

thank them for bringing to my attention the opportunity to name the facility that they all work in and that he worked in and that he accomplished so much with.

And, too, a word about the letter carriers. We have the greatest mail delivery system in the world, anywhere in the world, right here in our country. And it is thanks to the people like Mike and all the people who work in Springfield and all the people who work in the postal service that letters get delivered on time 6 days a week in a professional manner, and I know all Americans appreciate that. And I am grateful to the letter carriers of Abraham Lincoln Branch No. 80 for bringing this to my attention and the ability of this committee to bring this to the floor as a bill that will become law and to have this facility named in Mike's honor.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and pass the bill, H.R. 2630.

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

A motion to reconsider was laid on the table.

#### EAST ASIA SECURITY ACT OF 2005

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3100) to authorize measures to deter arms transfers by foreign countries to the People's Republic of China.

The Clerk read as follows:

H.R. 3100

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "East Asia Security Act of 2005".

#### SEC. 2. STATEMENTS OF POLICY.

Congress—

(1) previously expressed its strong concerns in House Resolution 57 of February 2, 2005, and Senate Resolution 91 of March 17, 2005, with the transfer of armaments and related technology to the People's Republic of China by member states of the European Union, which increased eightfold from 2001 to 2003, and with plans to terminate in the near future the arms embargo they imposed in 1989 following the Tiananmen Square massacre;

(2) welcomes deferral of a decision by the European Council to terminate its arms embargo following adoption of those Resolutions, the President's visit to Europe, and growing concern among countries in the regions and the general public on both sides of the Atlantic;

(3) welcomes the decision by the European Parliament on April 14, 2005, by a vote of 421 to 85, to oppose the lifting of the European Union's arms embargo on the People's Republic of China, and resolutions issued by a number of elected parliamentary bodies in Europe also opposing the lifting of the arms embargo;

(4) also welcomes the onset of a strategic dialogue between the European Commission

and the Government of the United States on the security situation in East Asia, through which it is hoped a greater understanding will emerge of the consequences of European assistance to the military buildup of the People's Republic of China for peace and stability in that region, to the security interests of the United States and its friends and allies in the region, and, in particular, to the safety of United States Armed Forces whose presence in the region has been a decisive factor in ensuring peace and prosperity since the end of World War II;

(5) hopes that a more intensive dialogue with Europe on this matter will clarify for United States friends and allies in Europe how their "non-lethal" arms transfers improve the force projection of the People's Republic of China, are far from benign, and enhance the prospects for the threat or use of force in resolving the status of Taiwan, a troubling prospect made more ominous by recent adoption of a new law by the Chinese National People's Congress expressly authorizing the use of force;

(6) also hopes that this dialogue will result in an important new consensus between the United States and its European partners on the need for coordinated policies which encourage the development of democracy in the People's Republic of China and which discourage, not assist, China's unjustified military buildup and pursuit of weapons that threaten its neighbors;

(7) however, deeply regrets that none of the European friends and allies of the United States who have been transferring arms to the People's Republic of China has announced a cessation or even a temporary halt to those transfers while this new dialogue with the United States ensues, and notes with concern that such European friends and allies have provided little, if any, transparency to the United States Government into the full range and capabilities of all of the armaments and related technology that they have transferred to date and continue even now to do so;

(8) is further troubled by public reports describing well known European companies as suppliers to weapons programs of the People's Republic of China, who are also participants in numerous sensitive United States Government weapons programs, and the increased risks of diversion of United States weapons technology to China inherent in such an undesirable situation; and

(9) in view of the gravity of European arms sales to the People's Republic of China, which have not abated, believes it is necessary to make provision for greater scrutiny and oversight with respect to those areas of international armament cooperation that present increased levels of risk to the security interests of the United States and to authorize appropriate measures which the President may draw on in deterring foreign support for China's military buildup in order to safeguard the national security interests of the United States and peace and security in East Asia.

#### SEC. 3. REPORT ON FOREIGN MILITARY EXPORTS TO CHINA.

(a) REPORT.—The President shall, at the times specified in subsection (b), transmit to the appropriate congressional committees a report that identifies every person of a member country of the European Union, and any other foreign person the President may consider appropriate, with respect to whom there is credible information indicating that the person, on or after January 1, 2005, exported to—

(1) the People's Republic of China any item on the Wassenaar Munitions List of July 12, 1996, and subsequent revisions; or

(2) the military, intelligence, or other security forces of the People's Republic of China—

(A) any item on the Wassenaar List of Dual Use Goods and Technologies of July 12, 1996, and subsequent revisions; or

(B) any other dual use item if the item is intended, entirely or in part, for use with an item described in paragraph (1).

(b) TIMING OF REPORT.—The report required under subsection (a) shall be transmitted not later than 180 days after the date of the enactment of this Act and not later than the end of each 12-month period thereafter.

(c) EXCEPTIONS.—A foreign person is not required to be identified in a report required under subsection (a) if the person—

(1) was identified in a previous report transmitted under subsection (a) on account of a particular export, except to the extent that the export may have continued, involved additional transfers, or was larger, more significant, or different in nature than described in the previous report;

(2) was engaged solely in an export on behalf of, or in concert with, the Government of the United States; or

(3) was engaged in an export which, as determined by the President, would be exempt from the restrictions of section 902(a) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246; 22 U.S.C. 2151 note), if the export were subject to the jurisdiction of the United States, by reason of the issuance of a report under section 902(b) of such Act.

(d) FORM.—If the President considers it appropriate, reports transmitted under subsection (a), or appropriate parts thereof, may be transmitted in classified form.

#### SEC. 4. REPORT ON CHINA ARMS TRANSFER POLICIES OF COUNTRIES PARTICIPATING IN UNITED STATES DEFENSE COOPERATIVE PROJECTS; CERTAIN LICENSE REQUIREMENTS.

(a) STATEMENT OF POLICY.—Congress is concerned with the significant additional risk of unlawful use and diversion of sensitive United States weapons system research, design, and development arising from cooperative research and development projects with foreign governments and foreign persons who may also transfer arms and related technology to the People's Republic of China.

(b) REPORT.—The President shall, at the times specified in subsection (c), transmit to the appropriate congressional committees a report that—

(1) identifies every foreign government with respect to which the United States is carrying out a cooperative project described in subsection (d) and whose policies or practices, on or after the date of the enactment of this Act, permit the export of any item described in paragraph (1), or subparagraph (A) or (B) of paragraph (2), of section 3(a); and

(2) describes the cooperative projects and policies or practices referred to in paragraph (1) of every foreign government identified under such paragraph.

(c) TIMING OF REPORT.—The report required under subsection (b)—

(1) shall be transmitted not later than 180 days after the date of the enactment of this Act and not later than the end of each 12-month period thereafter; and

(2) may be included in the report required under section 3, as the President determines appropriate.

(d) COOPERATIVE PROJECTS.—The cooperative projects referred to in subsection (b) are projects carried out under section 27 of the Arms Export Control Act (22 U.S.C. 2767) or section 2350a, 2358, or a memorandum of understanding under section 2531 of title 10, United States Code.

(e) LICENSE REQUIREMENTS.—

(1) **REQUIREMENT.**—Notwithstanding any other provision of law, a license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) shall be required for the export of defense articles or defense services by any person who is not an officer or employee of the Government of the United States in furtherance of a cooperative project described in subsection (d) with a country identified in a report transmitted under subsection (b).

(2) **CONGRESSIONAL NOTIFICATION.**—The issuance of a license pursuant to paragraph (1) shall be subject to the same requirements as are applicable to the export of items described in section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) (without regard to the dollar amount requirements relating to contracts contained in such section), including the transmittal of information and the application of congressional review procedures in accordance with such section.

#### **SEC. 5. CERTAIN FOREIGN OWNERSHIP AND CONTROL OF DEFENSE ARTICLES IN THE UNITED STATES.**

(a) **STATEMENT OF POLICY.**—Congress determines that special care should be taken by the United States with respect to foreign persons who sell arms and related technology to the People's Republic of China, while simultaneously seeking ownership of United States defense articles or defense services, including the results of United States Government funded defense research and development, through the acquisition or control of United States defense firms, directly or through their subsidiaries and affiliates based in the United States.

(b) **LICENSE REQUIREMENTS.**—

(1) **REQUIREMENT.**—The President shall require a license pursuant to regulations issued under section 38(g)(6) of the Arms Export Control Act (22 U.S.C. 2778(g)(6)) for the transfer of ownership or control of United States defense articles or defense services arising from the acquisition or control of a person required to be registered under section 38(b)(1) of such Act (22 U.S.C. 2778(b)(1)), or any subsidiary, division, affiliate or other entity thereof, whenever the person gaining acquisition or control is—

(A) a foreign national of the People's Republic of China or a foreign person otherwise subject to the jurisdiction, ownership, or control of the People's Republic of China;

(B) a foreign person identified in a report transmitted under section 3 or having its principal place of business in a country described in a report transmitted under section 4; or

(C) a United States person owned or controlled by a foreign person, including a subsidiary or affiliate of a foreign person described in subparagraph (B).

(2) **ADDITIONAL REQUIREMENT.**—A license under section 38(g)(6) of the Arms Export Control Act for a person described in paragraph (1)(A) shall not be issued until 30 days after the date on which the President transmits a report that contains a determination of the President that—

(A) the Government of the People's Republic of China meets the requirements of section 902(b)(1) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246; 22 U.S.C. 2151 note); or

(B) it is in the national interest of the United States to issue the license.

(c) **CONGRESSIONAL NOTIFICATION.**—The issuance of a license pursuant to subsection (b) shall be subject to the same requirements as are applicable to the export of items described in section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) (without regard to the dollar amount requirements relating to contracts contained in such section), including the transmittal of information and the application of congressional re-

view procedures in accordance with such section.

(d) **EXCEPTION.**—The issuance of a license pursuant to subsection (b) shall not be required in the case of an amendment to a munitions license or a change in registration arising from a sale or transfer of ownership or control of United States defense articles or defense services to a person described in subparagraph (A), (B), or (C) of subsection (b)(1) that was approved prior to the date of enactment of this Act unless the President determines that it is in the national security interests of the United States to require the issuance of a new license pursuant to subsection (b).

#### **SEC. 6. CHINESE MILITARY END USE OF DUAL USE EXPORTS.**

(a) **STATEMENT OF POLICY.**—Congress welcomes the understanding reached at the Wassenaar Arrangement's December 2003 plenary meeting to require governmental authorization for the transfer of non-listed dual use items intended for military end use in a destination subject to any relevant regional arms embargo or to any United Nations Security Council resolution.

(b) **LICENSE REQUIREMENT.**—

(1) **REQUIREMENT.**—The President shall require a license under the Export Administration Regulations for the export of any item described in paragraph (1), or subparagraph (A) or (B) of paragraph (2), of section 3(a) that is not subject to a license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) if the item is intended for military end use by the People's Republic of China.

(2) **SENSE OF CONGRESS.**—It is the sense of Congress that the President should not approve a license pursuant to paragraph (1) unless the President determines that approval is important to counterterrorism, non-proliferation, or other national security interests of the United States.

(c) **CONGRESSIONAL NOTIFICATION.**—The issuance of a license pursuant to subsection (b) shall be subject to the same requirements as are applicable to the export of items described in section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) (without regard to the dollar amount requirements relating to contracts contained in such section), including the transmittal of information and the application of congressional review procedures in accordance with such section.

(d) **DEFINITION.**—In this section, the term "military end use" means, with respect to an item, the item is or may be intended, entirely or in part, for use in conjunction with an item described on the Wassenaar Munitions List of July 12, 1996, and subsequent revisions.

#### **SEC. 7. APPLICATION OF MEASURES TO CERTAIN FOREIGN PERSONS.**

(a) **APPLICATION OF MEASURES.**—Subject to sections 8 and 9, the President may apply with respect to any foreign person (including a foreign government) identified in a report transmitted under section 3, and shall apply with respect to any foreign person (including a foreign government) identified in more than one report transmitted under section 3, any or all of the following measures:

(1) **RESEARCH AND DEVELOPMENT.**—Denial of participation in existing and new cooperative research and development programs and projects under section 27 of the Arms Export Control Act (22 U.S.C. 2767) or sections 2350a, 2358, or a memorandum of understanding under 2531 of title 10, United States Code.

(2) **CONTROL OF UNITED STATES DEFENSE FIRMS.**—Prohibition of ownership and control of any business organization required to be registered with the United States Government as a manufacturer or exporter of defense articles or defense services under sec-

tion 38(b)(1) of the Arms Export Control Act (22 U.S.C. 2778(b)(1)).

(3) **SECURITY ASSISTANCE.**—Prohibition on participation in any foreign military sales under chapter 2 of the Arms Export Control Act (22 U.S.C. 2761 et seq.) or any design and construction sales under chapter 2A of such Act (22 U.S.C. 2769).

(4) **MUNITIONS LIST APPROVALS.**—Prohibition on licenses and other forms of approval under section 38 of the Arms Export Control Act (22 U.S.C. 2778) for the export of any item on the United States Munitions List as in effect on August 8, 1995.

(5) **DUAL USE APPROVALS.**—Prohibition on licenses and other forms of approval for dual use goods or technology, the export of which is controlled under the Export Administration Act of 1979 (as continued in effect under the International Emergency Economic Powers Act) or the Export Administration Regulations.

(b) **APPLICATION OF ADDITIONAL MEASURES.**—Subject to sections 8 and 9, and notwithstanding any other provision of law, the President may, with respect to any foreign person (including a foreign government) identified in a report transmitted under section 3, and shall, with respect to any foreign person (including a foreign government) identified in more than one report transmitted under section 3—

(1) suspend the use of any license exemption and expedited license procedure established in the International Traffic in Arms Regulations or other provisions of law for the export or temporary import of defense articles and defense services;

(2) require the execution of a non-transfer and end use certificate for the export of any defense articles and defense services; and

(3) require, as a condition of issuance of any license for the export of defense articles and defense services, United States access to and verification of the items after the export of the items or alternative measures to ensure compliance with restrictions on the transfer of the items to third-parties.

(c) **EFFECTIVE DATE OF MEASURES.**—Measures applied pursuant to subsection (a) or (b) shall be effective with respect to a foreign person (including a foreign government) no later than—

(1) 30 days after the report identifying the foreign person is transmitted, if the report is transmitted on or before the date required by section 3(b); or

(2) on the date that the report identifying the foreign person is transmitted, if the report is transmitted more than 30 days after the date required by section 3(b).

(d) **DURATION OF MEASURES.**—Measures applied pursuant to subsection (a) shall be for a period of 2 years or longer, as the President determines appropriate. Measures applied pursuant to subsection (b) shall be, at a minimum, consistent with the duration of the license and the normal requirements for record keeping established in the International Traffic in Arms Regulations or longer, as the President determines appropriate.

(e) **PUBLICATION IN FEDERAL REGISTER.**—The application of measures to a foreign person pursuant to subsection (a) or (b) shall be announced by notice published in the Federal Register, except if the President determines that doing so would be inconsistent with the protection of classified information.

#### **SEC. 8. PROCEDURES IF DISCRETIONARY MEASURES ARE NOT APPLIED.**

(a) **REQUIREMENT TO NOTIFY CONGRESS.**—If the President does not exercise the authority of subsection (a) or (b) of section 7 to apply any or all of the discretionary measures described in such subsection with respect to a foreign person identified in a report transmitted under section 3, the President shall

so notify the appropriate congressional committees not later than the effective date under section 7(c) for measures with respect to that person.

(b) WRITTEN JUSTIFICATION.—Any notification transmitted by the President under subsection (a) shall include a written justification describing in detail the facts and circumstances relating specifically to the foreign person identified in a report transmitted under section 3 that support the President's decision not to exercise the authority of subsection (a) or (b) of section 7 with respect to that person.

(c) FORM.—If the President considers it appropriate, the notification of the President under subsection (a), and the written justification under subsection (b), or appropriate parts thereof, may be transmitted in classified form.

**SEC. 9. DETERMINATIONS EXEMPTING FOREIGN PERSONS FROM MANDATORY MEASURES.**

(a) WAIVER.—Any mandatory measure described in section 7 shall not apply with respect to a foreign person if the President transmits to the appropriate congressional committees a report that contains a determination of the President that—

(1) on the basis of information provided by that person or the foreign government having primary jurisdiction over the person, the person did not, on or after January 1, 2005, knowingly export to the People's Republic of China the item the apparent export of which caused the person to be identified in a report transmitted under section 3; or

(2) the foreign government having primary jurisdiction over the person has entered into a written agreement with the United States which—

(A) is binding under international law;

(B) prohibits further exports of any item described in paragraph (1), or subparagraph (A) or (B) of paragraph (2), of section 3(a) by any person subject to its jurisdiction;

(C) is supported by the foreign government's adoption of policies and procedures providing for credible implementation of the requirements in subparagraphs (A) and (B);

(D) does not constrain the President's authority to impose measures under this act in the event of a future export of concern by the same or other persons subject to the jurisdiction of the foreign government party to the agreement; and

(E) is submitted to the appropriate congressional committees 30 days prior to its entry into force.

(b) ADDITIONAL WAIVER.—Any mandatory measure described in section 7 shall not apply to a foreign person if the President determines that it is important to the counterterrorism, nonproliferation, or other national security interests of the United States and transmits to the appropriate congressional committees a report in writing that contains such determination.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the President should—

(1) strengthen international coordination and execution of arms export policy through the development of bilateral and multilateral agreements under subsection (a)(2), particularly with member states of the North Atlantic Treaty Organization (NATO), Japan, Australia and New Zealand, and exercise the waivers provided under this section in all appropriate instances that further this objective; and

(2) whenever the President determines that the measures described in section 7 should be applied, that the measures be applied comprehensively with respect to the affected foreign person's affiliates and subsidiaries, wherever located, in order to deter to the fullest extent possible a recurrence or continuation of the export giving rise to the President's determination.

(d) FORM.—If the President considers it appropriate, the determination and report of the President under subsection (a), or appropriate parts thereof, may be transmitted in classified form.

**SEC. 10. DEFINITIONS.**

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on International Relations and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(2) DEFENSE ARTICLES AND DEFENSE SERVICES.—The term "defense articles and defense services" has the meaning given the term in section 47(7) of the Arms Export Control Act (22 U.S.C. 2794 note).

(3) DUAL USE.—The term "dual use" means, with respect to goods or technology, those goods or technology that are specifically designed or developed for civil purposes but which also may be used or deployed in a military or proliferation mode. Such term does not include purely commercial items.

(4) EXPORT.—The term "export" has the meaning given that term in section 120.17 of the International Traffic in Arms Regulations, and includes re-exports, transfers, and retransfers by any means.

(5) EXPORT ADMINISTRATION REGULATIONS.—The term "Export Administration Regulations" means those regulations contained in sections 730 through 774 of title 15, Code of Federal Regulations (or successor regulations).

(6) FOREIGN GOVERNMENT.—The term "foreign government" has the meaning given the term in section 38(g)(9)(B) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)(B)).

(7) FOREIGN PERSON.—The term "foreign person" has the meaning given the term in section 38(g)(9)(C) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)(C)).

(8) GOOD.—The term "good" has the meaning given the term in section 16(3) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(3)).

(9) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.—The term "International Traffic in Arms Regulations" means those regulations contained in sections 120 through 130 of title 22, Code of Federal Regulations (or successor regulations).

(10) ITEM.—The term "item" means any good or technology, defense article or defense service subject to the export jurisdiction of the United States under law or regulation.

(11) LICENSE.—The term "license" means an official written document of the United States Government issued pursuant to the Export Administration Regulations or the International Traffic in Arms Regulations, as the case may be, authorizing a specific export.

(12) OTHER FORMS OF APPROVAL.—The term "other forms of approval" includes any authorization, rule or exemption contained in any statute or regulation that permits an export without a license.

(13) OWNERSHIP OR CONTROL.—The term "ownership or control" has the meaning given the term in section 122.2(c) of the International Traffic in Arms Regulations.

(14) PERSON.—The term "person" has the meaning given the term in section 38(g)(9)(E) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)(E)).

(15) TECHNOLOGY.—The term "technology" has the meaning given the term in section 16(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(4)).

(16) UNITED STATES MUNITIONS LIST.—The term "United States Munitions List" means

the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

I rise in support of H.R. 3100, a bill which I introduced for the purpose of authorizing measures to deter arms transfers by foreign countries to the People's Republic of China.

□ 1200

This bill has 14 cosponsors from both sides of the aisle, including the gentleman from California (Mr. LANTOS), the ranking Democratic member of the Committee on International Relations; and the gentleman from California (Mr. HUNTER), the chairman of the Committee on Armed Services. The Committee on International Relations has marked up the bill and ordered it reported unanimously. The background and need for this legislation can be briefly summarized.

When the House passed Resolution 57 overwhelmingly 411 to 3 on February 2, 2005, it did so in the context of a rising chorus from European leaders that it was time to terminate the European Union's arms embargo on China. In response to this development, Resolution 57 called on the European Union to take two steps: one, to maintain its arms embargo on the People's Republic of China; and, two, to eliminate weaknesses in the embargo and in the national policies of the EU member states. Indeed, those weaknesses are loopholes of one form or another that had permitted European weapons technology to flow to China at an increasingly higher level, even while the embargo remained in place.

Now we have word that the EU has decided for the time being not to terminate the China arms embargo. This, of course, is a welcome development, but it only responds to one of the two steps we asked to be taken. Unfortunately, while maintaining the embargo in the formal sense, the EU and its member states have remained silent on whether they will actually stop the flow of arms-related technology from Europe to China. The supply of European arms technology to China has risen steadily in recent years, both in quantity and quality or sophistication.

With respect to quantity, European arms sales to China increased eight-

fold, to \$540 million in the 3-year period between 2001 and 2003. Qualitatively, European transfers have included a number of systems which increased the range, reliability, and lethality of China's attack aircraft and other offensive weapons systems.

The implications of these transfers are uniformly negative for the security of U.S. Armed Forces in East Asia, for the defense of our friends and allies in the region, and for regional stability more broadly. In this respect, I note the public testimony by the Director of the CIA, Mr. Goss, on February 16, 2005, before the Senate Select Committee on Intelligence. At that time he pointed out that Beijing's military modernization and military buildup is tilting the balance of power in the Taiwan Strait and that improved Chinese capabilities threaten U.S. forces in the region.

H.R. 3100 would address these continuing serious concerns in several ways. First, the bill would ensure Congress has the information it needs from the executive branch concerning foreign support for Chinese weapons acquisitions. Under H.R. 3100, the President would henceforth submit an annual report to Congress on European companies that are aiding China's military buildup and on European governments whose policies condone these sales.

Second, for those European companies and governments that continue dangerous arms relationships with China, the bill would expand U.S. export license requirements and increase congressional oversight in certain circumstances. This will ensure that access to sensible U.S. weapons technology is monitored carefully in the case of foreign companies that are also suppliers to Chinese military programs. As the chairman of the Committee on Armed Services noted during our April 14 hearing, the technology control plans which govern access to our weapons technology by foreign contractors who are also aiding the Chinese could be very challenging, if not "mission impossible."

Third, the President would be given new authority to help deter future European arms-related sales, should enhanced procedural safeguards not be enough. H.R. 3100 provides a menu of measures the President could draw upon in limiting access of culpable persons to U.S. weapons technology.

Significantly, H.R. 3100 would not have a retroactive character. It will not reach back. This is because the bill is not intended to be punitive; its primary purpose is deterrence. In this context, the optimal report Congress could receive is one in which no European company or government is named. However, if EU member states do not make it possible for this to happen, the President would be in a position to take other steps in consultation with the Congress to safeguard our security interests.

Mr. Speaker, I hope our colleagues will join me in supporting H.R. 3100.

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

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of H.R. 3100, the East Asia Security Act of 2005.

Mr. Speaker, tens of thousands of American troops are currently deployed in Asia, and the American Armed Forces one day could be sent to the Taiwan Strait to help defend the island nation from invasion by Mainland China. It is also possible that American troops might be mobilized in other circumstances in East Asia.

We certainly do not seek a military confrontation with China. Our country is actively working to reduce the possibility of any hostilities with that country. At the same time, I am certain that my colleagues remember our tense confrontation with China over the incident involving an American EP-3 aircraft that was forced to land at Hainan Island in southern China after it was harassed and damaged by a Chinese fighter aircraft.

In addition to our own troops' safety, Mr. Speaker, our country has other vital interests throughout the Asia Pacific region, including the national and economic security interests of our friends and allies.

Earlier this year, we faced a serious problem when the European Union announced its ill-advised intention to lift the embargo against the sale of sophisticated weapons to China. For the American people, this raised the threat that American soldiers could face the latest in high-tech weaponry manufactured in Europe as well as Chinese weapons systems that could be greatly improved by European technology. In February of this year, this House adopted House Resolution 57, introduced by my good friend, the distinguished chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), and myself. That resolution called upon the Europeans to maintain their embargo on arms sales to China; and as my colleagues recall, Mr. Speaker, the Hyde-Lantos resolution was adopted in the House by a vote of 411 to 3.

Our European allies received that clear message, and their ill-advised effort to lift the embargo was quietly dropped. I welcomed that action by the European Union.

The embargo on arms sales was initially initiated because of China's horrendous human rights record. Nothing about that record has changed in the 16 years since the Tiananmen Square Massacre. The only difference is China's dramatically increasing military strength and the consequent threat to the entire region.

Even with the embargo still in place, Mr. Speaker, several of the leading nations of Europe have dramatically increased their sales to China of military-related goods and high technology. In 2003, the last year for which data is available, these sales amounted to over a half a billion dollars from

some European Union countries, including France, Germany, Italy, and the Czech Republic. Other non-European Union countries have also sold significant military equipment to China which represents a threat to regional stability.

For all of these reasons, it is important that we make clear our opposition to the sale of sophisticated military equipment to China, and that we establish penalties by law against those companies and countries that engage in sales that are damaging to our own national security interests and the security of East Asia.

Our legislation, the Hyde-Lantos legislation, H.R. 3100, covers any nation whose policies permit the export of dangerous military materiel and technology to China. At the President's discretion, he can publicize the activities of any country that is transferring sensitive goods and technology to the People's Republic of China, and he has the authority to impose sanctions if he chooses.

For any country that is involved in sensitive defense research and development projects with the United States, and whose practices have the potential to allow the transfer of U.S. technology to the People's Republic of China, the Hyde-Lantos bill would require that all U.S. exports of goods and technology to these countries be carefully reviewed and licensed prior to export.

Our bill is extremely important to persuade other countries that there will be severe consequences if they fail to respect the security interests of their most important ally, the United States of America.

I urge all of my colleagues to support this bill.

Mr. HYDE. Mr. Speaker, I enclose two letters relating to the consideration of H.R. 3100 The East Asia Security Act."

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON INTERNATIONAL RELATIONS,

Washington, DC, July 12, 2005.

Hon. BILL THOMAS,  
Chairman, House Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the bill H.R. 3100 "The East Asia Security Act of 2005". The Committee has marked up the bill and ordered it reported by a unanimous vote.

Under Rule X of the House Rules the Committee on Ways and Means has jurisdiction over matters concerning imports. One provision under Section 7 of H.R. 3100 may suspend the President's ability to use a license exemption or expedited procedure for licensing of the temporary importation of defense articles, and thus falls within the jurisdiction of the Committee on Ways and Means.

In the interest of permitting this Committee to proceed expeditiously to the floor consideration of this bill, I request your Committee waive its right to sequential referral on this matter. I understand that such a waiver only applies to this language in this bill, and not to the underlying subject matter. I will urge the Speaker to name Members of your Committee to any conference committee which is named to consider this bill.

I appreciate your willingness to allow us to proceed. I will insert this exchange of letters into the Congressional Record during the debate of this bill.

Sincerely,

HENRY J. HYDE,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON WAYS AND MEANS,  
Washington, DC, July 13, 2005.

Hon. HENRY J. HYDE,  
*Chairman, Committee on International Relations, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN HYDE: I am writing concerning H.R. 3100, the "East Asia Security Act of 2005," which is scheduled for floor consideration on Wednesday, July 13, 2005.

As you know, the Committee on Ways and Means has jurisdiction over matters concerning imports. One provision under Section 7 of H.R. 3100 may suspend the President's ability to use a license exemption or expedited procedure for licensing of the temporary importation of defense articles, and thus falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 3100, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,  
*Chairman.*

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

Mr. HYDE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 3100.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### COMMEMORATING 60TH ANNIVERSARY OF CONCLUSION OF WAR IN THE PACIFIC AND HONORING VETERANS OF BOTH PACIFIC AND ATLANTIC THEATERS OF SECOND WORLD WAR

Mr. HYDE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 191) commemorating the 60th anniversary of the conclusion of the War in the Pacific and honoring veterans of both the Pacific and Atlantic theaters of the Second World War, as amended.

The Clerk read as follows:

H. CON. RES. 191

Whereas on December 7, 1941, a date which will live in infamy, the United States was suddenly and deliberately attacked at Pearl Harbor, Oahu, Hawaii, resulting in the loss of over 2,400 American lives, the greatest such loss of life in a single attack before September 11, 2001;

Whereas the United States joined with allies from 32 countries to fight the common foe of fascist militarism in a war in which over 16,000,000 Americans served in the military;

Whereas the United States suffered over 670,000 casualties, with more than 400,000 deaths, while over 105,000 Americans were held as prisoners of war, many of whom were forced to participate in the infamous Bataan Death March or were forced to work on the construction of the Siam-Burma Railway;

Whereas two former Presidents, John F. Kennedy and George H. W. Bush, served with particular distinction and valor in the Pacific theater during the Second World War;

Whereas the sea battles of the Coral Sea, Midway, Leyte Gulf—the greatest naval battle in history—and Lingayen Gulf turned the tide of the war in the Pacific and led to ultimate victory;

Whereas the Sullivan family of Waterloo, Iowa, who lost five sons in a single morning when the USS Juneau was sunk in the Battle of Guadalcanal, came to symbolize for the United States the grief felt by American families over the loss of loved ones during the Second World War;

Whereas on May 14, 1943, the Australian hospital ship Centaur, in transit to New Guinea to pick up the wounded, was sunk fifty miles East-Northeast of Brisbane, Australia, resulting in 268 dead, representing the highest number of casualties of any merchant vessel sunk by a submarine in the Pacific theater;

Whereas General Douglas MacArthur fulfilled his promise of "I shall return" to the Philippine people by leading the successful campaign for the liberation of the Philippines, part of a wider campaign which freed much of Asia from militarist occupation;

Whereas more than 20,000 Japanese and 7,000 Americans died in the battle of Iwo Jima, which raged on the small island of Iwo Jima for over one month between February and March 1945, the fierceness of which was captured in the historic photo of five Marines and one Navy corpsman raising the American flag on Mount Suribachi;

Whereas the Battle of Okinawa, waged between April and June 1945, was the largest sea-land-air battle in history, with more than 38,000 Americans wounded and 12,000 killed or missing, more than 107,000 Japanese and Okinawan conscripts killed, and perhaps 100,000 Okinawan civilians who perished in the Battle;

Whereas millions of people died in Hawaii, Guam, the Coral Sea, Midway, the Marshall Islands, the Solomon Islands, Wake Island, Guadalcanal, Nanjing, Harbin, Beijing, Shanghai, Chongqing, Hong Kong, Singapore, Malaya, Indonesia, Burma, Bataan, Corregidor, Manila, Luzon, Leyte Gulf, Lingayen Gulf, New Guinea, Korea, Saipan, Iwo Jima, Okinawa, Tokyo, Hiroshima, and Nagasaki;

Whereas the Second World War led to dramatic social changes in the United States as more than 19,500,000 women joined the American workforce at defense plants and 350,000 women joined the Armed Forces;

Whereas the roles of minorities in both the Armed Forces and industry were changed forever as greater opportunities for employment and service in the defense of the United States presented themselves;

Whereas Japanese-Americans, including Senator Daniel Inouye, served with courage and valor in the 442nd Regimental Combat Team, the most decorated regiment in United States military history;

Whereas the people of the United States and Japan worked together after the Second World War to reconstruct Japan and to ensure the post-War emergence of Japan as a beacon of democracy and economic liberalization in the Asia-Pacific region, and the United States and Japan further solidified the post-War security relationship by signing the Security Treaty of 1951 and the Treaty of Mutual Cooperation and Security in 1960;

Whereas the sacrifices in the Pacific of United States veterans and veterans of United States allies during the Second World War led to the emergence of an Asian region where democratic institutions and free market economies have taken hold, contributing greatly to the peace and prosperity of the region; and

Whereas on May 29, 2004, the United States gratefully dedicated the World War II Memorial, honoring both the Pacific and Atlantic theaters, on the National Mall in Washington, D.C., with decorated World War II hero Senator Robert Dole giving the dedication speech: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That Congress—*

(1) honors all veterans, living and deceased, of the Second World War in both the Pacific and Atlantic theaters on the 60th anniversary year of the War's conclusion and expresses the deep appreciation and gratitude of the United States for their valor and selfless service to their country;

(2) calls upon the people of the United States to commemorate the 60th anniversary of the final surrender of the Second World War aboard the USS Missouri as a day of remembrance and appreciation for the members of the greatest generation who, through their sacrifices both in the Armed Forces and on the homefront, preserved liberty for future generations and rescued the world from the scourge of fascist militarism;

(3) reaffirms the judgment in Tokyo rendered by the International Military Tribunal for the Far East of 1946–1948 and the conviction of certain individuals as war criminals for their crimes against humanity; and

(4) recognizes that the alliances formed in the Asia-Pacific region following the Second World War, including those with Australia, Japan, the Philippines, the Republic of Korea, and Thailand, have contributed immeasurably to the continued peace and prosperity enjoyed throughout the region.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 191.

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

There was no objection.

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

Mr. Speaker, this is the 60th anniversary of the final victory in one of the