

PROVIDING FOR THE CONSIDERATION OF H.R. 2159, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 1998

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JULY 15, 1997.—Referred to the House Calendar and ordered to be printed

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Mr. DIAZ-BALART, from the Committee on Rules,  
submitted the following

REPORT

[To accompany H. Res. 185]

The Committee on Rules, having had under consideration House Resolution 185, by a non-record vote, report the same to the House with the recommendation that the resolution be adopted.

BRIEF SUMMARY OF PROVISIONS OF RESOLUTION

The resolution provides for the consideration of H.R. 2159, the “Foreign Operations, Export Financing, and Related Programs Appropriations Bill, 1998” under a modified open rule. The rule provides one hour of general debate divided equally between the chairman and ranking minority member of the Committee on Appropriations.

The rule waives points of order against consideration of the bill for failure to comply with clause 7 of rule XXI (relating to the 3-day availability of published hearings) and clause 2(1)(6) of rule XI (relating to the 3-day availability of the report). The rule waives points of order against provisions in the bill for failing to comply with clause 2 of rule XXI (prohibiting unauthorized appropriations and legislating on an appropriations bill), and clause 6 of rule XXI (prohibiting certain transfers of funds), except as specified in the resolution.

The rule provides for consideration of the amendments printed in the report, to be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the

question in the House or in the Committee of the Whole. The rule waives points of order against the amendments printed in the report.

The rule provides that no other amendment shall be in order unless that amendment has been pre-printed in the Congressional Record. The rule grants the chairman of the Committee of the Whole the authority to postpone votes and reduce the voting time to 5 minutes provided that the first vote in a series is not less than 15 minutes.

Finally, the rule provides for one motion to recommit, with or without instructions.

#### COMMITTEE VOTES

Pursuant to clause 2(1)(2)(B) of House rule XI the results of each rollcall vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

##### *Rules Committee rollcall No. 56*

Date: July 15, 1997.

Measure: Rule for consideration of H.R. 2159, Foreign Operations Appropriations, FY 1998.

Motion By: Mrs. Slaughter.

Summary of Motion: To make in order the Greenwood amendment to be offered by Mrs. Pelosi, which would make the Smith (NJ) amendment contingent upon enactment of the State Department Authorization bill.

Results: Rejected 2-6.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Myrick—Nay; Moakley—Yea; Slaughter—Yea; Solomon—Nay.

#### AMENDMENTS MADE IN ORDER BY THE RULES COMMITTEE ON H.R. 2159, THE FOREIGN OPERATIONS APPROPRIATIONS BILL, FY 1998

Smith (NJ)—10 minutes: Prohibits U.S. population assistance funding of foreign organizations that perform or actively promote abortions in foreign countries, and prohibits a U.S. contribution to the United Nations Population Fund (UNFPA) unless UNFPA terminates its activities in the People's Republic of China or unless China's population program discontinues the use of forced abortions.

Gilman/Campbell/Greenwood—10 minutes: Replaces the anticipated Smith (NJ) amendment "Mexico City" policy language with a prohibition on the use of U.S. funds to pay for abortions or abortion counseling in any foreign country, except in cases of rape, incest or where the life of the mother is endangered, and also prohibits lobbying for or against abortion.

Stearns/Traficant—10 minutes: Sense of Congress stating Congress' view that all member countries of NATO should be responsible for paying their fair costs to the Partnership for Peace program and to future NATO expansion.

Saxton—10 minutes: Withholds aid to the Palestinian Authority for 90 days until the President reports to Congress on the Palestinian Authority's progress towards implementing various aspects of the Oslo Accords.

McGovern—10 minutes: Sense of Congress that directs the Administration to press for fair treatment of American families whose efforts to adopt children from Paraguay were caught in the pipeline when that government imposed a moratorium in 1995.

AMENDMENTS MADE IN ORDER BY THE RULE

1. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE SMITH OF NEW JERSEY OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

At the end of the bill, insert after the last section (preceding the short title) the following new section:

FOREIGN ORGANIZATIONS THAT PERFORM OR PROMOTE ABORTION OVERSEAS; FORCED ABORTION IN THE PEOPLE'S REPUBLIC OF CHINA

SEC. 572. (a) Section 104 of the Foreign Assistance Act of 1961 is amended by adding at the end the following new subsection:

“(h) RESTRICTION ON ASSISTANCE TO FOREIGN ORGANIZATIONS THAT PERFORM OR ACTIVELY PROMOTE ABORTIONS.—

“(1) PERFORMANCE OF ABORTIONS.—

“(A) Notwithstanding section 614 of this Act or any other provision of law, no funds appropriated for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, perform abortions in any foreign country, except where the life of the mother would be endangered if the pregnancy were carried to term or in cases of forcible rape or incest.

“(B) Subparagraph (A) may not be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

“(2) LOBBYING ACTIVITIES.—(A) Notwithstanding section 614 of this Act or any other provision of law, no funds appropriated for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited, or engage in any activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.

“(B) Subparagraph (A) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

“(3) APPLICATION TO FOREIGN ORGANIZATIONS.—The prohibitions of this subsection apply to funds made available to a foreign organization either directly or as a subcontractor or subgrantee, and the certifications required by paragraphs (1) and (2) apply to activities in which the organization engages either directly or through a subcontractor or subgrantee.”.

(b) Section 301 of the Foreign Assistance Act of 1961 is amended by adding at the end the following new subsection:

“(i) **LIMITATION RELATING TO FORCED ABORTIONS IN THE PEOPLE’S REPUBLIC OF CHINA.**—Notwithstanding section 614 of this Act or any other provision of law, no funds may be made available for the United Nations Population Fund (UNFPA) in any fiscal year unless the President certifies that—

“(1) UNFPA has terminated all activities in the People’s Republic of China, and the United States has received assurances that UNFPA will conduct no such activities during the fiscal year for which the funds are to be made available; or

“(2) during the 12 months preceding such certification there have been no abortions as the result of coercion associated with the family planning policies of the national government or other government entities within the People’s Republic of China.

As used in this section, the term ‘coercion’ includes physical duress or abuse, destruction or confiscation of property, loss of means of livelihood, or severe psychological pressure.”.

2. **THE AMENDMENT TO THE AMENDMENT OFFERED BY REPRESENTATIVE SMITH OF NEW JERSEY TO BE OFFERED BY REPRESENTATIVE GILMAN OF NEW YORK, OR REPRESENTATIVE CAMPBELL OF CALIFORNIA OR A DESIGNEE, DEBATABLE FOR 10 MINUTES**

Strike all after the title heading and insert the following:

**SEC. POPULATION PLANNING ACTIVITIES OR OTHER POPULATION ASSISTANCE.**

(a) **IN GENERAL.**—(1) Notwithstanding any other provision of this Act or any other provision of law, none of the funds appropriated or otherwise made available for this Act for population planning activities or other population assistance may be made available to pay for the performance of abortions in any foreign country, except where the life of the mother would be endangered if the fetus were carried to term or in cases of rape or incest.

(2) The limitation contained in paragraph (1) shall not apply to the treatment of injuries or illness caused by unsafe abortions.

(b) **LIMITATION ON LOBBYING ACTIVITIES.**—(1) Notwithstanding any other provision of this Act or any other provision of law, none of the funds appropriated or otherwise made available by this Act for population planning activities or other population assistance may be made available to lobbying for or against abortion.

(2) The limitation contained in paragraph (1) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

**SEC. UNITED NATIONS POPULATION FUND.**

(a) **LIMITATION.**—Subject to subsections (b), (c), and (d)(2), of the amounts made available for each of the fiscal years 1998 and 1999 to carry out part I of the Foreign Assistance Act of 1961, not more than \$25,000,000 shall be available for each such fiscal year for the United Nations Population Fund.

(b) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under this section shall be made available for a country program in the People’s Republic of China.

(c) CONDITIONS ON AVAILABILITY OF FUNDS.—Not more than one-half of the amount made available to the United Nations Population Fund under this section may be provided to the Fund before March 1 of the fiscal year for which funds are made available.

(2) Amounts made available for each of the fiscal years 1998 and 1999 under part I of the Foreign Assistance Act of 1961 for the United Nations Population Fund may not be made available to the Fund unless—

(A) the Fund maintains amounts made available to the Fund under this section in an account separate from accounts of the Fund for other funds; and

(B) the Fund does not commingle amounts made available to the Fund under this section with other funds.

(d) REPORTS.—(1) Not later than February 15, 1998, and February 15, 1999, the Secretary of State shall submit a report to the appropriate congressional committees indicating the amount of funds that the United Nations Population Fund is budgeting for the year in which the report is submitted for a country program in the People’s Republic of China.

(2) If a report under paragraph (1) indicates that the United Nations Population Fund plans to spend China country program funds in the People’s Republic of China in the year covered by the report, then the amount of such funds that the Fund plans to spend in the People’s Republic of China shall be deducted from the funds made available to the Fund after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE STEARNS OF FLORIDA, OR REPRESENTATIVE TRAFICANT OF OHIO, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, insert after the last section (proceeding the short title) the following new section:

SENSE OF THE CONGRESS REGARDING COSTS OF THE PARTNERSHIP  
FOR PEACE PROGRAM AND NATO EXPANSION

SEC. 572. It is the sense of the Congress that all member nations of the North Atlantic Treaty Organization (NATO) should contribute their proportionate share to pay for the costs of the Partnership for Peace program and for any future costs attributable to the expansion of NATO.

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SAXTON OF NEW JERSEY, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, insert after the last section (preceding the short title) the following new section:

LIMITATION ON ASSISTANCE TO THE P.L.O. AND THE PALESTINIAN  
AUTHORITY

SEC. 572. (a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Palestine Liberation Organization (hereafter the “P.L.O.”) should do far more to demonstrate an irrevocable denunciation of terrorism and to ensure a peaceful settlement of the Middle East dispute, and in particular it should—

(1) submit to the Palestinian Council for formal approval the necessary changes to those specific articles of the Palestinian National Charter which deny Israel’s right to exist or support the use of violence;

(2) to the maximum extent possible, preempt acts of terror, discipline violators, publicly condemn all terrorist acts, actively work to dismantle other terrorist organizations, and contribute to stemming the violence that has resulted in the deaths of over 230 Israeli and United States citizens since the signing of the Declaration of Principles on Interim Self-Government Arrangements (hereafter the “Declaration of Principles”) on September 13, 1993, at the White House;

(3) prohibit participation in the P.L.O. or the Palestinian Authority or its successors of any groups or individuals which promote or commit acts of terrorism;

(4) cease all anti-Israel rhetoric, which potentially undermines the peace process;

(5) confiscate all unlicensed weapons and restrict the issuance of licenses to those with legitimate need;

(6) transfer and cooperate in transfer proceedings relating to any person accused by Israel or the United States of having committed acts of terrorism against Israeli or United States nationals; and

(7) respect civil liberties, human rights and democratic norms as applied equally to all persons regardless of ethnic, religious, or national origin.

(b) LIMITATION ON ASSISTANCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, funds appropriate or otherwise made available by this Act may be obligated for assistance to the P.L.O. or the Palestinian Authority only for the period beginning 3 months after the date of the enactment of this Act and for 6 months thereafter, and only if—

(A) the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect; and

(B) in addition to the requirements contained in such Act or other legislation, the President prepares and transmits to the Congress a report described in paragraph (2).

(2) REPORT.—A report described in this paragraph is a report containing the following:

(A) A description of all efforts being made to apprehend, prosecute, or have extradited to the United States Moham-

mad Deif (allegedly responsible for the death of Nachshon Wachsman, a United States citizen), Amjad Hinawi (allegedly responsible for the death of David Boim, a United States citizen), Abu Abbas (responsible for the death of Leon Klinghoffer, a United States citizen), Amid al-Ilindi (allegedly responsible for death of David Berger, a United States citizen), and Nafez Mahmoud Sabih (who helped plan the February 1996 attack on a Jerusalem bus in which Jewish Theological Seminary students Sara Duker and Matthew Eisenfeld, both United States citizens, were murdered).

(B) An official, updated, and revised copy of the Palestinian National Charter (Covenant) showing which specific articles have been rescinded by the decision taken on April 24, 1996 by the P.L.O. Executive Committee.

(C) A description of all actions being taken by the Palestinian Authority to eradicate and prevent the use of the map of Israel to represent "Palestine."

(D) A certification that the Palestinian Authority has established a court system that respects due process requirements, including the right to a lawyer, the right to confront witnesses, the right to be informed of the charges under which one is accused, and the right to a jury trial.

(E) A certification that the Palestinian Authority has established humane prison conditions.

(F) A certification that the Palestinian Authority has taken all measures to rescind the death penalty imposed for the sale of land to Jews, has eliminated the practice of incarcerating real estate agents for the sale of land to Jews or Israelis, and has actively sought the perpetrators of such actions.

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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCGOVERN OF MASSACHUSETTS, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SENSE OF THE CONGRESS RELATING TO INTERNATIONAL ADOPTION LAWS AND PRACTICES OF PARAGUAY

SEC. 572. It is the sense of the Congress that the President and the Secretary of State should use all opportunities and means to express directly to all appropriate officials of the Government of Paraguay that—

(1) the United States respects and supports the commitment of the Government of Paraguay to reform its laws and practices regarding international adoptions;

(2) the pending international adoption cases filed by United States families at or prior to the establishment by the Government of Paraguay of a moratorium on international adoptions, including the 11 adoption cases commonly referred to as the "window of opportunity" adoption cases, should be allowed to continue and complete the adoption process in a fair, unbiased, and timely fashion;

(3) such United States adoption cases should be determined on the basis of the two key tenets for international adoption in Paraguay, namely the fitness of the petitioning family to be parents and what is in the best interests and welfare of the child; and

(4) any international adoption reform legislation approved by the Government of Paraguay should allow such United States adoption cases to complete the adoption process.