

with the Senate to get language that is more compatible with an appropriation bill rather than an authorization bill.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. TRAFICANT] has expired.

(By unanimous consent, Mr. TRAFICANT was allowed to proceed for 2 additional minutes.)

Mr. TRAFICANT. Mr. Chairman, I yield to the gentlewoman from California, the distinguished ranking member.

Ms. PELOSI. I thank the gentleman for yielding. I support the statement of our chairman about the clarification of the language in conference but support the spirit of the amendment that is put forth by the gentleman from Ohio [Mr. TRAFICANT] and once again call to the attention of our colleagues the refinement of the amendment, that the bill may be used for procurement outside the United States or in less developed countries only if such funds are used for purchases in the country receiving assistance and such purchases would cost less than procurement in the United States or less developed countries, and if such purchases are not available in the United States or less developed countries, and this is the important point that I think we will work on in conference, if the President determines that such purchases would result in a more efficient use of U.S. foreign assistance resources. The waiver language as well I think is a smart approach to the gentleman's leadership on this issue.

Again, I associate myself with the comments of our chairman.

Mr. TRAFICANT. Mr. Chairman, I appreciate the statement. Just let me close by saying this. These authorization bills sometimes never get an opportunity to see the light of day. This limitation is very important. I really thank the chairman for withdrawing his point of order, and I plan to work with and lean on and grab ahold of the chairman and see what I can do because he has done a great job.

□ 1345

Mr. Chairman, I would appreciate it if we would keep the spirit and the intent in the bill.

Mr. Chairman, I yield back the balance of my time.

Mr. CALLAHAN. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

#### POINT OF ORDER

Mr. HOUGHTON. Mr. Chairman, I would like to make a point of order against section 539 of the bill found on page 66, line 15, through page 67, line 22, on the grounds that it violates 5(b) of rule XXI of the rules of the House.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HOUGHTON. Mr. Chairman, clause 5(b) of rule XXI states that it shall not be in the order of the House to consider a measure carrying a tax or

a trade provision not reported by the committee of jurisdiction.

Furthermore, Mr. Chairman, the measure on the floor would preclude the President from waiving certain import sanctions against Serbia-Montenegro which are imposed pursuant to certain codified Executive orders. The provision imposes a new requirement on the President that an Executive order lifting these import sanctions cannot be issued until the President certifies to the Congress that certain democratic reforms have occurred in Kosova. This change of authority over import restrictions falls within the jurisdiction of the Committee on Ways and Means and clearly constitutes a tariff measure for purposes of rule XXI 5(b) of the rules of the House.

Therefore, Mr. Chairman, the point of order applies, and I urge the Chair to sustain the point of order.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. CALLAHAN. Mr. Chairman, section 539 of the pending bill would prohibit the termination of sanctions against Serbia and Montenegro until certain conditions are met. This provision was included in the fiscal year 1996 Appropriation Act as a result of an amendment offered by the gentleman from New York [Mr. ENGEL] on July 11, 1995.

As chairman of the subcommittee, I oppose the amendment; however, it was made in order under a rule approved by the House on that very same day by a vote of 236 to 162, and for the RECORD I might remind the Members that the chairman of the Committee on Ways and Means voted for that rule.

I agree with the gentleman that this provision does not belong in this bill. I would say the same thing about a number of other provisions. However, lack of an authorization act for many years has resulted in this bill being used for purposes other than the appropriation of funds. Since the House has specifically approved this provision in the past, I believe that it was my duty to include it in this appropriation bill.

The Committee on Ways and Means does not agree and believes this is a violation of the House rule, and the Parliamentarian agrees, and I will, of course, defer to them on this matter, and I concede the point of order.

The CHAIRMAN. If no other Member wishes to be heard on the point of order, the gentleman from New York [Mr. HOUGHTON] makes a point of order against section 539 of the bill on the grounds that it carries a tariff measure in a bill reported by committee, Committee on Appropriations, not having jurisdiction to report tariff matters in violation of clause 5(b) of rule XXI.

Under clause 5(b) of rule XXI, this point of order may be raised at any time during consideration of the bill for amendment in the Committee of the Whole even after section 539 has been passed in the reading for amendment.

In this respect, the standard of timeliness, this point of order is unlike those arising under clause 2 or 6 of rule XXI.

Current law authorized the President to waive application of certain sanctions to Serbia-Montenegro. Among these sanctions are import prohibitions which affect tariff collections. Section 539 of the bill constrains the authority of the President on these matters. It, thereby, carries a tariff measure within the meaning of clause 5(b) of rule XXI, and the point of order is sustained, and section 539 is stricken from the bill.

AMENDMENT NO. 32 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment No. 32 offered by Mr. PAUL:

After the last section (preceding the short title), insert the following:

LIMITATION ON FUNDS FOR ABORTION, FAMILY PLANNING, OR POPULATION CONTROL EFFORTS

SEC. 572. (a) None of the funds appropriated or otherwise made available by this Act may be made available for—

- (1) population control or population planning programs;
- (2) family planning activities; or
- (3) abortion procedures.

Mr. PAUL. Mr. Chairman, the amendment is very clear. If the amendment passes, no funds in this bill could be used for population control, family planning, or abortion procedures. That will take in about \$385 million that we could save by passing this amendment.

The most important part of this amendment would be that we would absolutely assure that none of the funding would ever be used for abortion. One of the ways that the funds get to abortion, to the use of abortion, is that the funds are granted for birth control, and then the funds elsewhere can be saved, and those other funds can be used for abortion. In other words, it can be the funds are fungible.

It is claimed that people have a need for birth control, and this may be true, but we have not been well received around the world. I am not quite sure exactly when the U.S. Government and the American taxpayer got involved in the birth control business overseas, but we have been doing it now probably for several decades. But there is a lot of resentment toward America imposing our will on other people.

For instance, we have sent over the use of Norplant, a very controversial medical procedure. I am a gynecologist, and I can attest to it. It is very controversial, yet it was used on hundreds of thousands of women overseas. When that procedure was finally brought to the United States, it was rejected by the American people.

I, as a gynecologist, spent more time taking these Norplants out than putting them in because of the severe complications with them, but nevertheless we, as taxpayers, have continuously sent more funding overseas to support these procedures.

But there is no moral justification for us in the U.S. Congress to go and

tax poor people in America, to go over and impose our ideas and our beliefs on other people's culture, and we have been doing this now for several decades, and a lot of resentment has been building up. There is no constitutional authority for programs like this. There is nowhere in the Constitution where we can find any justification for us imposing our will on other people in this manner.

But worst of all, if funds are used for birth control and other funds are saved and then they are used on abortion, it is in a way indirectly supporting abortion.

Later on we will vote on another amendment to curtail the use of funds for abortion, and I will support the amendment of the gentleman from New Jersey [Mr. SMITH] in this regard because we hope that that would at least help, but one way where we can assure and not worry about it would be to pass this amendment and not send any money over in the first place because it is not authorized, it is not permissible, it is not moral, and there is a lot of resentment toward us for these very, very reasons.

The issue that always comes up is that the people need help, but there are a lot of voluntary associations in this country that are willing to help. If we feel compelled to help poor nations in their birth control effort, it can be done through voluntary means, not through coercion, not taking by force money from people who have philosophic and religious and social beliefs against these programs that we are imposing on others.

So this is a program that should be just abolished. It should be stopped. We should not send any funds over there. This argument that we can control the way funds are being spent once they are overseas, we are kidding ourselves when we use that argument. We really lose control of these funds once they get into the hands of other governments or agencies that are dealing with these problems overseas.

Typically, programs that are run by governments and international governments do not work very well, and these programs have done very poorly. At the same time, there are poor countries around the world that have car loads, millions, of condoms sitting around that are not used. They cannot get surgical gloves to do surgical procedures. There are countries reported in Africa where they do not have penicillin, and yet they have all the birth control pills that they want.

So I argue that this program is unnecessary, unconstitutional, it is an abuse of the rights and beliefs of so many Americans, and it is not well received overseas. The best thing we can do is just take the money away from these programs, take the \$385 million and return it to the American taxpayers. This would be a far better way to use this money other than aggravating, antagonizing people in other countries.

What would we think if some foreign government came over and decided that our inner cities were overpopulated and they wanted to impose some population controls and some birth control methods on the inner cities? I am sure there would be a strong objection to that.

Ms. PELOSI. Mr. Chairman, I rise in very strong opposition to the amendment, as proposed, by the gentleman from Texas [Mr. PAUL]. If enacted, the Paul amendment would cause death and suffering for millions of women and children whose lives and well-being depend on the availability of family planning and health service supported under USAID's population assistance program. Over 580,000 women die annually, 1 woman every minute, of causes related to pregnancy and childbirth. Family planning can prevent 25 percent of all maternal and infant deaths by avoiding unintended pregnancies and spacing births.

The Paul amendment would close the most effective avenue to prevent abortions. Certainly we all consider abortion a failure, and if we want to reduce the number of abortions, we should support family planning.

The World Health Organization estimates that 40 percent of unintended pregnancies end in abortion. That is a tragedy. Family planning enables couples to prevent unintended pregnancies. Large declines in numbers of abortions have occurred due to the expansion of family planning services in many countries across the globe, including South Korea, Chile, Hungary, Russia, Kazakhstan, Ukraine, Colombia, and Mexico. This amendment would end a 30-year program that is recognized as one of the most successful components of U.S. foreign assistance.

And this is not about the United States going to another country and forcing anything on anyone. This is a voluntary program that the countries asked for. And again, to reference the remarks of the gentleman from Texas [Mr. PAUL], we are not later going to be voting on any amendment that will curtail funds for abortion. The discussion in this bill is about curtailing funding for family planning.

More than 50 million couples in the developing world use family planning as a direct result of this program, and the average number of children per family has declined more than one-third since the 1960's. Three out of four Americans surveyed in 1995 wanted to increase or maintain spending on family planning for poor countries.

I urge our colleagues to reject overwhelmingly the ill-advised Paul amendment and to support international family planning.

Mr. CALLAHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, while I have every respect for the philosophy of the gentleman from Texas, and I share his views on abortion, I do not think that is what this debate or this amendment

addresses. Indeed, I feel like I have made a giant and major impact on the elimination of AID funds for abortion anywhere in the world. As a matter of fact, my bill says that none of the funds of this bill may be used for an abortion, period.

So this is not an abortion issue; this is a family planning issue, because some feel like that if they go into a country and through educational processes they will eliminate the need for abortions, and they well may be right.

So do not imply to anyone in this body or anyone in this audience watching today that the bill that I wrote permits abortion in any fashion because it absolutely restricts it. Abortions for family planning purposes cannot be performed with any of the money anywhere in this bill, period, flat no.

Now when I took this committee over as chairman several years ago, Mr. Chairman, if I had come to you and said to you and the proponents of the right to life, said, I am going to cut funding for family planning by up to half, then I would have been heralded as a hero.

□ 1400

Now I have done that, only to be addressed on the floor as a proponent of abortion, which I am not.

So I would submit to this Congress and to the gentleman from Texas, while I agree with his views with respect to the right to life, he is absolutely wrong in his allegation that any of this money for family planning purposes can be used for abortion. It does not, it cannot, it will not, and never will as long as I am chairman of this committee.

With that, Mr. Chairman, I would oppose the gentleman's amendment, indicating to the Members that the restriction is already there and that we have cut family planning significantly over the period of time that I have used. If you use 1995 figures, we have cut \$518 million from family planning activities.

So I think we have done an outstanding job, and I would urge my colleagues to vote against this amendment.

Mr. PAUL. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Chairman, I do not want to imply that the gentleman has permitted or endorsed or encouraged or the bill says directly there are funds here for abortion. I will concede that.

Mr. CALLAHAN. Mr. Chairman, reclaiming my time, if the gentleman would answer my question, is there anything in this bill that leads the gentleman to believe that any of this money can be used for abortion anywhere in the world?

Mr. PAUL. Mr. Chairman, I am addressing the fungibility argument.

Mr. CALLAHAN. The fungibility and the tangibility of what is in this bill, you cannot use any of this money for abortions anywhere in the world. If the