hefley	Reynolds	Young (FL)			
Herger	Riley				
Hill (MT)	Roemer				

NOES—256

Abercrombie	Danner	Hilliard			
Ackerman	Davis (FL)	Hinchey			
Allen	Davis (IL)	Hinojosa			
Baird	Davis (VA)	Hobson			
Baldacci	Defazio	Hoeffel			
Baldwin	DeGette	Holden			
Barcia	Delahunt	Holt			
Barrett (WI)	DeLauro	Hooley			
Becerra	Deutsch	Horn			
Bentsen	Dicks	Houghton			
Bereuter	Dingell	Hoyer			
Berkley	Dixon	Inslee			
Berman	Doggett	Jackson (IL)			
Berry	Dooley	Jackson-Lee			
Biggert	Doyle	(TX)			
Bishop	Dunn	Jefferson			
Blagojevich	Edwards	John			
Blumenauer	Ehlers	Johnson (CT)			
Boehlert	Engel	Johnson, E. B.			
Bonior	English	Jones (OH)			
Borski	Eshoo	Kanjorski			
Boswell	Etheridge	Kaptur			
Boucher	Evans	Kelly			
Boyd	Ewing	Kildee			
Brady (PA)	Farr	Kilpatrick			
Brown (FL)	Fattah	Kind (WI)			
Brown (OH)	Filner	Kingston			
Callahan	Forbes	Kleckza			
Calvert	Ford	Klink			
Campbell	Fossella	Knollenberg			
Capps	Frank (MA)	Kolbe			
Capuano	Frelinghuysen	Kucinich			
Cardin	Frost	Kuykendall			
Carson	Ganske	LaFalce			
Clay	Gejdenson	LaHood			
Clayton	Gephhardt	Lampson			
Clement	Gilman	Lantos			
Clyburn	Gonzalez	Larson			
Condit	Gordon	LaTourette			
Conyers	Goss	Lazio			
Cooksey	Green (TX)	Leach			
Cooksey	Greenwood	Lee			
Costello	Gutierrez	Levin			
Coyne	Hall (OH)	Lewis (CA)			
Cramer	Hall (TX)	Lewis (GA)			
Crowley	Hastings (FL)	Lipinski			
Cummings	Hill (IN)	Lofgren			

NOT VOTING—8

Archer	Hyde	Peterson (PA)
Ballenger	Kennedy	Roukema
	McDermott	

□ 1419

Messrs. DAVIS of Virginia, HOBSON, PORTMAN, PAYNE, HINCHEY, FOSSELLA, INSLEE, WELDON of Pennsylvania, OWENS, and MICA changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 247, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 30 OFFERED BY MR. STEARNS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 30 offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 287, noes 136, not voting 10, as follows:

[Roll No. 325]

## AYES—287

Abercrombie Goodlatte Peterson (MN)  
 Aderholt Goodling Petri  
 Andrews Goss Phelps  
 Armey Graham Pickering  
 Bachus Granger Pitts  
 Baker Green (TX) Pombo  
 Ballenger Green (WI) Porter  
 Barcia Greenwood Portman  
 Barr Gutknecht Pryce (OH)  
 Barrett (NE) Hall (TX) Quinn  
 Bartlett Hansen Radanovich  
 Barton Hastings (WA) Rahall  
 Bass Hayes Ramstad  
 Bateman Hayworth Regula  
 Bereuter Hefley Reyes  
 Berkley Herger Reynolds  
 Berry Hill (MT) Riley  
 Biggert Hinojosa Rivers  
 Bilbray Hobson Roemer  
 Bilirakis Hoeffel Rogan  
 Bliley Hoekstra Rogers  
 Blunt Holden Rohrbacher  
 Boehlert Horn Ros-Lehtinen  
 Boehner Hostettler Roukema  
 Bonilla Houghton Royce  
 Bono Hulshof Ryan (WI)  
 Boswell Hunter Ryan (KS)  
 Boucher Hutchinson Salmon  
 Brady (TX) Inslee Sanders  
 Brown (FL) Isakson Sandlin  
 Bryant Istook Sanford  
 Burr Jenkins Satxon  
 Burton John Scarborough  
 Buyer Johnson (CT) Schaffer  
 Callahan Johnson, Sam Scott  
 Calvert Jones (NC) Sensenbrenner  
 Camp Kanjorski Sessions  
 Campbell Kasich Shadegg  
 Canady Kelly Shaw  
 Cannon Kind (WI) Shays  
 Castle King (NY) Sherman  
 Chabot Kingston Sherwood  
 Chambliss Klink Shimkus  
 Clay Knollenberg Shows  
 Clement Kolbe Shuster  
 Coble Kucinich Simpson  
 Coburn Kuykendall Siskiyou  
 Collins LaHood Skeen  
 Combest Largent Skelton  
 Condit Latham Smith (MI)  
 Cook LaTourette Smith (NJ)  
 Cooksey Lazio Smith (TX)  
 Costello Leach Smith (WA)  
 Cox Lewis (CA) Souder  
 Cramer Lewis (GA) Spence  
 Crane Lewis (KY) Spratt  
 Cubin Linder Stark  
 Cunningham Lipinski Stearns  
 Danner LoBiondo Stenholm  
 Davis (VA) Lucas (KY) Stump  
 Deal Lucas (OK) Sununu  
 DeFazio Luther Sweeney  
 DeLay Maloney (CT) Talent  
 DeMint Manzullo Tancredo  
 Diaz-Balart Markey Tanner  
 Dickey Mascara Tauzin  
 Doggett McCollum Taylor (MS)  
 Doolittle McCrery Taylor (NC)  
 Doyle McHugh Terry  
 Dreier McInnis Thomas  
 Duncan McIntosh Thorneberry  
 Dunn McIntyre Thune  
 Ehlers McKeon Thurman  
 Ehrlich McKinney Tiahrt  
 Emerson Meek (FL) Tierney  
 English Metcalf Toomey  
 Eshoo Mica Traficant  
 Etheridge Miller (FL) Udall (NM)  
 Evans Miller, Gary Upton  
 Everett Minge Visclosky  
 Ewing Mink Vitter  
 Fletcher Moran (KS) Walden  
 Foley Morella Walsh  
 Forbes Murtha Wamp  
 Fossella Myrick Watkins  
 Fowler Nethercutt Watts (OK)  
 Franks (NJ) Ney Weldon (FL)  
 Frelinghuysen Northup Weldon (PA)  
 Gallegly Norwood Weller  
 Ganske Nussle Whitfield  
 Gekas Ortiz Wicker  
 Gibbons Ose Wolf  
 Gilchrest Oxley Wu  
 Gillmor Packard Wynn  
 Gilman Paul Young (AK)  
 Goode Pease

## NOES—136

Ackerman Gephardt Nadler  
 Allen Gonzalez Napolitano  
 Baird Gordon Neal  
 Baldacci Gutierrez Oberstar  
 Baldwin Hall (OH) Olver  
 Barrett (WI) Hastings (FL) Owens  
 Becerra Hill (IN) Pallone  
 Bentsen Hilliard Pascrell  
 Berman Hinchee Pastor  
 Bishop Holt Payne  
 Blagojevich Hooley Pelosi  
 Blumenauer Jackson (IL) Pickett  
 Bonior Jackson-Lee Pomeroy  
 Borski (TX) Price (NC)  
 Boyd Jefferson Rangel  
 Brady (PA) Johnson, E. B. Rodriguez  
 Brown (OH) Jones (OH) Rothman  
 Capps Kaptur Roybal-Allard  
 Capuano Kildee Rush  
 Cardin Kilpatrick Sabo  
 Carson Kleczka Sanchez  
 Clayton LaFalce Sawyer  
 Clyburn Lampson Schakowsky  
 Conyers Lantos Serrano  
 Coyne Larson Slaughter  
 Crowley Lee Snyder  
 Cummings Levin Stabenow  
 Davis (FL) Lofgren Strickland  
 Davis (IL) Lowey Stupak  
 DeGette Maloney (NY) Tauscher  
 Dixon Delahunt Martinez  
 Dooley DeLauro Matsui Thompson (CA)  
 Edwards Sessions McCarthy (MO) Thompson (MS)  
 Engel Dicks McCarthy (NY)  
 Farr Dingell McGovern  
 Fattah McDonald Udall (CO)  
 Filner Miller, George Velaquez  
 Ford Frank (MA) Wexler  
 Frost Moakley Weygand  
 Gejdenson Frost Mollohan Wilson  
 Moran (VA) Moore Wise  
 Woolsey

## NOT VOTING—10

Archer Hyde Peterson (PA)  
 Chenoweth Kennedy Young (FL)  
 Hilleary McDermott  
 Hoyer Obey

## □ 1427

Messrs. EDWARDS, MEEHAN, NADLER, DEUTSCH, and TURNER changed their vote from "aye" to "no."

Mrs. MEEK of Florida changed her vote from "no" to "aye".

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. It is now in order to consider Amendment No. 31 printed in Part B of House Report 106-235.

AMENDMENT NO. 31 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 31 offered by Ms. WATERS: Page 84, after line 16, insert the following:

**SEC. 703. SENSE OF CONGRESS CONCERNING SUPPORT FOR DEMOCRACY IN PERU AND THE RELEASE OF LORI BERENSON, AN AMERICAN CITIZEN IMPRISONED IN PERU.**

It is the sense of the Congress that—

(1) the United States should increase its support to democracy and human rights activists in Peru, providing assistance with the same intensity and decisiveness with which it supported the pro-democracy movements in Eastern Europe during the Cold War;

(2) the United States should complete the review of the Department of State investigation of threats to press freedom and judicial

independence in Peru and publish the findings;

(3) the United States should use all available diplomatic efforts to secure the release of Lori Berenson, an American citizen who was accused of being a terrorist, denied the opportunity to defend herself of the charges, allowed no witnesses to speak in her defense, allowed no time to privately consult with her lawyer, and declared guilty by a hooded judge in a military court; and

(4) in deciding whether to provide economic and other forms of assistance to Peru, the United States should take into consideration the willingness of Peru to assist in the release of Lori Berenson.

The CHAIRMAN pro tempore. Pursuant to House Resolution 247, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATERS).

## □ 1430

Ms. WATERS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, 176 Members of Congress have signed and joined a campaign for the release of Lori Berenson, a young, educated, idealistic, middle-class journalist.

In November of 1995, Lori was arrested as a suspected terrorist, subjected to a secret, hooded military tribunal in which she was denied every semblance of due process according to the United States State Department, every major human rights group, and the United Nations Commission on Human Rights. She was convicted of treason and given a life sentence without parole.

Despite President Fujimori's promise for an open democracy when he was elected in 1990, he annulled Peru's constitution, dissolved the legislature, removed judges and dismantled the courts in April of 1992, and he has established secret military trials with jurisdiction over civilians. Human rights workers and journalists in Peru have been subjected to intimidation, death threats, abductions, tortures, interrogation and imprisonment by the Peruvian government.

On Thursday, July 1, 1999, the House Committee on International Relations passed by voice vote H.R. 57 which expresses concern over the interference with freedom of the press.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The gentleman from New Jersey is recognized for 5 minutes.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

First, I rise in reluctant opposition to the amendment offered by my friend and colleague from California. I share the Member's concern about recent negative trends within Peru. I have held hearings in my own Subcommittee on International Operations and

Human Rights focusing on some of those concerns with regard to human rights problems. There is a serious need for increased press freedom and judicial independence in that country. There is no doubt about that. I also agree that the procedures used to convict Lori Berenson of aggravated terrorism were egregious.

Lori Berenson certainly deserves due process and to have her case tried by an open, civilian court in Peru. The fact that Peru discontinued its use of faceless military tribunals in 1997 is a further indictment of the process that was used to convict her.

But the amendment before us calls for something different than a fair trial and due process rights for Berenson. Let me just point out that it calls for release. It calls for her release. I think that goes beyond what we should be willing to do. In so doing, it implies her innocence. We should be taking no stance on the merits of the very serious terrorism charges leveled against Ms. Berenson and we must avoid commenting, even implicitly, on the serious evidence against her. To do anything else would denigrate the valid interest of the people of Peru in combating terrorism, which that has claimed the lives of tens of thousands of Peruvian civilians during the past two decades.

Mr. Chairman, the Tupac Amaru Revolutionary Movement, or MRTA, which Ms. Berenson is accused of assisting, is a terrorist organization. According to our State Department, it was responsible for numerous killings of civilians, hundreds of violent attacks and other egregious human rights violations in Peru during the past year. The MRTA was responsible for the siege of the Japanese ambassador's residence in late 1996 which resulted in the holding of numerous hostages, including over a dozen Americans, for 5 months. Assisting such activities could merit someone a life sentence here in the United States. Again, she needs due process and a fair trial and we should not comment on whether or not she is innocent or guilty.

Mr. Chairman, people in the United States have the right to a fair trial and an opportunity to confront their accusers. I believe we must demand such basic rights for U.S. citizens abroad, no matter how serious the charges may be against them. We must demand an open, fair trial for Lori Berenson. Unfortunately, this amendment does not do that. It says in the plain text, it calls for her release. So I must respectfully oppose it.

Let me also point out, Mr. Chairman, that the human rights organizations, such as Amnesty International have been calling for a fair trial. They have not been calling for her release. I respectfully suggest to the gentlewoman from California, these groups—and I am a great admirer of Amnesty International—have not said release her. They have said she has to get a fair trial.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, first of all, let me draw the gentleman's attention to what the amendment actually says: "The United States should use all available diplomatic efforts to secure the release of Lori Berenson."

Mr. SMITH of New Jersey. Reclaiming my time, it is the release that we are talking about. I believe she needs a fair trial. That is where all of our diplomatic efforts must be put. No American should be immune from prosecution of a criminal charge, but they are entitled, I say to the chairman and to my colleagues, to a fair trial. She has not gotten it and that is where I believe that President Fujimori has erred completely. I happen to believe that the tendency in Peru is towards dictatorship on the part of the President, although there have been some trends that may suggest otherwise.

I would ask for a fair trial, not her release. I would hope—and we had asked the gentlewoman through staff and through other ways to reword her amendment so we could all support it, asking again for due process rights to be protected, not for her release.

Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY) who represents Berenson's parents.

Mrs. MALONEY of New York. Mr. Chairman, Lori Berenson grew up in my district. Her parents Rhoda and Mark are living every parent's nightmare, the fear that their child could be taken from the streets of a foreign country and thrown into jail without American concepts of justice.

Mr. Chairman, I include for the RECORD letters from Lori Berenson that she was never able to present her point of view in trials. She says, "I was never a member of the MRTA." She was never given the opportunity to cross-examine witnesses against her or to provide witnesses in her support.

Members of the Community of Organizations for Human Rights.

ESTEEMED MEN AND WOMEN: Through this communication permit me to congratulate you on your important work for human rights.

I would like to inform you of some details about me and my case.

As you know, I have been confined for more than two and a half years at the Yanamayo maximum security military prison, accused of being a member of the MRTA, and fulfilling the sentence of life imprisonment dictated by a faceless military tribunal.

I have never been a member of the MRTA; I have never participated in the planning of a violent act, neither with the MRTA nor anybody else; neither have I ever promoted violence, and, what is more, I do not believe in violence and it would not be possible for me to participate in violence.

I do believe in ideals of justice and equality; to share the ideals of a more just world for the poor majority does not imply that I share in the use of violence to achieve such goals.

In my own way, I have worked for these ideals. In Peru, I sought to learn about and find ways to help the most poor and oppressed people. I met with, observed, and studied these people, including their history, their culture, their music. I also tried to observe how the government, the law, and the economically powerful treated the poor. I was writing about what I experienced and learned and I had legitimate journalistic credentials from two U.S. publications. I hoped to be able to help the situation of human rights and social justice for the most poor; I still believe in that, and I believe it will happen.

Certainly, I have not had real justice. I am completely innocent of the horrendous charges made against me, and there could not be real evidence that shows such crimes.

I hope that these details might give you a better basis to facilitate an understanding of my situation and, at the same time, I turn to reiterate my greatest respect and admiration for your important works for the good of humanity.

With much respect,

— LORI BERENSON.

U.S. SENATE,

Washington, DC, April 27, 1999.

Hon. MADELEINE K. ALBRIGHT,  
Department of State, Washington, DC.

DEAR MADAM SECRETARY: It has been more than three years since Lori Helene Berenson, an American citizen, was sentenced to life in prison for treason by a secret Peruvian military tribunal. A recent decision by the United Nations High Commission on Human Rights (UNHCR) about Ms. Berenson's case found Peru in violation of international law, while her deteriorating health makes attention to this matter all the more urgent.

On December 3, 1998, UNHCR, through its Working Group on Arbitrary Detention, rendered its decision on Ms. Berenson's case in Opinion No. 26/1998. It states, "[t]he deprivation of Lori Berenson's liberty is arbitrary, as it contravenes Articles 8, 9 and 10 of the Universal Declaration of Human Rights, and Articles 9 and 14 of the International Covenant on Civil and Political Rights." Peru voted in favor of the Universal Declaration of Human Rights and has both signed and ratified the Covenant on Civil and Political Rights. Further, the Working Group asks the Peruvian government "to adopt measures necessary to remedy the situation, in accordance with the norms and principles enunciated in the Universal Declaration on Human Rights and in the International Covenant on Civil and Political Rights." As of this date, Peru has not adopted any such measures.

During the last three years, Ms. Berenson has developed physical ailments associated with imprisonment at a high altitude and recently spent 115 days in solitary confinement. Although she has been transferred to a lower altitude at the Socabaya prison, Ms. Berenson's health problems continue to develop; she has numbness in both her hands and at night experiences blindness in her right eye.

Many of us have previously called for an open and fair proceeding in a civilian court for Ms. Berenson. We now believe that Ms. Berenson's deteriorating health warrants humanitarian release from prison and urge you to use your authority to secure Ms. Berenson's release before her health further deteriorates.

Thank you for your consideration.

Sincerely,

DANIEL PATRICK MOYNIHAN.

JAMES M. JEFFORDS.

33 COSIGNERS OF A DEAR COLLEAGUE LETTER TO  
SECRETARY-OF-STATE ALBRIGHT

Daniel Akaka (D-HI)

Max Baucus (D-MT)  
 Joseph Biden, Jr. (D-DE)  
 Jeff Bingaman (D-NM)  
 Barbara Boxer (D-CA)  
 John Breaux (D-LA)  
*Ben Nighthorse Campbell (R-CO)*  
*Sue Collins (R-ME)*  
 Christopher Dodd (D-CT)  
 Byron Dorgan (D-ND)  
 Richard Durbin (D-IL)  
 Russell Feingold (D-WI)  
 Dianne Feinstein (D-CA)  
 Tom Harkin (D-IA)  
 Daniel Inouye (D-HI)  
*James Jeffords (R-VT)*  
 Tim Johnson (D-SD)  
 Ted Kennedy (D-MA)  
 J. Robert Kerrey (D-NE)  
 John Kerry (D-MA)  
 Mary Landrieu (D-LA)  
 Frank Lautenberg (D-NJ)  
 Patrick Leahy (D-VT)  
 Carl Levin (D-MI)  
 Blanche Lambert Lincoln (D-AR)  
 Barbara Mikulski (D-MD)  
 Daniel Patrick Moynihan (D-NY)  
 Patty Murray (D-WA)  
 John D. Rockefeller IV (D-WV)  
 Paul Sarbanes (D-MD)  
 Charles Schumer (D-NY)  
*Arlen Specter (R-PA)*  
 Robert Torricelli (D-NJ)

*Notes:* The letter was sponsored by Senators Jeffords and Moynihan. Senators Rick Santorum (R-PA) and Paul Wellstone (D-MN) agreed to write their own letters.

CONGRESS OF THE UNITED STATES,  
*Washington, DC, May 31, 1999.*

President WILLIAM JEFFERSON CLINTON,  
*The White House,  
 Washington, DC.*

DEAR PRESIDENT CLINTON: For more than three years, Lori Berenson, an American citizen, has been incarcerated in Peru, serving a life sentence after being convicted by a faceless military tribunal for treason. Lori Berenson has always maintained her innocence, but she has been systematically denied due process by Peru. We urge you to do everything within your power to seek justice in her case.

Recently the United Nations High Commission on Human Rights, through its Working Group on Arbitrary Detention, stated in its official Opinion 26/1998 that Lori Berenson has been deprived of her liberty arbitrarily and that the government of Peru is in violation of two international pacts to which it is signatory—Articles 8, 9, and 10 of the Universal Declaration of Human Rights and Articles 9 and 14 of the International Covenant on Civil and Political Rights. The Working Group has declared that Peru take all necessary steps to remedy Lori's wrongful incarceration in accordance with the norms and principles enunciated in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Peru has not taken steps to comply with the Commission's ruling and, in fact, recently Lori was kept in solitary confinement for 115 days in Socabayo prison. On March 11, 1999, the New York Times reported that an American delegation visited Lori and found her to be in poor health.

Members of Congress have expressed their concerns about Lori's treatment in letters to Peruvian President Fujimori from 20 U.S. Senators and 87 Representatives in August 1996 and letters to Secretary Albright from 55 Senators and 180 Representatives in December 1997. It is time for stronger action.

Title 22 U.S.C. Section 1732 directs the President to take all necessary steps, short of going to war, to secure the release of an incarcerated American citizen "if it appears

to be wrongful." The finding of the United Nations High Commission on Human Rights is that the Peruvian government's disregard for international norms in Lori Berenson's case is so egregious, relative to impartial judgment, that it has resulted in the wrongful arbitrary deprivation of her liberty.

Lack of leadership and effective action on Lori's case could endanger U.S. citizens not only in Peru, but in many other countries. It sends the unfortunate message that the U.S. will not act when its citizens are wrongfully imprisoned in foreign countries. In addition, lack of strong action in this case would jeopardize the importance of the office of United Nations High Commission on Human Rights and denigrate the cause of justice and human rights throughout the world.

We know that you share our concern for Lori Berenson and the unjust treatment that she has received, and we look forward to working with you to resolve her case.

Sincerely,

176 COSIGNERS OF A DEAR COLLEAGUE LETTER  
 TO PRESIDENT CLINTON

Abercrombie (D-HI), Allen (D-ME), Andrews (D-NJ), Baldacci (D-ME), Baldwin (D-WI), Becerra (D-Ca), Bentsen (D-TX), Berman (D-CA), Blagojevich (D-IL), Blunt (R-MO), Bonior (D-MI), Borski (D-PA), Boucher (D-VA), Boyd (D-FL), Brady (D-PA), Brown, G. (D-CA), Brown, S. (D-OH), Capps (D-CA), Capuano (D-MA), Carson (D-IN), Christian-Christensen (D-VI), Clay (D-MO), Clayton (D-NC), Clement (D-TN), Clyburn (D-SC), Conyers, Jr. (D-MI), Costello (D-IL), Crowley (D-NY), Cunningham (R-CA), Danner (D-MO), Davis, D.K. (D-IL), DeFazio (D-OR), DeGette (D-CO), Delahunt (D-MA), DeLauro (D-CT), Deutsch (D-FL), Dicks (D-WA), Dixon (D-CA), Doyle (D-PA), Engel (D-NY), English (R-PA), Eshoo (D-CA), Faleomavaega (D-AS), Farr (D-CA).

Filner (D-CA), Ford, Jr. (D-TN), Franks (R-NJ), Frost (D-TX), Gejdenson (D-CT), Gonzalez (D-TX), Goode, Jr. (D-VA), Granger (R-TX), Greenwood (R-PA), Gutierrez (D-IL), Hall, R. (D-TX), Hall, T. (D-OH), Hastings (D-FL), Hinchey (D-NY), Hoeffel (D-PA), Hoekstra (R-MI), Holden (D-PA), Holt (D-NJ), Horn (R-CA), Inslee (D-WA), Jackson, Jr. (D-IL), Jackson-Lee (D-TX), Jefferson (D-LA), John (D-LA), Johnson, E.B. (D-TX), Johnson, N. (R-CT), Jones (D-OH), Kaptur (D-OH), Kelly (R-NY), Kennedy (D-RI), Kildey (D-MI), Kilpatrick (D-MI), Kind (D-WI), King (R-NY), Kleczka (D-WI), Kuykendall (R-CA), LaFalce (D-NY), Lampson (D-TX), Lantos (D-CA), Larson (D-CT), Lazio (R-NY), Leach (R-IA), Lee (D-CA), Levin (D-MI).

Lewis (D-GA), LoBiondo (R-NJ), Lofgren (D-CA), Lowey (D-NY), Luther (D-MN), Maloney, C. (D-NY), Maloney, J. (D-CT), Markey (D-MA), Martinez (D-CA), Matsui (D-CA), McCarthy (D-NY), McGovern (D-MA), McInnis (R-CO), McKinney (D-GA), McNulty (D-NY), Meehan (D-MA), Meek (D-FL), Meeks (D-NY), Millender-McDonald (D-CA), Miller (D-CA), Minge (D-MN), Mink (D-HI), Moakley (D-MA), Morella (R-MD), Murtha (D-PA), Nadler (D-NY), Napolitano (D-CA), Neal (D-MA), Oberstar (D-MN), Obey (D-WI), Olver (D-MA), Ose (R-CA), Owens (D-NY), Pallone, Jr. (D-NJ), Pascrell, Jr. (D-NJ), Pastor (D-AZ), Payne (D-NJ), Pelosi (D-CA), Peterson (D-MN), Porter (R-IL), Price (D-NC), Pryce (R-OH), Rangel (D-NY), Rodriguez (D-TX).

Rogan (R-CA), Romero-Barcelo (D-PR), Rothman (D-NJ), Roybal-Allard (D-CA), Royce (R-CA), Rush (D-IL), Sabo (D-MN), Sanchez (D-CA), Sanders (I-VT), Sandlin (D-TX), Schakowsky (D-IL), Serrano (D-NY), Shays (R-CT), Sherman (D-CA), Sherwood (R-PA), Shows (D-MS), Slaughter (D-NY), Smith (D-WA), Snyder (D-AR), Spratt, Jr.

(D-SC), Stark (D-CA), Strickland (D-OH), Stupak (D-MI), Talent (R-MO), Thompson, B. (D-MS), Thompson, M. (D-CA), Tierney (D-MA), Towns (D-NY), Traficant, Jr. (D-OH), Turner (D-TX), Udall (D-CO), Underwood (D-GU), Upton (R-MI), Velazquez (D-NY), Waters (D-CA), Watt (D-NC), Waxman (D-CA), Weiner (D-NY), Wexler (D-FL), Weygand (D-RI), Whitfield (R-KY), Woolsey (D-CA), Wu (D-OR), Wynn (D-MD).

*Notes:* The letter was sponsored by Representatives C. Maloney, J. Leach, C. Morella, and M. Waters. Representatives Hooley (D-OR), Menendez (D-NJ), Moore (D-KS), and Vento (D-MN) agreed to sign post-deadline. Representative Frank (D-MA) decided to write his own letter to Secretary Albright.

STATEMENT ON LORI BERENSON BY NOAM CHOMSKY

Lori Berenson has been subjected to a travesty of justice and a grim exercise of state terror. The victim in this case is a young North American woman of remarkable courage and integrity, who has chosen to accept the fate of all too many others in Peru. She is also—and not so indirectly—a victim of Washington's policies, in two respects: because of its support for the Peruvian terror state and the conditions it imposes on its population, and because of its evasiveness in coming to her defense, as it can readily do, with considerable if not decisive influence. Also not so indirectly, she is a victim of all of those—in all honesty, I cannot fail to include myself—who have done far too little to rescue her from the suffering she has endured for her refusal to bend to the will of state terrorist authorities.

Lori Berenson eminently qualifies as a prisoner of conscience. She has rightly received the support of the UN High Commission on Human Rights and Amnesty International. With immense courage and self-sacrifice, she is not only standing up with honor and dignity for her own rights, but for the great number of people of Peru who are suffering severe repression and extreme economic hardship as a consequence of policies that sacrifice much of the population to the greed and power of small sectors of privilege—in Peru itself, and in the deeply unjust and coercive global system that has been constructed to yield such outcomes.

Lori Berenson is not only a wonderful person whose rights are under savage attack, but also an inspiring symbol of the aspirations of countless people throughout the world who seek a measure of the freedom and rights that they deserve, in a world that is more humane and more just, and that we can help create if we are willing to devote to this cause a fraction of the heroism that Lori Berenson has so impressively demonstrated in her honorable and far too lonely struggle.

[From the Jewish Week, June 25, 1999]

STATEMENT ON LORI BERENSON BY RABBI MARCELO BRONSTEIN

On May 26, 1999 Rabbi Marcelo Bronstein, Temple B'nai Jeshurun in New York City, participated in an ecumenical delegation that visited Lori Berenson for one hour in Socabaya Prison in Arequipa, Peru. The delegation also included the Reverend Doctor William J. Nottingham from the Christian Theological Seminary in Indianapolis and Sister Doctor Eileen Storey of Sisters of Charity in New York City.

The Jewish Week interviewed Rabbi Bronstein upon his return to New York City. The newspaper reported the following: "The delegation met with Berenson, 29, in a room with guards outside the open door. She declared her innocence and the difficulties of solitary confinement. They spoke about the future, her faith, and her health."

The following are the four quotes attributed to Rabbi Bronstein:

"I would like to say that Lori is a person with the right values at the wrong place and the wrong time, values of justice, caring."

"I didn't find drop of bitterness or anger, just lots of pain and sorrow."

"She is thirsty to know what's going on in the world. She feels useless."

"I am very worried about Lori's spiritual and psychological health."

There are further press reports from Fujimori where he announced that he would not respect the organization of Americans decision on Lori's appeal regardless of the outcome. For years I have tried to get a fair trial. Hundreds of my colleagues have joined me in appealing for a fair trial. This has been denied.

I went to see Lori. I went to see her in prison in November of 1997. She has permanent laryngitis. Her eyesight is failing. She is suffering. I ask my colleagues to support this resolution, and I personally support release on humanitarian grounds.

Ms. WATERS. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, I rise in strong support of the Waters amendment.

The Lori Berenson case illustrates the history of judicial abuse in Peru. A closed military tribunal, a hooded judge, no legal counsel, no right to defend oneself, and a masked man holding a gun to Lori's head throughout the proceeding. But this is a reality experienced by hundreds of Peruvians.

While closed military tribunals have now been abolished in Peru, hundreds of individuals are serving life sentences like Lori Berenson because of the judgments rendered by these tribunals. In addition, even the State Department concludes that it is still impossible to receive a fair trial, to undergo a just process in Peru's current judicial system. So asking for a new trial in Lori's case is very problematic, because it is impossible to get a fair trial in Peru today.

Over the past 2 years, years during which Lori Berenson has been imprisoned, the U.S. has given to Peru over \$300 million in economic and military aid. During that same period, the U.S. sent over \$23 million in additional military counternarcotics aid. I think we have some leverage with Peru and I think it is time we used it. On behalf of Lori Berenson and all Peruvians who have been victims of human rights abuses by the Peruvian government, military and courts, I urge my colleagues to support the Waters amendment.

Ms. WATERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Georgia (Ms. MCKINNEY), ranking member of the Subcommittee on International Operations and Human Rights of the Committee on International Relations.

Ms. MCKINNEY. Mr. Chairman, the most important part of this amendment calls for the release of an Amer-

ican citizen, Lori Berenson, who was convicted of involvement with terrorist groups after a trial before hooded military judges in which there was no due process whatever. We have asked the Peruvian government to give her a fair civilian trial. President Fujimori himself has publicly refused.

Now it is time to do something about this. If Lori Berenson is not going to get a fair trial, and she is not, then she deserves to be set free. That is what we would do here for people who are tried unfairly, and we have no right letting a foreign government get away with less when Americans are involved.

The Waters amendment is about whether Americans overseas should get fair trials when they are arrested and whether we believe the rule of law and due process are important. They should, and they are. Join me in supporting fairness for our citizens, due process and the rule of law. Vote for the Waters amendment.

Ms. WATERS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. HINCHEY).

(Mr. HINCHEY asked and was given permission to revise and extend his remarks.)

Mr. HINCHEY. Mr. Chairman, I rise to express my support for this amendment.

Ms. WATERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DELAHUNT).

(Mr. DELAHUNT asked and was given permission to revise and extend his remarks.)

Mr. DELAHUNT. Mr. Chairman, I rise in support of the gentlewoman from California's amendment.

Ms. WATERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Florida (Mrs. MEEK).

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Chairman, I rise to strongly support the Waters amendment for fairness and justice.

Ms. WATERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. CLAYTON).

(Mrs. CLAYTON asked and was given permission to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Chairman, I rise in support of the Waters amendment and say that this is the right thing to do, it is the fair thing to do, and I think our colleagues know we must do this.

Ms. WATERS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. ACKERMAN).

(Mr. ACKERMAN asked and was given permission to revise and extend his remarks.)

Mr. ACKERMAN. Mr. Chairman, I rise in opposition to the amendment.

Ms. WATERS. Mr. Chairman, I would like to make an inquiry of whether or not I get the last speaker on this amendment. I think the gentleman from New Jersey has 1 minute left.

The CHAIRMAN pro tempore. The gentleman from New Jersey (Mr. SMITH) has the right to close.

Ms. WATERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland (Mrs. MORELLA), a signatory to the May 31 letter.

Mrs. MORELLA. Mr. Chairman, I rise in support of the Waters sense of Congress amendment.

We have heard about the Lori Berenson case, an American citizen unjustly imprisoned in Peru on charges of treason. The first problem is, how can one commit treason against a country of which one is not a citizen?

Furthermore, Lori's trial was completely lacking in due process. She was tried in a military court by a faceless judge. She never received written notice of the charges against her. She had only limited access to an attorney. She was not informed of the evidence against her, nor did she have the opportunity to cross-examine witnesses. She has been sentenced to life in prison under conditions which are cruel and inhumane.

Our State Department has criticized these military tribunals. The U.N. Human Rights Commission has judged her case to be one of arbitrary detention. In a similar case involving four Chileans, the Inter-American Court on Human Rights called for a new trial, but Peru did not accept that.

Mr. Chairman, the Peruvian government should provide Lori and all others unjustly imprisoned a fair trial with due process. If Lima is unwilling to do so, then Lori should be released and deported.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself the balance of my time.

Just let me make a couple of points. In reading over this amendment again, I have great empathy for it. I have had hearings in my subcommittee about human rights abuses and have gone down to Lima, Peru to meet with President Fujimori to express my own concerns, especially in light of the "Fuji coup" that took place some years back. But again my position comports with that of the administration and the State Department. And the human rights organizations like Amnesty International, are not saying release her, they are saying give her a fair trial. I think that is where our efforts ought to be put. We do not have the capability or the competence or the information—because I have looked at the reams of information—to make a definitive decision as to whether or not she should be freed.

□ 1445

There are very serious charges of terrorism with a group that has a despicable track record on the use of violence against individuals and innocent

people. Whether or not she is a part of it, I do not know, but there are serious allegations. She was given a sham trial, no doubt about it.

I would be willing to ask unanimous consent, if the gentlewoman would change the wording in her amendment from "the release of" Lori Berenson to "a fair trial for" Lori Berenson. We could all support that amendment.

But again, to say we should release somebody?

Mr. Chairman, I would ask unanimous consent if the gentlewoman could accept that kind of change in the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Ms. WATERS. Reserving the right to object, Mr. Chairman, I would like for the gentleman from New Jersey to restate his request.

Mr. SMITH of New Jersey. Mr. Chairman, on Line 17, where it says "to secure the release of Lori Berenson," to strike "the release of" and put "a fair trial for" Lori Berenson, and also on Page 2, Line 6, just so it is internally consistent, "to assist in providing a fair trial for." And then I hope we would be unanimous, because I do believe it was a sham trial, as I said to the gentlewoman. My subcommittee has looked into it. We think it is awful. Her due process rights were trashed. But if indeed we are talking about a situation where she may have been involved with this, that is something that a fair trial has to adjudicate.

#### PARLIAMENTARY INQUIRY

Ms. WATERS. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN pro tempore. The gentlewoman will state her inquiry.

Ms. WATERS. Mr. Chairman, do I need unanimous consent for 1 minute in order to respond to the request that is being made by the gentleman?

The CHAIRMAN pro tempore. Perhaps the gentlewoman from California would care to ask unanimous consent to proceed with debate time for 1 minute on each side.

Ms. WATERS. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATERS. Mr. Speaker, I would like very much to be able to comply with the request that the gentleman is making, however when the gentleman asked us who are working so hard for fairness for this young lady to be put back in the hands of Fujimori who has dismantled his government, who has opted out of human rights, the International Human Rights Commission, who in no way is committed to democracy, who is threatening lives, who is intimidating, how then does my colleague expect her to get a fair trial from an unfair dictator?

Mr. SMITH of New Jersey. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. This is exactly why the attempt has to be at the highest levels of our government, going right to the President of the United States, who needs to make this a major issue—that she be given a fair trial. That goes for all of us. To date, it has not been a major issue.

Ms. WATERS. Reclaiming my time, we have asked Fujimori over and over and over again. He has denied us. This is an American young woman that is sitting up there in the Andes who is freezing to death, who is losing her voice, who is getting crippled from arthritis. This is an American child.

Mrs. MALONEY of New York. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. I yield to the gentlewoman from New York.

Mrs. MALONEY of New York. And now he would not respect the organization of American decision on Lori's appeal regardless of the outcome. What does that tell us? They are not going to give her a fair trial. Even if she wins in the OAA, they are saying no.

The CHAIRMAN pro tempore. The time of the gentlewoman from California (Ms. WATERS) has expired.

Ms. WATERS. Mr. Chairman, I ask unanimous consent for 2 more minutes for this debate, 1 minute on each side.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from New Jersey (Mr. SMITH) is recognized for 1 minute.

Mr. SMITH of New Jersey. Mr. Chairman, again I think it is unfortunate that the gentlewoman from California cannot accept a fair trial language in place of the release of.

I think it will be very wrong, I would say to my colleagues, if all of us went on record saying that this lady, and she may be innocent, we do not know. I believe we have to be honest enough to say that the charges, and I have checked with the human rights groups, they are in doubt as to her innocence, and that is to leading groups.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I ask unanimous consent for 2 additional minutes, one on each side.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SMITH of New Jersey. Reclaiming my time just briefly, and then I will be happy.

As my colleagues know, the charges are that she was planning on blowing up the Peruvian Congress. Now I do not know if that is true or not, but we know how seriously we take those acts of violence that are committed on our own Congress, killing of our two policemen which we so rightfully honored yesterday.

This lady may be completely innocent. What she deserves is a fair trial,

not a de facto exoneration by the Congress or the House of Representatives of the United States, and I think we err seriously if we make a decision not knowing, and Members will be walking in that door voting based on a handout in some cases or just a scintilla of knowledge. We need to know the real facts which are voluminous about this case.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I think all sides here are genuine in the desire to come to agreement, and might I make this suggestion?

I think the gentlewoman from California is concerned that there is no structure that could guarantee a free trial, and what I would ask is unanimous consent if the gentlewoman from California (Ms. WATERS) and the gentleman from New Jersey (Mr. SMITH) could be given a moment to see if they can work out some agreed upon language that would be based on the principle that if a fair trial could be guaranteed, if Mr. Fujimori were to step down tomorrow, if there was a new election, if there was a free and fair judicial process established, then we would see a fair trial. If we cannot have that, they ought to release her.

The CHAIRMAN pro tempore. The time of the gentleman from New Jersey (Mr. SMITH) has expired.

Mr. GEJDENSON. Mr. Chairman, I ask unanimous consent for another minute on each side.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GEJDENSON. Mr. Chairman, I ask unanimous consent if we would pass over this for a moment, go to the next amendment, give these two folks, who I think are both intent on achieving justice, an opportunity to sit down and see if they can work something out. They may not be able to. Then we would come back and conclude and add this to the voting list in the regular order.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Connecticut?

Mr. SMITH of New Jersey. Mr. Chairman, I think the gentleman from Connecticut makes a very helpful suggestion. I would hope that the gentlewoman from California would agree to that, and that would require us proceeding out of order.

A unanimous consent would be proposed to let the gentleman from California (Mr. BILBRAY) proceed while we discuss, and hopefully we can come to language that will send the message to the Peruvian government, to Fujimori, that we are united, that she has been denied her due process rights, and I mean we all want justice. I do not know if exoneration, release is justice. It may be; I do not know. I have looked at the case. If I were a jury, I would want to know a lot more.

So I would hope that we can do what the gentleman from Connecticut has suggested.

The CHAIRMAN pro tempore. Would the gentlewoman from California be willing to withdraw her amendment momentarily in order to accommodate the suggestion made by the ranking member?

Ms. WATERS. Following the 1 minute of the 2 minutes which were granted for the extension of the debate, I would be willing to do that. But for the 1 minute that is still left in this debate I would respectfully like to take that at this time, Mr. Chairman.

The CHAIRMAN pro tempore. The gentlewoman from California is recognized.

Ms. WATERS. Mr. Chairman, Lori Berenson has been in prison for 3½ years. She was tried by a military tribunal that was hooded. She did not receive any justice. Does not the time served count for anything? Or are we to believe that Fujimori, who has said to us by way of communication in a letter and otherwise to everybody who has attempted diplomatic relations with him that he will not release her, are we to believe that this man is capable of giving her a fair trial? Do we not care that she may die up in the Andes, a young woman who is an idealistic journalist who thinks she is working for the rights, human rights, of individuals? Does she deserve to be treated this way?

My colleague has admitted that he does not know if she is innocent or not, but how can he be comfortable not being sure that she is guilty of a crime, that she continues to serve even beyond this 3½ years?

She has said she is not a terrorist, she does not belong to that terrorist organization, and the international human rights committees are not demanding a fair trial of Fujimori. They are demanding her release.

This statement, this amendment that I have, is an amendment that asks the State Department to use all of its diplomatic relations for the release of her. That does not dictate how that is done, but it simply says that the Congress of the United States is interested in them being about the business of showing some care and concern about an American citizen who has been imprisoned unfairly and unjustly over in Peru by a dictator.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I have just been informed by the Parliamentarian that we would have to go to the full House. So what I would suggest at this stage is that the gentlewoman and gentleman sit down and work it out. If they cannot work it out, we go right to the vote in the appropriate order. If they can work it out, we would include the new language in the en bloc amendment at the end.

Mr. SMITH of New Jersey. Reclaiming my time, Mr. Chairman, I would

just say to my friend we could move to rise, and it will take all of 30 seconds to do it in the full House and then go right back.

Mr. GEJDENSON. We achieve the same goal, and I think my colleagues could sit down. Either way we get the same result.

Mr. SMITH of New Jersey. I am not sure if the gentlewoman is willing.

Mr. ACKERMAN. Mr. Chairman, I move to table this amendment with the understanding that it would be untabled at the appropriate time.

The CHAIRMAN pro tempore. In Committee of the Whole the motion to table is not in order.

All time is expired.

Mr. SMITH of New Jersey. Mr. Chairman, for purposes of working this out, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KINGSTON) having assumed the chair, Mr. BARRETT of Nebraska, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2415) to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes, had come to no resolution thereon.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

#### MAKING IN ORDER CONSIDERATION OF WATERS AMENDMENT NO. 31 AFTER BILBRAY AMENDMENT NO. 33 DURING FURTHER CONSIDERATION IN THE COMMITTEE OF THE WHOLE OF H.R. 2415, AMERICAN EMBASSY SECURITY ACT OF 1999

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent to proceed out of order and to proceed directly to the Bilbray amendment when we return to the Committee of the Whole House and then, after that point, to return to the amendment from the gentlewoman from California (Ms. WATERS).

The SPEAKER pro tempore. Does the gentleman ask for unanimous consent to return to the Waters amendment to be reoffered after the Bilbray amendment in Committee of the Whole?

Mr. SMITH of New Jersey. That is correct, Mr. Speaker.

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

There was no objection.

#### AMERICAN EMBASSY SECURITY ACT OF 1999

The SPEAKER pro tempore. Pursuant to House Resolution 247 and rule

XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2415.

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#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2415) to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes, with Mr. BARRETT of Nebraska (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, the amendment offered by the gentlewoman from California (Ms. WATERS) had been withdrawn.

It is now in order to consider amendment No. 33 printed in Part B of House Report 106-235.

#### AMENDMENT NO. 33 OFFERED BY MR. BILBRAY

Mr. BILBRAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 33 offered by Mr. BILBRAY:

Page 84, after line 16, insert the following:

#### SEC. 703. SENSE OF CONGRESS REGARDING SEWAGE TREATMENT ALONG THE BORDER BETWEEN THE UNITED STATES AND MEXICO.

##### (a) FINDINGS.—

(1) The Congress finds that it must take action to address the comprehensive treatment of sewage emanating from the Tijuana River, so as to eliminate river and ocean pollution in the San Diego border region.

(2) Congress bases this finding on the following factors:

(A) The San Diego border region is adversely impacted from cross border raw sewage flows that effect the health and safety of citizens in the United States and Mexico and the environment.

(B) The United States and Mexico have agreed pursuant to the Treaty for the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, dated February 3, 1944, "to give preferential attention to the solution of all border sanitation problems".

(C) The United States and Mexico recognize the need for utilization of reclaimed water to supply the growing needs of the City of Tijuana, Republic of Mexico, and the entire border region.

(D) Current legislative authority limits the scope of proposed treatment options in a way that prevents a comprehensive plan to address the volume of cross border raw sewage flows and the effective utilization of reclamation opportunities.

(E) This section encourages action to address the comprehensive treatment of sewage emanating from the Tijuana River, so as to eliminate river and ocean pollution in the San Diego border region, and to exploit effective reclamation opportunities.