forces of the Government of Namibia, pursuant to 22 U.S.C. 2349aa-3(a)(1); to the Committee on Foreign Affairs.

3072. A letter from the Assistant Secretary for Legislative Affairs, Department of State; transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to Israel (Transmittal No. DTC-15-94), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3073. A letter from the Assistant Secretary of State for Legislative Affairs; transmitting copies of the original report of political contributions by Joseph R. Paolino, of Rhode Island, Ambassador designate to the Republic of Malta, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3074. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a draft of proposed legislation entitled, "U.S.-Mexico Border Water Pollution Control Act," pursuant to 31 U.S.C. 1110; to the Committee on Public Works and Transportation.

3075. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a draft of proposed legislation entitled, "U.S. Colonias Water Pollution Control Act," pursuant to 31 U.S.C. 1110; to the Committee on Public Works and Transportation.

3076. A letter from the Administrator, Environmental Protection Agency and the Secretaries of Agriculture and Health and Human Resources, transmitting a draft of proposed legislation entitled, "Pesticide Reform Act of 1994"; jointly, to the Committees on Energy and Commerce and the Judiciary.

3077. A letter from the Administrator, U.S. Small Business Administrator, transmitting the Administration's 1993 annual report on the Natural Resource Development Program; a tree planting program utilizing small businesses; jointly, to the Committees on Small Business and Appropriations.

3078. A letter from the Administrator, En-

3078. A letter from the Administrator, Environmental Protection Agency and the Secretaries of Agriculture and Health and Human Services, transmitting a draft of proposed legislation entitled, "Federal Insecticide, Fungicide, and Rodenticide Act Amendments of 1994"; jointly, to the Committees on Agriculture, Foreign Affairs, Energy and Commerce, Ways and Means, and the Judiciary.

¶40.3 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 67. Concurrent resolution to correct technical errors in the enrollment of the bill, H.R. 2333.

The message also announced that the Senate agreed to the amendment of the House to the amendment of the Senate to the amendment of the House to the bill (S. 1636) "An Act to authorize appropriations for the Marine Mammal Protection Act of 1972 and to improve the program to reduce the incidental taking of marine mammals during the course of commercial fishing operations, and for other purposes."

¶40.4 APPOINTMENT OF FUNERAL COMMITTEE OF THE LATE RICHARD M.

The SPEAKER, pursuant to the provisions of House Resolution 411, announced the appointment on Wednes-

day, April 27, 1994, of the following Members of the House to join with a Committee of the Senate to attend the funeral services of late Honorable Richard Milhous Nixon, thirty-seventh President of the United States, in Yorba Linda, California:

Mr. Foley of Washington; Mr. MICHEL of Illinois;

Mr. GINGRICH of Georgia;

Mr. MOORHEAD of California;

Mr. Thomas of California; Mr. Dreier of California:

Mr. HUNTER of California;

Mr. DORNAN of California;

Mr. GALLEGLY of California;

Mr. HERGER of California;

Mr. Cox of California;

Mr. CONDIT of California; Mr. CALVERT of California:

Mr. KIM of California;

Mr. McKeon of California;

Mr. ROYCE of California;

Mr. PICKLE of Texas;

Mr. DE LA GARZA of Texas;

Mr. BEVILL of Alabama;

Mr. MYERS of Indiana; Mr. MAZZOLI of Kentucky:

Mr. SPENCE of South Carolina;

Mr. GILMAN of New York;

Mr. REGULA of Ohio;

Mr. SHUSTER of Pennsylvania;

Mr. WALKER of Pennsylvania;

Mr. ROTH of Wisconsin;

Mr. Petri of Wisconsin;

Mr. EMERSON of Missouri; Mr. McCollum of Florida;

Mr. ROBERTS of Kansas:

Mrs. Roukema of New Jersey;

Mr. Skeen of New Mexico;

Mrs. Kennelly of Connecticut;

Mr. Boehlert of New York;

Mrs. VUCANOVICH of Nevada;

Mrs. BENTLEY of Maryland;

Mr. CALLAHAN of Alabama;

Mr. KOLBE of Arizona; Mr. McMillan of North Carolina;

Mr. UPTON of Michigan;

Mr. Shays of Connecticut;

Mr. DUNCAN of Tennessee;

Mr. McNulty of New York;

Mr. Schiff of New Mexico;

Mr. STEARNS of Florida;

Mr. CAMP of Michigan;

Mr. Peterson of Florida; Mr. Taylor of North Carolina:

Mr. CANADY of Florida;

Mr. CLYBURN of South Carolina;

Mr. COLLINS of Georgia;

Mr. DICKEY of Arkansas;

Mr. HUTCHINSON of Arkansas; Mr. JOHNSON of Georgia;

Mr. KING of New York;

Mr. LINDER of Georgia;

Mr. MICA of Florida;

Mr. MILLER of Florida;

Mr. SMITH of Michigan;

Mr. TORKILDSEN of Massachusetts; and

Mr. UNDERWOOD of Guam.

¶40.5 PROVIDING FOR THE CONSIDERATION OF H.R. 3254

Mr. BONIOR, by direction of the Committee on Rules, reported (Rept. No. 103–485) the resolution (H. Res. 414) providing for the consideration of the bill (H.R. 3254) to authorize appropriations for the National Science Foundation, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

$\P 40.6$ Providing for the Consideration of H.R. 3221

Mr. BONIOR, by direction of the Committee on Rules, called up the following resolution (H. Res. 410):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 3221) to provide for the adjudication of certain claims against the Government of Iraq. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Foreign Affairs now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. No amendment to the committee amendment in the nature of a substitute shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII before the beginning of consideration of the bill. The amendment caused to be printed in the Record by Representative Bereuter of Nebraska (relating to certain commercial claims) may amend portions of the bill not yet read for amendment. After disposition of all other amendments to the committee amendment in the nature of a substitute, it shall be in order to consider an amendment caused to be printed in the Record by Representative Bonior of Michigan (relating to humanitarian assistance) and an amendment caused to be printed in the Record by Representative Solomon of New York (relating to war crimes) in the order stated. Points of order against each of those amendments for failure to comply with clause 7 of rule XVI are waived. After disposition of those amendments, no further amendment to the committee amendment in the nature of a substitute shall be in order. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may de-mand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered. After debate,

On motion of Mr. BONIOR, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶40.7 IRAQI CLAIMS

The SPEAKER pro tempore, Mr. McNULTY, pursuant to House Resolution 410 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3221) to provide for the adjudica-

tion of certain claims against the Government of Iraq.

The SPEAKER pro tempore, Mr. McNULTY, by unanimous consent, designated Ms. ESHOO as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. KLECZKA, assumed the Chair.

When Ms. ESHOO, Chairman, pursuant to House Resolution 410, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Iraq Claims Act of 1994''.

SEC. 2. ADJUDICATION OF CLAIMS.

- (a) CERTAIN CLAIMS WITHIN THE JURISDICTION OF UN COMMISSION.—The United States Commission is authorized to receive and determine the validity and amounts of any claims referred to it by the Secretary of State with respect to which the United States has received lump-sum payments from the United Nations Commission.
- (b) OTHER CLAIMS AGAINST IRAQ.—The United States Commission is authorized to receive and determine the validity and amounts of any claims by nationals of the United States against the Government of Iraq that are determined by the Secretary of State to be outside the jurisdiction of the United Nations Commission.
- (c) DECISION RULES.—In deciding claims under subsection (a) or (b), the United States Commission shall apply, in the following order—
- (1) in the case of claims under subsection (a), relevant decisions of the United Nations Security Council and the United Nations Commission:
- (2) applicable substantive law, including international law: and
- (3) applicable principles of justice and equity.
- (d) PRIORITY CLAIMS.—Before deciding any other claim against the Government of Iraq, the United States Commission shall, to the extent practical, decide all pending non-commercial claims of members of the United States Armed Forces and other individuals arising out of Iraq's invasion and occupation of Kuwait or out of the 1987 attack on the USS Stark.
- (e) APPLICABILITY OF INTERNATIONAL CLAIMS SETTLEMENT ACT.—To the extent they are not inconsistent with the provisions of this Act, the provisions of title I (other than section 2(c)) and title VII of the International Claims Settlement Act of 1949 (22 U.S.C. 1621–1627 and 1645–16450) shall apply with respect to claims under this Act and the funds established pursuant to sections 3(a) and 3(c).

SEC. 3. CLAIMS FUNDS.

- (a) UN COMMISSION CLAIMS FUNDS.—The Secretary of the Treasury is authorized to establish in the Treasury of the United States one or more funds (hereinafter in this Act referred to as the "UN Commission Claims Funds") for payment of claims under section 2(a). The Secretary of the Treasury shall cover into the UN Commission Claims Funds such amounts as are allocated to such funds pursuant to subsection (b)(1).
- (b) ALLOCATION OF FUNDS RECEIVED FROM UN COMMISSION.—The Secretary of State

shall allocate funds received by the United States from the United Nations Commission, in the manner the Secretary determines appropriate, between—

- (1) the UN Commission Claims Funds; and (2) funds established under the authority of the paragraphs under the heading "TRUST FUNDS" in the Act entitled "An Act making appropriations for the diplomatic and consular service for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven", approved February 26, 1896 (22 U.S.C. 2668a).
- (c) IRAQ CLAIMS FUND.—The Secretary of the Treasury is authorized to establish in the Treasury of the United States a fund (hereinafter in this Act referred to as the "Iraq Claims Fund") for payment of claims under section 2(b). The Secretary of the Treasury shall cover into the Iraq Claims Fund such amounts as are allocated to such fund pursuant to subsection (d).
- (d) ALLOCATION OF PROCEEDS FROM IRAQI ASSET LIQUIDATION.—
- (1) IN GENERAL.—The President shall allocate funds resulting from the liquidation of assets pursuant to section 4 in the manner the President determines appropriate between the Iraq Claims Fund and such other accounts as are appropriate for the payment of claims of the United States Government, subject to the limitation in paragraph (2).
- (2) LIMITATION.—The amount allocated pursuant to this subsection for payment of claims of the United States Government may not exceed the amount which bears the same relation to the amount allocated to the Iraq Claims Fund pursuant to this subsection as the sum of all certified claims of the United States Government bears to the sum of all claims certified under section 2(b). As used in this paragraph, the term "certified claims of the United States Government" means those claims of the United States Government which are determined by the Secretary of State to be outside the jurisdiction of the United Nations Commission and which are determined to be valid, and whose amount has been certified, under such procedures as the President may establish.

SEC. 4. AUTHORITY TO VEST IRAQI ASSETS.

The President is authorized to vest and liquidate as much of the assets of the Government of Iraq in the United States that have been blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) as may be necessary to satisfy claims under section 2(b), as well as claims of the United States Government against Iraq which are determined by the Secretary of State to be outside the jurisdiction of the United Nations Commission.

SEC. 5. REIMBURSEMENT FOR EXPENSES OF PROGRAM ADMINISTRATION.

- (a) DEDUCTION.—In order to reimburse the United States Government for its expenses in administering the Iraq claims program and this Act, the Secretary of the Treasury shall deduct—
- (1) 1.5 percent of any amount covered into the UN Commission Claims Funds or the Iraq Claims Fund; and
- (2) 1.5 percent of any amount the Secretary of State receives from the United Nations Commission that is not covered into the UN Commission Claims funds and that is not in payment of a claim of the United States
- (b) DEDUCTIONS TREATED AS MISCELLANE-OUS RECEIPTS.—Amounts deducted pursuant to subsection (a) shall be deposited in the Treasury of the United States as miscellaneous receipts.

SEC. 6. PAYMENTS.

(a) IN GENERAL.—The United States Commission shall certify to the Secretary of the Treasury each award made pursuant to section 2. The Secretary of the Treasury shall

- make payment, out of the appropriate fund established pursuant to section 3(a) or 3(c), in the following order of priority to the extent funds are available in such fund:
- (1) Payments of \$10,000 or the principal amount of the award, whichever is less.
- (2) For each claim that has priority under section 2(d), payment of a further \$90,000 toward the unpaid balance of the principal amount of the award.
- (3) Payments from time to time in ratable proportions on account of the unpaid balance of the principal amounts of all awards according to the proportions which the unpaid balance of such awards bear to the total amount in the appropriate claims fund that is available for distribution at the time such payments are made.
- (4) After payment has been made of the principal amounts of all such awards, pro rata payments on account of accrued interest on such awards as bear interest.
- (5) After payment has been made in full of all the awards payable out of a fund established pursuant to section 3(a) or 3(c), any funds remaining in that fund shall be transferred to the other claims fund established pursuant to section 3(a) or 3(c), except that any funds received by the United States from the United Nations Commission shall be so transferred only to the extent not inconsistent with requirements of the United Nations Commission.
- (b) UNSATISFIED CLAIMS.—Payment of any award made pursuant to this Act shall not extinguish any unsatisfied claim, or be construed to have divested any claimant, or the United States on his or her behalf, of any rights against the Government of Iraq with respect to any unsatisfied claim.

SEC. 7. RECORDS.

- (a) TRANSFER TO COMMISSION.—The head of any Executive agency may transfer or otherwise make available to the United States Commission such records and documents relating to claims authorized to be adjudicated by this Act as may be required by the United States Commission in carrying out its functions under this Act.
- (b) Public Disclosure.—Section 552 of title 5 of the United States Code (commonly referred to as the "Freedom of Information Act") shall not apply with respect to records that, as determined by the Secretary of State, are required under the rules and decisions of the United Nations Commission to be withheld from public disclosure.

SEC. 8. STATUTE OF LIMITATIONS; DISPOSITION OF UNUSED FUNDS.

- (a) STATUTE OF LIMITATIONS.—Any demand or claim of payment on account of an award that is certified under the Iraq claims program shall be barred one year after the publication date of the notice required by subsection (b).
 - (b) PUBLICATION OF NOTICE.—
- (1) IN GENERAL.—At the end of the 9-year period specified in paragraph (2), the Secretary of the Treasury shall publish a notice in the Federal Register detailing the statute of limitations provided for subsection (a) and identifying the claim numbers and awardee names of unpaid certified claims.
- (2) PUBLICATION DATE.—The notice required by paragraph (1) shall be published 9 years after the latter of—
- (A) the last date on which the Secretary of the Treasury covers into any of the UN Commission Claims Funds, or into any fund described in section 3(b)(2), amounts allocated to that fund pursuant to section 3(b); or
- (B) the last date on which the Secretary of the Treasury covers into the Iraq Claims Fund amounts allocated to that fund pursuant to section 3(d).
 - (c) DISPOSITION OF UNUSED FUNDS.—
- (1) DISPOSITION.—At the end of the 2-year period beginning on the publication date of

the notice required by subsection (b), the Secretary of the Treasury shall dispose of all unused funds described in paragraph (2) as

(A) By making additional payments pursu-

ant to the Iraq claims program.

(B) By depositing in the Treasury of the United States as miscellaneous receipts any such funds that are not used for such additional payments.
(2) UNUSED FUNDS.—The unused funds re-

ferred to in paragraph (1) are-

(A) any remaining balance in the UN Commission Claims Funds or in the Iraq Claims Funds, including the amount of any unpaid certified claim under the Iraq claims program; and

(B) any remaining balance in any fund referred in section 3(b)(2) to the extent such balance reflects amounts deposited pursuant to that section

SEC. 9. DEFINITIONS.

As used in this Act-

(1) the term "Government of Iraq" includes agencies, instrumentalities, and controlled entities (including public sector enterprises) of that government;

(2) the term "Executive agency" has the meaning given that term by section 105 of

title 5, United States Code;

- (3) the term "Iraq claims program" means the claims whose adjudication is provided for in this Act and any other claims that are within the jurisdiction of the United Nations Commission;
- (4) the term "United Nations Commission" means United Nations Compensation Commission established pursuant to the United Nations Security Council Resolution 687 (1991); and
- (5) the term "United States Commission" means the Foreign Claims Settlement Commission of the United States.

SEC. 10. ADMISSION TO THE UNITED STATES AS REFUGEES OF INDIVIDUALS WHO SERVED IN THE ARMED FORCES OF IRAQ DURING THE PERSIAN GULF CONFLICT.

- (a) STATEMENT OF POLICY.—It is the sense of the Congress that individuals who have served in the armed forces of Iraq during the Persian Gulf conflict should not be admitted to the United States as refugees under the Immigration and Nationality Act except in exceptional circumstances until all claims under section 2(b) of this Act have been paid in full.
- (b) PERSIAN GULF CONFLICT DEFINED.—For purposes of this section, the term "Persian Gulf conflict" means the period beginning on August 2, 1990, and ending on February 27,

SEC. 11. HUMANITARIAN ASSISTANCE.

(a) FINDINGS.—The Congress finds that—

(1) Saddam Hussein has been condemned by the international community for his unwillingness to take the steps necessary to provide for the basic humanitarian needs of the Iraqi people;

(2) dire shortages of food, medicine, and basic medical supplies (including insulin, anesthetics, and antibiotics) have resulted in a continuing humanitarian disaster in Iraq, including massive human suffering and the death of hundreds of thousands of innocent Iraqi civilians during the past 4 years;

(3) This humanitarian tragedy is occurring

throughout Iraq;
(4) the United States has a long history of providing humanitarian assistance to alleviate human suffering in many parts of the world: and

(5) the United States Agency for International Development has the authority under chapter 9 of part I of the Foreign Assistance Act of 1961 (relating to international disaster assistance) and other provisions of law to provide assistance to address humanitarian needs throughout Iraq.

(b) STATEMENT OF CONGRESSIONAL POL-ICY.—It is the sense of the Congress that-

(1) the United States should immediately provide additional humanitarian assistance, particularly medicine and medical supplies, to alleviate the humanitarian disaster throughout Iraq;

(2) such assistance should be provided through independent nongovernmental organizations and through international organizations so that this desperately needed assistance can reach all areas of need, in particular those outside the United Nations protected areas; and

(3) the costs of such assistance should be reimbursed from any available Iraqi resources, including the Iraqi assets that have been blocked pursuant to the International Emergency Economic Powers Act so long as such reimbursement does not reduce the amount paid on those priority claims of members of the United States Armed Forces and other described in section 2(d) of this Act and does not delay payment on those claims.

SEC. 12. PROSECUTION OF SADDAM HUSSEIN AND OTHER MEMBERS OF THE IRAQI GOVERNMENT FOR WAR CRIMES.

(a) FINDINGS.—The Congress finds that-(1) as ordered by Saddam Hussein, Iraq engaged in unprovoked aggression in its conquest and occupation of Kuwait;

(2) the Iraqi occupation force treated Ku-

waiti citizens barbarously;

(3) Saddam Hussein used American and European civilians as "human shields" in an attempt to protect strategic facilities throughout Iraq and directed that captured American and allied prisoners of war be used for the same purposes:

(4) Saddam Hussein ordered his military to launch missile attacks against innocent civilians in Israel and Saudi Arabia: and

- (5) former President Bush and President Clinton rightly warned Saddam Hussein and Iragi Government officials that they would be held responsible for any abuses they have caused.
- (b) ESTABLISHMENT OF TRIBUNAL.—The Congress urges the President to request the United Nations to establish a tribunal to charge Saddam Hussein and other responsible Iraqi Government officials for war crimes, acts of aggression, and crimes against humanity they have committed.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. MANZULLO moved to recommit the bill to the Committee on Foreign Affairs with instructions to report the bill back to the House forthwith with the following amendment:

Strike section 10(a) and insert the follow-

(a) Notwithstanding any other provision of the law, individuals who have served in the armed forces of Iraq during the Persian Gulf conflict may not be admitted to the United States as refugees under the Immigration and Nationality Act."

Pending consideration of said motion to recommit with instructions,

¶40.8 POINT OF ORDER

Mr. HAMILTON made a point of order against the motion to recommmit with instructions, and

"Mr. Speaker, I object to the motion to recommit and make a point of order against it.

'Mr. Speaker. I think the motion to recommit is not germane, because as I

understand it, and I have not had the opportunity to see it, but I was trying to listen very carefully. As I understand it. it tries to change the basic immigration law that is the law of the land. I therefore think it should be subject to a point of order as not germane.'

APRIL 28

Mr. GILMAN was recognized to speak to the point of order and said:

"Mr. Speaker, I join with the distinguished chairman of the Committee in raising the issue that this is a nongermane amendment.".

Mr. MANZULLO was recognized to speak to the point of order and said:

"Mr. Speaker, under these very exceptional circumstances as to this rough language that was found in this bill as brought to the house by the gentleman from Pennsylvania, I think it would be in the best order and in the best interests of the American public to defeat this bill in final passage and sent it back to the full Committee on Foreign Affairs to redo the language.".

The SPEAKER pro tempore, Mr. KLECZKA, sustained the point of order, and said:

"The gentleman from Indiana [Mr. HAMILTON] makes a point of order that the amendment contained in the motion to recommit with instructions is not germane. The test of germaneness in this situation is to measure the amendment against the bill in its perfected form. The bill, as amended, appears to confine changes in law to those within the jurisdiction of the Committee on Foreign Affairs.

"While section 10° does express the sense of Congress relating to Iraqi refugees, the bill does not change the Immigration and Nationality Act, other laws relating to admission of refugees, or contain other matter within the jurisdiction of the Committee on the Judiciary.

'Since the amendment would change immigration law and the bill would not, the Chair sustains the point of

Mr. MANZULLO moved to recommit the bill to the Committee on Foreign Affairs with instructions to report the bill back to the House forthwith with the following amendment:

Strike section 10(a) and insert the following:

SEC. 10. ADMISSION TO THE UNITED STATES AS REFUGEES OF INDIVIDUALS WHO SERVED IN THE ARMED FORCES OF IRAQ DURING THE PERSIAN GULF CONFLICT.

(a) STATEMENT OF POLICY.—It is the sense of the Congress that individuals who have served in the armed forces of Iraq during the Persian Gulf conflict should not be admitted to the United States as refugees under the Immigration and Nationality Act except in exceptional circumstances.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce, Will the House recommit said bill

with instructions?