

## MESSAGE FROM THE PRESIDENT

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

## FINDING GOVERNMENT OF IRAQ IN BREACH OF INTERNATIONAL OBLIGATIONS

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 54) finding the Government of Iraq in unacceptable and material breach of its international obligations.

The Clerk read as follows:

S.J. RES. 54

Whereas hostilities in Operation Desert Storm ended on February 28, 1991, and the conditions governing the cease-fire were specified in United Nations Security Council Resolutions 686 (March 2, 1991) and 687 (April 3, 1991);

Whereas United Nations Security Council Resolution 687 requires that international economic sanctions remain in place until Iraq discloses and destroys its weapons of mass destruction programs and capabilities and undertakes unconditionally never to resume such activities;

Whereas Resolution 687 established the United Nations Special Commission on Iraq (UNSCOM) to uncover all aspects of Iraq's weapons of mass destruction programs and tasked the Director-General of the International Atomic Energy Agency to locate and remove or destroy all nuclear weapons systems, subsystems or material from Iraq;

Whereas United Nations Security Council Resolution 715, adopted on October 11, 1991, empowered UNSCOM to maintain a long-term monitoring program to ensure Iraq's weapons of mass destruction programs are dismantled and not restarted;

Whereas Iraq has consistently fought to hide the full extent of its weapons programs, and has systematically made false declarations to the Security Council and to UNSCOM regarding those programs, and has systematically obstructed weapons inspections for seven years;

Whereas in June 1991, Iraqi forces fired on International Atomic Energy Agency inspectors and otherwise obstructed and misled UNSCOM inspectors, resulting in UN Security Council Resolution 707 which found Iraq to be in "material breach" of its obligations under United Nations Security Council Resolution 687 for failing to allow UNSCOM inspectors access to a site storing nuclear equipment;

Whereas in January and February of 1992, Iraq rejected plans to install long-term monitoring equipment and cameras called for in UN resolutions, resulting in a Security Council Presidential Statement of February 19, 1992 which declared that Iraq was in "continuing material breach" of its obligations;

Whereas in February of 1992, Iraq continued to obstruct the installation of monitoring equipment, and failed to comply with UNSCOM orders to allow destruction of missiles and other proscribed weapons, resulting in the Security Council Presidential Statement of February 28, 1992, which reiterated that Iraq was in "continuing material breach" and noted a "further material breach" on account of Iraq's failure to allow destruction of ballistic missile equipment;

Whereas on July 5, 1992, Iraq denied UNSCOM inspectors access to the Iraqi Ministry of Agriculture, resulting in a Security Council Presidential Statement of July 6,

1992, which declared that Iraq was in "material and unacceptable breach" of its obligations under UN resolutions;

Whereas in December of 1992 and January of 1993, Iraq violated the southern no-fly zone, moved surface to air missiles into the no-fly zone, raided a weapons depot in internationally recognized Kuwaiti territory and denied landing rights to a plane carrying UN weapons inspectors, resulting in a Security Council Presidential Statement of January 8, 1993, which declared that Iraq was in an "unacceptable and material breach" of its obligations under UN resolutions;

Whereas in response to continued Iraqi defiance, a Security Council Presidential Statement of January 11, 1993, reaffirmed the previous finding of material breach, followed on January 13 and 18 by allied air raids, and on January 17 with an allied missile attack on Iraqi targets;

Whereas on June 10, 1993, Iraq prevented UNSCOM's installation of cameras and monitoring equipment, resulting in a Security Council Presidential Statement of June 18, 1993, declaring Iraq's refusal to comply to be a "material and unacceptable breach";

Whereas on October 6, 1994, Iraq threatened to end cooperation with weapons inspectors if sanctions were not ended, and one day later, massed 10,000 troops within 30 miles of the Kuwaiti border, resulting in United Nations Security Council Resolution 949 demanding Iraq's withdrawal from the Kuwaiti border area and renewal of compliance with UNSCOM;

Whereas on April 10, 1995, UNSCOM reported to the Security Council that Iraq had concealed its biological weapons program, and had failed to account for 17 tons of biological weapons material resulting in the Security Council's renewal of sanctions against Iraq;

Whereas on July 1, 1995, Iraq admitted to a full scale biological weapons program, but denied weaponization of biological agents, and subsequently threatened to end cooperation with UNSCOM resulting in the Security Council's renewal of sanctions against Iraq;

Whereas on March 8, 11, 14, and 15, 1996, Iraq again barred UNSCOM inspectors from sites containing documents and weapons, in response to which the Security Council issued a Presidential Statement condemning "clear violations by Iraq of previous Resolutions 687, 707, and 715";

Whereas from June 11-15, 1996, Iraq repeatedly barred weapons inspectors from military sites, in response to which the Security Council adopted United Nations Security Council Resolution 1060, noting the "clear violation on United Nations Security Council Resolutions 687, 707, and 715" and in response to Iraq's continued violations, issued a Presidential Statement detailing Iraq's "gross violation of obligations";

Whereas in August 1996, Iraqi troops overran Irbil, in Iraqi Kurdistan, employing more than 30,000 troops and Republican Guards, in response to which the Security Council briefly suspended implementation on United Nations Security Council Resolution 986, the UN oil for food plan;

Whereas in December 1996, Iraq prevented UNSCOM from removing 130 Scud missile engines from Iraq for analysis, resulting in a Security Council presidential statement which "deplore[d]" Iraq's refusal to cooperate with UNSCOM;

Whereas on April 9, 1997, Iraq violated the no-fly zone in southern Iraq and United Nations Security Council Resolution 670, banning international flights, resulting in a Security Council statement regretting Iraq's lack of "specific consultation" with the Council;

Whereas on June 4 and 5, 1997 Iraqi officials on board UNSCOM aircraft interfered with

the controls and inspections, endangering inspectors and obstructing the UNSCOM mission, resulting in a UN Security Council presidential statement demanding Iraq end its interference and on June 21, 1997, United Nations Security Council Resolution 1115 threatened sanctions on Iraqi officials responsible for these interferences;

Whereas on September 13, 1997, during an inspection mission, an Iraqi official attacked UNSCOM officials engaged in photographing illegal Iraqi activities, resulting in the October 23, 1997, adoption of United Nations Security Council Resolution 1134 which threatened a travel ban on Iraqi officials responsible for non-compliance with UN resolutions;

Whereas on October 29, 1997, Iraq announced that it would no longer allow American inspectors working with UNSCOM to conduct inspections in Iraq, blocking UNSCOM teams containing Americans to conduct inspections and threatening to shoot down U.S. U-2 surveillance flights in support of UNSCOM, resulting in a United Nations Security Council Resolution 1137 on November 12, 1997, which imposed the travel ban on Iraqi officials and threatened unspecified "further measures";

Whereas on November 13, 1997, Iraq expelled U.S. inspectors from Iraq, leading to UNSCOM's decision to pull out its remaining inspectors and resulting in a United Nations Security Council presidential statement demanding Iraq revoke the expulsion;

Whereas on January 16, 1998, an UNSCOM team led by American Scott Ritter was withdrawn from Iraq after being barred for three days by Iraq from conducting inspections, resulting in the adoption of a United Nations Security Council presidential statement deploring Iraq's decision to bar the team as a clear violation of all applicable resolutions;

Whereas despite clear agreement on the part of Iraqi President Saddam Hussein with United Nations General Kofi Annan to grant access to all sites, and fully cooperate with UNSCOM, and the adoption on March 2, 1998, of United Nations Security Council Resolution 1154, warning that any violation of the agreement with Annan would have the "severest consequences" for Iraq, Iraq has continued to actively conceal weapons and weapons programs, provide misinformation and otherwise deny UNSCOM inspectors access;

Whereas on June 24, 1998, UNSCOM Director Richard Butler presented information to the UN Security Council indicating clearly that Iraq, in direct contradiction to information provided to UNSCOM, weaponized the nerve agent VX; and

Whereas Iraq's continuing weapons of mass destruction programs threaten vital United States interests and international peace and security: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Government of Iraq is in material and unacceptable breach of its international obligations, and therefore the President is urged to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Indiana (Mr. HAMILTON), each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

## GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

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

There was no objection.

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

S.J. Res. 54 is the Senate companion of H.J. Res. 125 which Speaker GINGRICH and I introduced on June 25, 1998.

We introduced our resolution in response to the mounting evidence that Iraq continues to defy the decisions of the United Nations Security Council with regard to its weapons of mass destruction.

The most recent example is the revelation in late June that Iraq has placed VX poison gas into missile warheads. That fact was established by lab testing in our Nation of missile warhead fragments which U.N. inspectors found in Iraq. This evidence proves that Iraq remains in violation of its obligations under U.N. Security Council Resolution 687 to disclose and eliminate its weapons of mass destruction programs and capabilities. It also demonstrates that Iraq continues even now to misrepresent to the United Nations and to the world about the history of its weapons of mass destruction programs.

There is nothing new about this, however. Iraq's record of continued evasion and obstruction of U.N. resolutions is spelled out in the 28 "whereas" clauses contained in our measure.

It quickly becomes apparent, from these 28-some clauses, that there has been a continuous and uninterrupted pattern of Iraqi noncompliance with Security Council resolutions going back as far as 1991. This problem emphatically has not been resolved by the agreement put together by U.N. Secretary General Kofi Annan just last February.

My colleagues will recall that earlier this year the Clinton Administration was on the verge of using military force to compel Saddam Hussein to comply with his international obligations. That threat was withdrawn after Kofi Annan went to Baghdad and came back with Saddam Hussein's promises of better behavior by Iraq for the future.

It now turns out that those promises were not even worth the paper they were printed on. The chief U.N. weapons inspector, Richard Butler, is in Iraq today, this very day, meeting with Iraqi officials about what they must do to comply with U.N. resolutions. It is apparent from news reports coming out of Iraq this morning that Saddam Hussein continues to resist international inspections and to reject his obligations under pertinent Security Council resolutions.

The purpose of S.J. Res. 54 is to draw attention to the fact that Saddam Hus-

sein's behavior has not improved and that he remains in material and unacceptable breach of his international obligations. The international community cannot continue to look the other way.

S.J. Res. 54 is both timely and unsailable in its facts. It incorporates changes to the original text of H.J. Res. 125 that were negotiated among the interested members of the Committee on International Relations.

□ 1515

And it is not opposed by the Clinton administration. Accordingly, I urge my colleagues to fully support S.J. Res. 54.

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

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

Mr. Speaker, I rise in support of S.J. Res. 54. All of us in this Chamber recognize that we have a very serious problem with Iraq. It will likely become more serious in the months to come. Iraq is violating U.N. Security Council resolutions, it is engaging in unacceptable behavior, and it is certainly appropriate that Congress go on the record to express its strong objection to Iraq's conduct.

The administration, as I understand it, welcomes the support of Congress for actions that the President may have to take to get Iraq to comply with its international obligations. The administration, however, is concerned about the foreign policy implications of the President signing a joint resolution stating that Iraq is in material breach of its international obligations. Taking such a unilateral position strains U.S. relations with other U.N. Security Council members and jeopardizes a solid U.N. Security Council front against Iraq.

I do have three concerns with the resolve clause. First, I share the administration's concern over the statement that the government of Iraq is in material and unacceptable breach of its international obligations.

My problem with this formulation is that, as I understand it, most Security Council members take the position that only the Council can make a finding of material breach of Security Council resolutions. This is not a determination that the United States alone can or should make. There are implications to making such a statement.

For one thing, our U.N. Security Council colleagues will interpret this resolution as the United States getting ahead of the rest of the Council. If we make a unilateral determination of material breach, we make it more difficult to win international support for the use of force against Iraq.

For another, a finding of material breach is a clear signal that the Security Council is prepared to support the use of force to bring Iraq into compliance with Security Council resolutions.

In January 1993, President Bush carried out a series of successful military

strikes against Iraq shortly after the U.N. Security Council formally found Iraq in material breach.

I think our message would be stronger if we used our own words, such as "grave violations," and not use the words "material breach," words that signal in the U.N. support for immediate military action.

Second, and building on my concerns with the first part of the resolve clause, the resolution broadly urges the President of the United States to take appropriate action.

My problem with this part of the resolve clause is the Congress identifies a serious problem, expresses its displeasure and then punts.

I appreciate the work of the gentleman from California (Mr. CAMPBELL) to find compromise language here. He, like I, was uncomfortable with the original language urging the President to act accordingly. He narrowed and, I think, somewhat improved the resolve clause. But it still falls short of Congress fulfilling its legitimate and important role in foreign policy because it provides no meaningful guidance to the executive.

The resolution would have been much improved if we called on the President to consult with Congress prior to using force rather than handing him a blank check and taking ourselves essentially out of the picture in case of future action in the Gulf.

Third, the process for considering this joint resolution does not measure up to the importance of the matter at hand. This resolution goes to the heart of the most important problem that government must address, the commitment of military forces abroad. Yet, we are debating it under a suspension of the rules, which we generally avoid when considering bills that merit serious and extensive debate.

No one here would dispute that Iraq has violated its international obligations. The recitation of Iraq's misconduct in this resolution is an important contribution. It is appropriate and worthwhile to spell out the record of Iraqi failure to comply with U.N. resolutions.

This resolution has merit in its expression of political support for Presidential action. The President should get support here for taking prudent and necessary action to protect U.S. interests in the Gulf. But this detailed condemnation of Iraq is followed by a policy statement that is simply astonishing in its vagueness.

This resolution is an absolutely classic example of how Congress deals with foreign policy. We complain, we point out the problem, we offer no solution, and we shift the entire burden to the President of the United States.

Congress is a coequal branch of government. We have an equal voice under the Constitution to set the direction of American foreign policy. But in this resolution we do not measure up to our constitutional responsibilities. In effect, we say, "Mr. President, this is a very big problem, you go figure it out."

This resolution endorses the use of force, but it states no objective for the use of force. We create trouble for ourselves when we are imprecise about policy and about the use of force and when we fail to articulate what we believe policy should be based on specific facts and specific objectives.

It would be better, I think, for the Congress to call on the President here to consult with Congress prior to using force. We would know at that time, and we do not know now, what circumstances require use of U.S. military forces in the Gulf. We would fulfill our role as a coequal branch of government if we leave authorization for such time. I understand this is not an authorization bill.

I am uncomfortable voting for this resolution, principally because I think it does not measure up to the way a responsible Congress should engage in foreign policy making. I am even less comfortable, however, voting against it.

I do not want to go on record against the use of force, first, because I think we are going to come up to this point again with Iraq in the months ahead; second, because of the egregious violations of the U.N. Security Council resolutions by Iraq and its pattern of avoidance and duplicity; and, third, because a vote against the resolution suggests that we are not prepared to use force against Iraq, and I think that would be unwise. Therefore, I will support the resolution with the reservations I have suggested.

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

Mr. GILMAN. Mr. Speaker, I yield myself the balance of my time and, in closing, I just want to remind our colleagues to let us concentrate on the fact that the government of Iraq's actions are unacceptable and a material breach of their obligations and, accordingly, this measure before us with regard to Iraq's continuing programs of building up weapons of mass destruction threaten our own vital interests and we should be supporting the measure.

I urge a supporting vote for S.J. Res. 54.

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the Senate joint resolution, Senate Joint Resolution 54.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

## EMERGENCY FARM FINANCIAL RELIEF ACT

Mr. SMITH of Oregon. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2344) to amend the Agricultural Market Transition Act to provide for the advance payment, in full, of the fiscal year 1999 payments otherwise required under production flexibility contracts.

The Clerk read as follows:

S. 2344

*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 "Emergency Farm Financial Relief Act".

### SEC. 2. SPECIAL RULE FOR FISCAL YEAR 1999 PAYMENT UNDER PRODUCTION FLEXIBILITY CONTRACTS.

Section 112(d) of the Agricultural Market Transition Act (7 U.S.C. 7212(d)) is amended by adding at the end the following:

"(3) SPECIAL RULE FOR FISCAL YEAR 1999.—Notwithstanding the requirements for making an annual contract payment specified in paragraphs (1) and (2), at the option of the owner or producer, the Secretary shall pay the full amount (or such portion as the owner or producer may specify) of the contract payment required to be paid for fiscal year 1999 at such time or times during that fiscal year as the owner or producer may specify."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. SMITH) and the gentleman from Minnesota (Mr. MINGE) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. SMITH).

Mr. SMITH of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have problems in farm country. Prices have declined for farmers and ranchers. Many producers are wrestling with multiyear crop losses and others are suffering as a result of this year's severe adverse weather. Feed is expensive, livestock prices are down and, in some parts of the country, forage is virtually nonexistent. For this reason, I rise today in support of Senate 2344, the Emergency Farm Financial Relief Act. This legislation was originally introduced in the House, cosponsored by 50 farm state members.

Senate 2344 will allow farmers the option of receiving all of the Agricultural Market Transition Act payments for the year 1999 immediately after the beginning of the fiscal year. Annual payments are now made twice a year, in December or January, and again in September. This means a farmer may elect to receive all his 1998 and 1999 payments in October this year.

□ 1530

The bill would make \$5.5 billion available to farmers as much as 1 year early to help them cope with the cash shortage that they now are experiencing due to low prices. It will have the effect of the huge interest-free cash loan to producers for up to 1 year.

For example, the 1,000-acre wheat farm with a 30-bushel AMTA payment

would have the option of getting the entire \$19,000 payment in October 1999 rather than waiting 3 months to get half the payment of \$9,500 and the full payment 12 months from now of the remaining \$9,500.

The proposal leaves the option of early payments with the farmer, who can then make the decision on the basis of personal circumstances. If it helps, the farmer will ask for the advance payment. If it only creates tax or the other difficulties, the farmer will not choose to exercise the option.

Because all of the 1999 AMTA payments occur within the same fiscal year, there is no CBO-scored cost to this proposal. Congress has the opportunity to address the current cash shortage on the farm without incurring any budget cost and give the U.S. farmers the opportunity to solve cash shortage problems immediately.

We have taken previous action that responds to the current situation and we will continue to act. We have passed a sound agricultural research bill. We have found \$500 million to save crop insurance. We reversed the Administration's decision to stop food exports to India and to Pakistan, and we took action on normal trading relations with China. Beyond that, we will act on IMF funding and Fast Track authority in the near future.

We are developing new ideas and exploring recent proposals to address the crisis in our agricultural community. No one believes that the action we are taking here today is the complete answer to the difficulties that our farmers are facing. But it is a sound step that we can take today that will reassure producers and their bankers that the farmer's entire assets can be available to address the current situation.

Secretary Glickman told our committee last week that the Department of Agriculture will complete a total assessment of crop loss and the extent of the disaster by August 12 this year. With that in hand, Members' personal assessments during the work periods, along with the committee, will work in September to formulate an additional action that the House might need to take.

In addition, we will be calling upon the Secretary to use his full range of authorities already in his discretion to provide relief to suffering farmers.

This is a very, very important tool, Mr. Speaker, for farmers to relieve short-term cash-flow problems. We need to act swiftly to allow farmers the advance knowledge of the possibility of using these AMTA payments early on this year.

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

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

Mr. Speaker, I rise this afternoon in support of Senate 2344, the Emergency Farm Financial Relief Act, although I do so with reservations.

Many farmers and ranchers today are faced with disastrous conditions. In my