

PROVIDING FOR THE CONSIDERATION OF H.R. 4569, THE
FOREIGN OPERATIONS, EXPORT FINANCING AND RELAT-
ED PROGRAMS APPROPRIATIONS BILL, 1999

SEPTEMBER 16, 1998.—Referred to the House Calendar and ordered to be printed

Mr. SOLOMON, from the Committee on Rules,
submitted the following

REPORT

[To accompany H. Res. 542]

The Committee on Rules, having had under consideration House Resolution 542, by a nonrecord 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. 4569, the “Foreign Operations, Export Financing and Related Programs Appropriations Bill, 1999” 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 clause 1(b) of rule X (requiring a detailed explanation in the Appropriations Committee report on any rescissions or transfers of unexpected balances), clause 2(1)(6) of rule XI (relating to the 3 day availability of the report), and clause 7 of rule XXI (relating to the 3 day availability of printed hearings) against consideration of the bill.

The rule provides for a 5 hour limit on the amendment process and that the bill shall be considered as read through page 141, line 18.

The rule further waives clause 2 of rule XXI (prohibiting unauthorized or legislative provisions in an appropriations bill) and clause 6 of rule XXI (prohibiting reappropriations in an appropriations bill) against provisions in the bill.

The rule makes in order only: pro forma amendments for the purpose of debate; amendments preprinted in the Congressional Record; and amendments printed in this report.

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

All points of order against the amendments printed in this report.

The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides for one motion to recommit with or without instructions.

SUMMARY OF AMENDMENTS MADE IN ORDER BY THE RULES COMMITTEE ON FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 1999

Tiahrt—10 minutes: Codifies a definition for “voluntary family planning projects” which is a restriction currently required under law for the use of population funds.

Pelosi—30 minutes: Provides that non-governmental and multilateral organizations shall not be subjected to more restrictive requirements than those that apply to foreign governments for such assistance in determining eligibility for population planning assistance programs.

Smith (NJ)—30 minutes: Second Degree Amendment. Compromise on Pro-Life “Mexico City Policy.” Amends an anticipated amendment by Rep. Pelosi or another member to alter the pro-life restrictions on population funding. Provides that United States population assistance funds may not be made available to foreign organizations that perform or actively promote abortions. Provides the President with a limited waiver, and prohibits contributions to the United Nations Population Fund (UNFPA) until the organization ceases its operations in the People’s Republic of China (PRC) or until forced abortions in the PRC population program have ceased.

Gilman—10 minutes: Deletes contingency funding authority in section 451 of the Foreign Assistance Act and reduces by \$15 million the authority of section 614 of the Foreign Assistance Act.

Wolf—20 minutes: Establishes a 15 member panel of experts (National Commission on Terrorism) to examine our national counter-terrorism policies and recommend ways we can be more effective in protecting Americans.

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TIAHRT OF KANSAS, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 8, line 10, after “services” insert the following:

; and that any such voluntary family planning project shall meet the following requirements: (1) the project shall not make use of quotas, goals, or other numerical targets, on an individual, local, regional, or national basis, of total number of births, the number of family planning acceptors, acceptors of a particular method of

family planning, or any other performance standard (this provision shall not be construed to include the use of quantitative estimates for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or any other form of compensation or reward, monetary or nonmonetary, to (A) an individual in exchange for becoming a family planning acceptor, or (B) program personnel for achieving any numerical goal or quota; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall inform family planning acceptors, in comprehensible terms, of the nature of the family planning method chosen, its contraindications and potential health risks, and available alternatives; (5) the project shall provide a reasonable range of options of methods of family planning, including natural methods; and (6) the project shall ensure that experimental methods of family planning are administered only in a scientifically controlled study in which participants are advised of potential risks and benefits; and, not later than 30 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of any provision contained in the preceding 6 paragraphs, or a violation of any other provision contained in this heading, the Administrator shall submit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report containing a description of such violation.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PELOSI OF CALIFORNIA, OR A DESIGNEE, DEBATABLE FOR 30 MINUTES

On page 109, after line 23, insert:

FUNDING FOR FAMILY PLANNING

SEC. 580. Notwithstanding any other provision of this Act, or any other provision of law, in determining eligibility for assistance from funds appropriated to carry out section 104 of the Foreign Assistance Act of 1961, non-governmental and multilateral organizations shall not be subjected to requirements more restrictive than the requirements applicable to foreign governments for such assistance.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SMITH OF NEW JERSEY, OR A DESIGNEE, TO THE AMENDMENT NUMBERED 2 BY REPRESENTATIVE PELOSI OF CALIFORNIA, OR HER DESIGNEE, DEBATABLE FOR 30 MINUTES

Strike "shall not be subjected to requirements" and all that follows through the end of the amendment, and insert "shall be subject to the provisions of section 518A of this Act (relating to foreign organizations that perform or promote abortion overseas and to forced abortion in the People's Republic of China)."

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

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

TITLE VII—ADDITIONAL GENERAL PROVISIONS

AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961

SEC. 701. (a) REPEAL OF CONTINGENCIES PROVISIONS.—

(1) IN GENERAL.—Chapter 5 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2261) is hereby repealed.

(2) CONFORMING AMENDMENTS.—(A) Section 634A(a) of such Act (22 U.S.C. 2394–1(a)) is amended in the first sentence by striking “, chapter 5 of part I.”

(B) Section 653(a) of such Act (22 U.S.C. 2413(a)) is amended by striking “451 or”.

(b) SPECIAL AUTHORITIES PROVISION.—Section 614(a)(4)(C) of the Foreign Assistance Act of 1961 (22 U.S.C. 2364(a)(4)(C)) is amended by striking “\$50,000,000” and inserting “\$35,000,000”.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WOLF OF VIRGINIA, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

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

TITLE VII—ADDITIONAL GENERAL PROVISIONS

NATIONAL COMMISSION ON TERRORISM

SEC. 701. (a) ESTABLISHMENT OF NATIONAL COMMISSION ON TERRORISM.—

(1) ESTABLISHMENT.—There is established a national commission on terrorism to review counter-terrorism policies regarding the prevention and punishment of international acts of terrorism directed at the United States. The commission shall be known as “The National Commission on Terrorism”.

(2) COMPOSITION.—The commission shall be composed of 15 members appointed as follows:

(A) Five members shall be appointed by the President from among officers or employees of the executive branch, private citizens of the United States, or both. Not more than 3 members selected by the President shall be members of the same political party.

(B) Five members shall be appointed by the Majority Leader of the Senate, in consultation with the Minority Leader of the Senate, from among members of the Senate, private citizens of the United States, or both. Not more than 3 of the members selected by the Majority Leader

shall be members of the same political party and 3 members shall be members of the Senate.

(C) Five members shall be appointed by the Speaker of the House of Representatives, in consultation with the Minority Leader of the House of Representatives, from among members of the House of Representatives, private citizens of the United States, or both. Not more than 3 of the members selected by the Speaker shall be members of the same political party and 3 members shall be members of the House of Representatives.

(D) The appointments of the members of the commission should be made no later than 3 months after the date of the enactment of this Act.

(3) QUALIFICATIONS.—The members should have a knowledge and expertise in matters to be studied by the commission.

(4) CHAIRMAN.—The chairman of the commission shall be elected by the members of the commission.

(b) DUTIES.—

(1) IN GENERAL.—The commission shall consider issues relating to international terrorism directed at the United States as follows:

(A) Review the laws, regulations, policies, directives, and practices relating to counterterrorism in the prevention and punishment of international terrorism directed towards the United States.

(B) Assess the extent to which laws, regulations, policies, directives, and practices relating to counterterrorism have been effective in preventing or punishing international terrorism directed towards the United States. At a minimum, the assessment should include a review of the following:

(i) Evidence that terrorist organizations have established an infrastructure in the western hemisphere for the support and conduct of terrorist activities.

(ii) Executive branch efforts to coordinate counterterrorism activities among Federal, State, and local agencies and with other nations to determine the effectiveness of such coordination efforts.

(iii) Executive branch efforts to prevent the use of nuclear, biological, and chemical weapons by terrorists.

(C) Recommend changes to counterterrorism policy in preventing and punishing international terrorism directed toward the United States.

(2) REPORT.—Not later than 6 months after the date on which the Commission first meets, the Commission shall submit to the President and the Congress a final report of the findings and conclusions of the commission, together with any recommendations.

(c) ADMINISTRATIVE MATTERS.—

(1) MEETINGS.—

(A) The commission shall hold its first meeting on a date designated by the Speaker of the House which is not later than 30 days after the date on which all members have been appointed.

(B) After the first meeting, the commission shall meet upon the call of the chairman.

(C) A majority of the members of the commission shall constitute a quorum, but a lesser number may hold meetings.

(2) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.— Any member or agent of the commission may, if authorized by the commission, take any action which the commission is authorized to take under this section.

(3) POWERS.—

(A) The commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the commission considers advisable to carry out its duties.

(B) The commission may secure directly from any agency of the Federal Government such information as the commission considers necessary to carry out its duties. Upon the request of the chairman of the commission, the head of a department or agency shall furnish the requested information expeditiously to the commission.

(C) The commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) PAY AND EXPENSES OF COMMISSION MEMBERS.—

(A) Subject to appropriations, each member of the commission who is not an employee of the government shall be paid at a rate not to exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the commission.

(B) Members and personnel for the commission may travel on aircraft, vehicles, or other conveyances of the Armed Forces of the United States when travel is necessary in the performance of a duty of the commission except when the cost of commercial transportation is less expensive.

(C) The members of the commission may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the commission.

(D)(i) A member of the commission who is an annuitant otherwise covered by section 8344 of 8468 of title 5, United States Code, by reason of membership on the commission shall not be subject to the provisions of such section with respect to membership on the commission.

(ii) A member of the commission who is a member or former member of a uniformed service shall not be subject to the provisions of subsections (b) and (c) of section 5532 of such title with respect to membership on the commission.

(5) STAFF AND ADMINISTRATIVE SUPPORT.—

(A) The chairman of the commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and up to 3 additional staff members as necessary to enable the commission to perform its duties. The chairman of the commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51, and subchapter III of chapter 53, of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay may not exceed the maximum rate of pay for GS-15 under the General Schedule.

(B) Upon the request of the chairman of the commission, the head of any department or agency of the Federal Government may detail, without reimbursement, any personnel of the department or agency to the commission to assist in carrying out its duties. The detail of an employee shall be without interruption or loss of civil service status or privilege.

(d) TERMINATION OF COMMISSION.—The commission shall terminate 30 days after the date on which the commission submits a final report.

(e) FUNDING.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.