At the Foreign Relations Committee's hearing on the Convention in August, Admiral William Center—whom you heard this morning—testified, ''The Convention underpins strongly the worldwide mobility America's forces need. It provides a stable legal basis for governing the world's oceans. It reduces the need to fall back on a potentially volatile mixture of customary practice and gunboat diplomacy.''

The Secretary of Defense, William J. Perry, also supports prompt Senate action ''to send a strong signal that the United States is committed to an ocean regulatory regime that is guided by the rule of law.''

I have heard arguments that the Convention's provisions on freedom of navigation are not really important because they reflect customary international law. I disagree with that argument.

Customary international law is inherently unstable. Governments can be less scrupulous about flouting the precedents of customary law, than they would be if such actions are seen as violating a treaty.

Moreover, not all governments and scholars agree that all of the critical navigation rights protected by the Convention are also protected by customary law.

They regard many of those rights as *contractual* and, as such, available only to parties to the Convention.

For example, it was not long ago that the United States claimed a territorial sea of only three miles. Now it is twelve. I am certain there are countries that would like to expand their territorial sea even further. Only the Convention establishes limits on countries' claims to territorial seas as a matter of international law.

These navigational rights are of very real importance to our armed forces. There have been recent situations where even U.S. allies denied our forces transit rights in times of need.

For example, during the 1973 Yom Kippur war our ability to resupply Israel was critically dependent on transit rights through the Strait of Gibraltar. In 1986, U.S. aircraft passed through the Strait to Strike Libyan targets in response to that government's acts of terrorism directed against the United States.

On February 11, 1992, the USS BATON ROUGE (SSN689) was struck by a Russian Sierra-class attack submarine while on patrol in the Barent Sea, off the major naval port of Murmansk. The USS BATON ROUGE, a Los Angeles-class attack submarine, was submerged at a depth of 59 feet at the time of the collision, in waters claimed by Russia as territorial, but considered by the United States to be high seas.

In addition, the following examples are situations where having the Law of the Sea Convention in effect might have made a difference:

Between 1961 and 1970, Peru seized 74 U.S. fishing vessels over disputed tuna fisheries.

In 1986, Ecuador interfered with the USAF aircraft flight over the high seas 175 miles from the Ecuadorian coast.

Since 1986, Peru has repeatedly challenged U.S. aircraft flying over its claimed 200 nautical mile territorial sea. During several of these challenges, the Peruvian aircraft operated in a manner that unnecessarily and intentionally endangered the safety of the transiting U.S. aircraft and its crew.

This includes an incident where a U.S. C–130 was fired upon and a U.S. service member was killed.

In 1986, two Cuban MIG–21 aircraft intercepted a USCG HU–25A Falcon flying outside of its 12 nautical mile territorial sea, claiming it had entered Cuban Flight Information Region (FIR) without permission.

In 1988, Soviet warships intentionally ''bumped'' two U.S. warships engaged in innocent passage south of Sevastopol in the Black Sea.

In 1984, Mexican Navy vessels approached U.S. Coast Guard vessels operating outside Mexican territorial waters and interfered with valid USCG law enforcement activities.

Libyan claims to the Gulf of Sidra have resulted in repeated challenges and hostile action against U.S. forces operating in high seas.

During the 1980's, transits of the Northwest Passage by the USCG POLAR SEA and POLAR STAR were challenged by the Canadian government.

I do not doubt that, if necessary, the United States Navy will sail where it needs to to protect U.S. interests. But, if we reject the Convention, preservation of these rights in non-wartime situations will carry an increasingly heavy price for the United States.

By remaining outside of the Convention, the United States will have to challenge excessive claims by other states not only diplomatically, but also through conduct that opposes these claims. A widely ratified Convention would significantly reduce the need for such expensive operations.

it would also afford us a durable platform of principle to ensure support from the American people and our allies when we confront claims we regard as illegal.

The Convention's provisions on freedom of navigation are also vitally important to the U.S. economy and the thousands of U.S. workers whose jobs are dependent on exports and imports. We live in an interdependent world, and 80 percent of trade between nations in this interdependent world is carried by ship.

Oil is one example of this. In 1993, 44 percent of U.S. petroleum products supplied came from imported oil. This oil was carried on tankers that every day pass through straits, territorial waters, and exclusive economic zones of other nations.

The U.S. has a vital interest in the stability of the international legal order that serves as the basis for this commerce. We also have an interest in avoiding higher prices for consumers and job losses that can result from costly coastal state restrictions on navigation.

The benefits of the Convention extend to many other areas. Protection of submarine cables is one example. The new fiber optic cables that connect the United States to other countries are crucial for international communications and our increasingly information-based economy.

These cables are enormously expensive. A new fiber optic cable connecting the United States to Japan can carry up to one million simultaneous telephone calls, and is valued at $1.3 billion. The total value of existing cables is measured in the many billions of dollars.

When these cables are broken, U.S. companies, and ultimately U.S. consumers, incur huge repair costs. The Convention contains new provisions that strengthen the obligation of all states to take measures to protect the cables, and cable owners.

Past U.S. concerns with the Convention's provisions on deep seabed mining—concerns that had prevented the United States from signing the Convention—were resolved in an agreement signed in July at the United Nations in New York.

Earlier today, you heard about this subject from Wes Scholz, the head of the U.S. delegation to the negotiations on the Part XI Agreement. He and his negotiating team did a truly superb job in adjusting the Convention's provisions on seabed mining to provide a workable framework for the 21st century.

Looking to the future, U.S. interests in the Convention lie not only in what it is today, but in what it may become. Just as form and substance have been given our Constitution by the courts, so too will future uses of the oceans be influenced and shaped by decisions made under the Convention.

With the Convention's entry into force last November 16th, the United States stands on the threshold of a new era in oceans policy. Under the Convention, U.S. national interests in the world's oceans would be protected as a matter of law. This is a success of U.S. foreign policy that will work to our benefit in the decades to come.

The question on many people's minds now is: will the Senate act on the Convention during this, the 104th Congress?

I think that those who support the treaty should help make the case for its approval. The benefits of the Convention are many. We should not be shy in making them known. The consequences of not ratifying the Convention are also many. Those too should be made known.

Over the past 25 years, the Convention and its supporters have overcome many obstacles. The same tenacity and commitment that brought the Convention to where it is today will be needed to take the Convention the next step.

U.S. ratification of the Convention may not come quickly, but I am confident it will come. It is up to us to make that happen sooner rather than later. And when it happens, that for me will be a nearly life-long dream come true.

MESSAGES FROM THE HOUSE

At 2:24 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill; in which it requests the concurrence of the Senate:

H.R. 2. An act to give the President item veto authority over appropriation acts and targeted tax benefits in revenue acts.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2. An act to give the President item veto authority over appropriation acts and targeted tax benefits in revenue acts; pursuant to the order of August 4, 1977; referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–372. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10–370 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC–373. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10–371 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.