

LoBiondo Paxon Souder
Longley Peterson (MN) Spence
Lucas Petri Stearns
Manton Pombo Stenholm
Manzullo Portman Stockman
Mascara Poshard Stump
McCollum Quillen Stupak
McCrery Quinn Talent
McHugh Radanovich Tanner
McInnis Rahall Tate
McIntosh Regula Tauzin
McKeon Riggs Taylor (MS)
McNulty Roberts Taylor (NC)
Metcalf Roemer Tejada
Mica Rohrabacher Thornberry
Miller (FL) Ros-Lehtinen Tiaht
Molinari Roth Tucker
Mollohan Royce Volkmer
Montgomery Salmon Vucanovich
Moorhead Sanford Waldholtz
Murtha Saxton Walker
Myers Scarborough Walsh
Myrick Schaefer Wamp
Nethercutt Seastrand Watts (OK)
Neumann Sensenbrenner Weldon (FL)
Ney Shadegg Weldon (PA)
Norwood Shuster Weller
Nussle Skeen Whitfield
Oberstar Skelton Wicker
Ortiz Smith (MI) Wolf
Orton Smith (NJ) Young (AK)
Oxley Smith (TX) Young (FL)
Packard Smith (WA) Zeliff
Parker Solomon

NOT VOTING—9

Calvert Hansen Meyers
Cubin Kleczka Peterson (FL)
Fazio McDade Rogers

So the amendment to the amendment was not agreed to.

¶72.7 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the foregoing amendment submitted by Mr. SMITH of New Jersey.

It was decided in the affirmative { Yeas ..... 240
Nays ..... 181

¶72.8 [Roll No. 350]
AYES—240

Allard Collins (GA) Goss
Archer Combust Graham
Army Condit Gutknecht
Bachus Cooley Hall (OH)
Baker (CA) Costello Hall (TX)
Baker (LA) Cox Hancock
Ballenger Cramer Hastert
Barcia Crane Hastings (WA)
Barr Crapo Hayes
Barrett (NE) Cremeans Hayworth
Bartlett Cunningham Hefley
Barton Danner Heineman
Bateman de la Garza Herger
Bereuter Deal Hillery
Bevill DeLay Hoekstra
Bilirakis Diaz-Balart Hoke
Bliley Dickey Holden
Blute Doolittle Hostettler
Boehner Dornan Hunter
Bonilla Doyle Hutchinson
Bonior Dreier Hyde
Bono Duncan Inglis
Borski Dunn Istook
Brewster Ehlers Jacobs
Browder Emerson Johnson, Sam
Brownback English Jones
Bryant (TN) Ensign Kanjorski
Bunn Everett Kaptur
Bunning Ewing Kasich
Burr Fields (TX) Kildee
Burton Flanagan Kim
Buyer Foley King
Callahan Forbes Kingston
Camp Fowler Knollenberg
Canady Fox LaFalce
Chabot Frisa LaHood
Chambliss Funderburk Largent
Chenoweth Gallegly Latham
Christensen Ganske LaTourette
Chrysler Gekas Laughlin
Clement Geren Lewis (CA)
Clinger Gillmor Lewis (KY)
Coble Goodlatte Lightfoot
Coburn Goodling Linder

Lipinski Oxley Smith (WA)
Livingston Packard Solomon
LoBiondo Parker Souder
Longley Paxon Spence
Lucas Peterson (MN) Stearns
Manton Petri Stenholm
Manzullo Pombo Stump
Mascara Portman Stockman
McCollum Poshard Stupak
McCrery Quinn Talent
McInnis Radanovich Tanner
McIntosh Rahall Tate
McKeon Regula Tauzin
McNulty Riggs Taylor (MS)
Metcalf Roberts Taylor (NC)
Mica Roemer Tejada
Miller (FL) Rohrabacher Thornberry
Moakley Ros-Lehtinen Tiaht
Molinari Roth Tucker
Mollohan Royce Volkmer
Montgomery Salmon Vucanovich
Moorhead Sanford Waldholtz
Murtha Saxton Walker
Myers Scarborough Walsh
Myrick Schaefer Wamp
Neal Whitfield
Nethercutt Wicker
Neumann Wolf
Ney Young (AK)
Norwood Young (FL)
Nussle Zeliff
Oberstar
Obey
Ortiz
Orton

NOES—181

Abercrombie Gibbons Pastor
Ackerman Gilchrest Payne (NJ)
Andrews Gilman Payne (VA)
Baesler Gonzalez Pelosi
Baldacci Gordon Pickett
Barrett (WI) Green Pomeroy
Bass Greenwood Porter
Becerra Gunderson Pryce
Beilenson Gutierrez Ramstad
Bentsen Hamilton Rangel
Berman Harman Reed
Billbray Hastings (FL) Reynolds
Bishop Hefner Richardson
Boehlert Hilliard Rivers
Boucher Hinchey Rose
Brown (CA) Hobson Roukema
Brown (FL) Horn Roybal-Allard
Brown (OH) Houghton Rush
Bryant (TX) Hoyer Sabo
Cardin Jackson-Lee Sanders
Castle Jefferson Sawyer
Chapman Johnson (CT) Schiff
Clay Johnson (SD) Schroeder
Clayton Johnson, E.B. Schumer
Clyburn Kelly Scott
Coleman Kennedy (MA) Serrano
Collins (IL) Kennedy (RI) Shays
Collins (MI) Kennelly Siskisky
Conyers Klug Skaggs
Coyne Kolbe Slaughter
Davis Lantos Spratt
DeFazio DeLazio Stark
DeLauro Leach Stokes
Dellums Levin Studds
Deutsch Lewis (GA) Thomas
Dicks Lincoln Thompson
Dingell Lofgren Thurman
Dixon Lowey Torkildsen
Doggett Luther Torres
Dooley Maloney Torricelli
Durbin Markey Towns
Edwards Martinez Traficant
Ehrlich Martini Upton
Engel Matsui Velazquez
Eshoo McCarthy Vento
Evans McHale Visclosky
Farr McKinney Ward
Fattah Meehan Waters
Fawell Meek Watt (NC)
Fields (LA) Menendez Waxman
Filner Mfume White
Flake Miller (CA) Williams
Foglietta Mineta Wilson
Ford Minge Wise
Frank (MA) Mink Woolsey
Franks (CT) Moran Wyden
Frelinghuysen Morella Wynn
Frost Nadler Yates
Furse Olver Zimmer
Gejdenson Owens
Gephardt Pallone

NOT VOTING—13

Calvert Johnston Meyers
Cubin Kleczka Peterson (FL)
Fazio Klink Rogers
Franks (NJ) McDade
Hansen McDermott

So the amendment was agreed to.
The Committee rose informally to receive a message from the President.

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

¶72.9 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The Committee resumed its sitting; and after some further time spent therein,

¶72.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Ms. MCKINNEY:

After chapter 5 of title XXXI of the bill, insert the following new chapter (and redesignate the subsequent chapter accordingly and make other appropriate conforming amendments):

CHAPTER 6—ARMS TRANSFERS CODE OF CONDUCT

SEC. 3174. SHORT TITLE.

This chapter may be cited as the "Code of Conduct on Arms Transfer Act of 1995".

SEC. 3175. FINDINGS.

The Congress finds the following:

(1) Approximately 40,000,000 people, over 75 percent civilians, died as a result of civil and international wars fought with conventional weapons during the 45 years of the cold war, demonstrating that conventional weapons can in fact be weapons of mass destruction.

(2) Conflict has actually increased in the post cold war era, with 34 major wars in progress during 1993.

(3) War is both a human tragedy and an ongoing economic disaster affecting the entire world, including the United States and its economy, because it decimates both local investment and potential export markets.

(4) International trade in conventional weapons increases the risk and impact of war in an already over-militarized world, creating far more costs than benefits for the United States economy through increased United States defense and foreign assistance spending and reduced demand for United States civilian exports.

(5) The newly established United Nations Register of Conventional Arms can be an effective first step in support of limitations on the supply of conventional weapons to developing countries and compliance with its reporting requirements by a foreign government can be an integral tool in determining the worthiness of such government for the receipt of United States military assistance and arms transfers.

(6) It is in the national security and economic interests of the United States to reduce dramatically the \$1,038,000,000,000 that all countries spend on armed forces every year, \$242,000,000,000 of which is spent by developing countries, an amount equivalent to 4 times the total bilateral and multilateral foreign assistance such countries receive every year.

(7) According to the Congressional Research Service, the United States supplies more conventional weapons to developing countries than all other countries combined, averaging \$14,956,000,000 a year in agreements to supply such weapons to developing coun-

tries since the end of the cold war, compared to \$7,300,000,000 a year in such agreements prior to the dissolution of the Soviet Union.

(8) In recent years the vast majority of United States arms transfers to developing countries are to countries with an undemocratic form of government whose citizens, according to the Department of State Country Reports on Human Rights Practices do not have the ability to peaceably change their form of government.

(9) Although a goal of United States foreign policy should be to work with foreign governments and international organizations to reduce militarization and dictatorship and therefore prevent conflicts before they arise, during 4 recent deployments of United States Armed Forces—to the Republic of Panama, the Persian Gulf, Somalia, and Haiti—such Armed Forces faced conventional weapons that had been provided or financed by the United States to undemocratic governments.

(10) The proliferation of conventional arms and conflicts around the globe are multilateral problems, and the fact that the United States has emerged as the world's primary seller of conventional weapons, combined with the world leadership role of the United States, signifies that the United States is in a position to seek multilateral restraints on the competition for the transfers of conventional weapons.

(11) The Congress has the constitutional responsibility to participate with the executive branch in decisions to provide military assistance and arms transfers to a foreign government, and in the formulation of a policy designed to reduce dramatically the level of international militarization.

(12) A decision to provide military assistance and arms transfers to a government that is undemocratic, does not adequately protect human rights, is currently engaged in acts of armed aggression, or is not fully participating in the United Nations Register of Conventional Arms, should require a higher level of scrutiny than does a decision to provide such assistance and arms transfers to a government to which these conditions do not apply.

**SEC. 3176. PURPOSE.**

The purpose of this chapter is to provide clear policy guidelines and congressional responsibility for determining the eligibility of foreign governments to be considered for United States military assistance and arms transfers.

**SEC. 3177. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE AND ARMS TRANSFERS TO CERTAIN FOREIGN GOVERNMENTS.**

(a) PROHIBITION.—Except as provided in subsections (b) and (c), beginning on and after October 1, 1996, United States military assistance and arms transfers may not be provided to a foreign government for a fiscal year unless the President certifies to the Congress for that fiscal year that such government meets the following requirements;

(1) PROMOTES DEMOCRACY.—Such government—

(A) was chosen by and permits free and fair elections;

(B) promotes civilian control of the military and security forces and has civilian institutions controlling the policy, operation, and spending of all new enforcement and security institutions, as well as the armed forces;

(C) promotes the rule of law, equality before the law, and respect for individual and minority rights, including freedom to speak, publish, associate, and organize; and

(D) promotes the strengthening of political, legislative, and civil institutions of democracy, as well as autonomous institutions to monitor the conduct of public officials and to combat corruption.

(2) RESPECTS HUMAN RIGHTS.—Such government—

(A) does not engage in gross violations of internationally recognized human rights, including—

- (i) extra judicial or arbitrary executions;
- (ii) disappearances;
- (iii) torture or severe mistreatment;
- (iv) prolonged arbitrary imprisonment;
- (v) systematic official discrimination on the basis of race, ethnicity, religion, gender, national origin, or political affiliation; and
- (vi) grave breaches of international laws of war or equivalent violations of the laws of war in internal conflicts;

(B) vigorously investigates, disciplines, and prosecutes those responsible for gross violations of internationally recognized human rights;

(C) permits access on a regular basis to political prisoners by international humanitarian organizations such as the International Committee of the Red Cross;

(D) promotes the independence of the judiciary and other official bodies that oversee the protection of human rights;

(E) does not impede the free functioning of domestic and international human rights organizations; and

(F) provides access on a regular basis to humanitarian organizations in situations of conflict or famine.

(3) NOT ENGAGED IN CERTAIN ACTS OF ARMED AGGRESSION.—Such government is not currently engaged in the acts of armed aggression in violation of international law.

(4) FULL PARTICIPATION IN U.N. REGISTER OF CONVENTIONAL ARMS.—Such government is fully participating in the United Nations Register of Conventional Arms.

(b) REQUIREMENT FOR CONTINUING COMPLIANCE.—Any certification with respect to a foreign government for a fiscal year under subsection (a) shall cease to be effective for that fiscal year if the President certifies to the Congress that such government has not continued to comply with the requirements contained in paragraphs (1) through (4) of such subsection.

(c) EXEMPTIONS.—The prohibition contained in subsection (a) shall not apply with respect to a foreign government for a fiscal year if—

(1)(A) the President submits a request for an exemption to the Congress containing a determination that it is in the national security interest of the United States to provide military assistance and arms transfer to such government; and

(B) the Congress enacts a law approving such exemption request (including a law containing an approval of such a request); or

(2) the President determines that an emergency exists under which it is vital to the interest of the United States to provide military assistance and arms transfer to such government.

(d) NOTIFICATIONS TO CONGRESS.—

(1) IN GENERAL.—The President shall submit to the Congress initial certifications under subsection (a) and requests for exemptions under subsection (c)(1) in conjunction with the submission of the annual request for enactment of authorizations and appropriations for foreign assistance programs for a fiscal year and shall, where appropriate, submit additional or amended certifications and requests for exemptions at any time thereafter in the fiscal year.

(2) DETERMINATION WITH RESPECT TO EMERGENCY SITUATIONS.—The President shall submit to the Congress at the earliest possible date reports containing determinations with respect to emergencies under subsection (c)(2). Each such report shall contain a description of—

(A) the nature of the emergency;

(B) the type of military assistance and arms transfers provided to the foreign government; and

(C) the cost to the United States of such assistance and arms transfers.

**SEC. 3178. SENSE OF THE CONGRESS.**

It is the sense of the Congress that the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate should hold hearings on—

(1) controversial certifications submitted under section 3177(a).

(2) all requests for exemptions submitted under section 3177(c)(1); and

(3) all determinations with respect to emergencies under section 3177(c)(2).

**SEC. 3179. UNITED STATES MILITARY ASSISTANCE AND ARMS TRANSFERS DEFINED.**

For purposes of this chapter, the terms "United States military assistance and arms transfers" and "military assistance and arms transfers" means—

(1) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to military assistance), including the transfer of excess defense articles under section 516 of that Act;

(2) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training); or

(3) the transfer of defense articles, defense services, or design and construction services under the Arms Export Control Act (excluding any transfer or other assistance under section 23 of such Act), including defense articles and defense services licensed or approved for export under section 38 of that Act.

It was decided in the 

{	Yeas .....	157
	Nays .....	262

¶72.11	[Roll No. 351] AYES—157	
Abercrombie	Green	Obey
Ackerman	Gutierrez	Orton
Barrett (WI)	Hall (OH)	Owens
Becerra	Hastings (FL)	Pallone
Beilenson	Hefner	Pastor
Berman	Hilliard	Payne (NJ)
Bishop	Hinchey	Pelosi
Boehlert	Horn	Peterson (MN)
Bonior	Houghton	Pomeroy
Borski	Hoyer	Porter
Boucher	Jackson-Lee	Poshard
Brown (CA)	Jacobs	Rahall
Brown (OH)	Johnson (SD)	Rangel
Bryant (TX)	Johnston	Reed
Cardin	Kanjorski	Reynolds
Clay	Kaptur	Richardson
Clayton	Kasich	Rivers
Clement	Kennedy (MA)	Rohrabacher
Clyburn	Kennedy (RI)	Rose
Coleman	Kildee	Roybal-Allard
Collins (IL)	Lantos	Rush
Collins (MI)	Leach	Sabo
Condit	Levin	Sanders
Conyers	Lewis (GA)	Sawyer
Costello	Lincoln	Schiff
Coyne	Lipinski	Schroeder
Danner	LoBiondo	Scott
DeFazio	Lowe	Serrano
Dellums	Luther	Skaggs
Diaz-Balart	Maloney	Slaughter
Dixon	Manton	Smith (NJ)
Doggett	Markey	Stark
Dooley	Martinez	Stokes
Dornan	McCarthy	Studds
Durbin	McDermott	Stupak
Ehlers	McHale	Tanner
Engel	McKinney	Thompson
Eshoo	Meehan	Torres
Evans	Meek	Torricelli
Farr	Menendez	Towns
Fattah	Mfume	Trafficant
Fields (LA)	Miller (CA)	Tucker
Filner	Mineta	Velazquez
Flake	Minge	Vento
Foglietta	Mink	Volkmer
Ford	Moakley	Ward
Frank (MA)	Morella	Waters
Furse	Nadler	Watt (NC)
Gephardt	Neal	Waxman
Gordon	Oberstar	Williams