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House of Representatives

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. PETRI].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 16, 1997.

I hereby designate the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We know, O gracious God, that the pace of living is brisk and yet we know too that we need to take time to meditate on Your good gifts to us and to reflect on how we can translate Your gifts into our daily lives. May we use the gift of faith so our lives develop meaning and purpose; may we use the gift of hope so that we can anticipate a new and brighter day; may we use the gift of love so that we know others with trust and affection and share with them our innermost feelings and experiences. May Your gifts, O God, that have nourished us along the way be with us this day and every day we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida [Mr. SCARBOROUGH] come forward and lead the House in the Pledge of Allegiance.

Mr. SCARBOROUGH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1306. An act to amend the Federal Deposit Insurance Act to clarify the applicability of host State laws to any branch in such State of an out-of-State bank.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 210. An act to amend the Organic Act of Guam, the Revised Organic Act of the Virgin Islands, and the Compact of Free Association Act, and for other purposes;

S. 289. An act to designate the United States courthouse to be constructed at the corner of Superior Road and Huron Road in Cleveland, Ohio, as the ''Carl B. Stokes United States Courthouse'';

S. 347. An act to designate the Federal building located at 100 Alabama Street NW, in Atlanta, Georgia, as the ''Sam Nunn Federal Center'';

S. 419. An act to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes;

S. 478. An act to designate the Federal building and United States courthouse located at 475 Mulberry Street in Macon, Georgia, as the ''William Augustus Bootle Federal Building and United States Courthouse'';

S. 628. An act to designate the United States courthouse to be constructed at the corner of 7th Street and East Jackson Street in Brownsville, Texas, as the ''Reynaldo G. Garza United States Courthouse'';

S. 681. An act to designate the Federal building and United States courthouse located at 300 Northeast First Avenue in Miami, Florida, as the ''David W. Dyer Federal Courthouse'';

S. 715. An act to redesignate the Dublin Federal Courthouse building located in Dublin, Georgia, as the J. Roy Rowland Federal Courthouse; and

S. 819. An act to designate the United States courthouse at 200 South Washington Street in Alexandria, Virginia, as the ''Martin V. B. Bostetter, Jr. United States Courthouse''.

The message also announced that pursuant to sections 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Washington [Mrs. MURRAY] as Vice Chair of the Senate delegation to the Canada-United States Interparliamentary Group during the 105th Congress.

The message also announced that pursuant to Public Law 101–445, the Chair, on behalf of the Democratic Leader, appoints Arlene M. Chamberlain, of South Dakota, to the National Nutrition Monitoring Advisory Council.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, June 13, 1997.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Thursday, June 12, 1997 at 6:40 p.m.: that the Senate passed without amendment H.J. Res. 32,

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and, that the Senate passed without amendment H.R. 1871.

With warm regards,

ROBIN H. CARLE,

Clerk, U.S. House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Thursday, June 12, 1997:

H.R. 1871. An act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

ANNOUNCEMENT OF OFFICIAL OBJECTORS FOR PRIVATE CALENDAR, 105TH CONGRESS

The SPEAKER pro tempore. The Chair desires to announce that the official objectors for the Private Calendar for the 105th Congress are as follows:

For the majority: Messrs. SENSENBRENNER, Wisconsin; COBLE, North Carolina; and GOODLATTE, Virginia.

For the minority: Mr. BOUCHER, Virginia, and Ms. DELAURO, Connecticut.

SPECIAL ORDERS

POLITICS AS USUAL BAD POLICY FOR FLOOD VICTIMS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 60 minutes as the designee of the majority leader.

Mr. SCARBOROUGH. Mr. Speaker, this past weekend and over the past 3 or 4 weeks we have been hearing a lot on television about flood relief and the politization of that process, and we have been hearing about how flood victims got caught in the middle of a political gambit and they have actually been upset and injured by politics as usual in Washington, DC.

Mr. Speaker, I wanted to come to the floor today because I have been looking through some newspapers across the country to see what they were doing outside the beltway and I wanted to check into some of the charges that actually what happened on this flood relief bill actually did affect flood victims, because we get in Washington and one hears different things.

In fact, I heard the Vice President last week go before a press conference and say the following, and this is from the Philadelphia Inquirer dated last week: Vice President GORE accused the Republicans of issuing an ultimatum. Quote: ''They are saying to the American people, we want to make it clear that we will hurt you unless these provisions are accepted.''

The charge is almost frantic, that actually there were people in this Chamber that wanted to hurt Americans if they did not go along with their own political agenda. It reminded me of some of the things that I heard in the past when the President and Vice President would come out to the press conference when we were trying to balance the budget and try to hide behind Medicare and try to scare senior citizens and talk about how we wanted to slash Medicare, when in fact we were trying to save Medicare and were putting out a proposal very similar to what the President was putting out.

There is this tactic that they always seem to use. Every time you start to nail them down and try to force them to be physically responsible, they would say, oh, you are trying to hurt old people, you are trying to hurt senior citizens, you are trying to hurt young children, you are trying to hurt flood victims. So it was sort of these scare tactics to try to stop us from doing what needed to be done.

During the flood relief bill, what some Members wanted to do was actually put in a provision that would prevent the Federal Government from ever shutting down again. But when this was attempted, the President, the Vice President, and many Members in this Chamber got out there saying, oh, you are hurting the flood victims, you are hurting the flood victims. I have to tell my colleagues as an American sitting out there on the couch watching TV, one would look at it and say, gee, how could anybody want to hurt the flood victims like that.

Then, as is the case usually in Washington, DC, you peel away a layer of rhetoric, you peel away another layer of demagoguery and one gets down to the facts, and the facts look quite different from what politicians inside Washington, DC, are telling us.

This is what the Philadelphia Inquirer wrote on Thursday, June 12. They quoted a political scientist from Carleton College in Minnesota, one of the affected areas, and his name is Steven Scheer and he is a political scientist. He said the following: ''Federal money is already flowing into the flood-damaged areas, so this is not going to affect things for a while,'' said this Minnesota political scientist. Yet, the Democrats indicate that people are drowning and starving as a result of this. It is not true.

Let me say that again. It is not true. A political scientist who lives in Minnesota who studies politics and, more important, understands the pain and the suffering and the misery that the men and the women of the Midwest have been putting up with for so long says firsthand, ''the Federal money is already here.''

If anybody said what happened in Washington over the past week or two did anything to directly hurt people in the Midwest, then according to this political scientist quoted by the Philadelphia Inquirer, it is not true. Federal money is already flowing, so this is not going to affect things for a while. Yet the Democrats indicate that people are drowning and starving as a result of this. It is not true.

So one sits there and one asks oneself, if it is not true, according to this political scientist in Minnesota and others who understand the process, why would the Vice President of the United States come out and say that it was true that somehow what happened in Washington last week was going to hurt people in the Midwest, or why would the President make the same inferences, why would people on this floor storm up to the microphone day after day after day after day and say something that clearly did not reflect reality?

Well, I guess unfortunately for too many in this Chamber it is politics as usual. If one cannot win by using the facts, then try to win by kind of shifting the facts around. Try to scare people. If one does not want people to sit down and know the real story, then kind of shuffle the deck a little bit and deal from the bottom of the deck once in a while and maybe one can confuse people enough. I mean maybe that is what they think. It is very unfortunate. But the reality is that flood money was sent to the Midwest and in fact has been fully funded for some time and will be fully funded for some time. But again, Democrats used this as a political attack last week for purely political purposes, and it is unfortunate.

So when the Vice President says ''We want to make it clear that we will hurt you unless these provisions are accepted,'' it does not match up with reality. I can say as a Member from the State of Florida, which seems, unfortunately, seems to have a hurricane about two or three times a year, in my district especially—2 years ago we had two hurricanes in 1 month's time period—I understand firsthand about devastation. I understand about how in one day's time, a family's existence, a family's home, their property, their life, can be blown away with the wind, blown away by a flood.

So the last thing that I am going to want to do, the last thing that anybody here is going to want to do is to do anything to hurt flood victims. Again, we did not do that, but we have people coming up here and demagoguing on the issue to try to scare them. I think it is really unfortunate.

Again, that is what happened last year when we were talking about Medicare, when we were trying to save Medicare for senior citizens and keep it solvent. We had so many people coming down here and saying, oh, they are trying to cut Medicare, trying to do this, trying to do that, again, all for political points.

I can tell my colleagues, as somebody who is relatively new to this Chamber, it gets awfully frustrating that we find that too many times debate in this great Chamber, which is really the center of freedom around the world, is resolved to name-calling and

demagoguing and fingerpointing, when it would be so much better for the American people if we just debated on the facts.

Now, if we wanted to debate on the facts and if we wanted to find a situation that would hurt flood victims, I can give my colleagues one. I can tell my colleagues what will cause flood victims possibly the gravest risk in trying to put their lives back together as they seek assistance from Washington, DC. What will hurt flood victims in the Midwest the most, what will hurt victims of hurricanes in my part of the world, what will hurt earthquake victims on the west coast the most would be if this Federal Government ever shut down again and funding from Federal agencies were totally cut off. Because as I said before, those flood victims in the Midwest right now are fully funded for the next month or so, even without this emergency supplemental that we passed this last week. But if for some reason the White House and Congress got into a debate, got into a budget battle like we did a few years ago and the President, once again, vetoed every bill that Congress sent down over and over and over again, then the President's veto would have the effect of shutting down the Federal Government.

□ 1215

What do we do? I think we learned our lesson from last time. We wanted to purchase for the American people an insurance policy to make sure that the Federal Government never shuts down again, and to make sure that the flood victims in the Midwest and the victims of hurricanes in my region and earthquake victims in California do not get cut off from the Federal assistance that they say they need. So we put in a provision that is an insurance policy against the Federal Government ever shutting down.

Mr. Speaker, again, in Washington, DC, things are not ever as they seem. I have to tell the Members, for the President of the United States to say time and time again, for the Vice President, for many Members in this Chamber to say, let us never shut down the Federal Government again, I would think that anybody giving them an insurance policy that would stop the Federal Government from ever shutting down again would be a pretty good thing.

If we wanted to go a step further to make sure that the funding was at 100 percent, that they get every single cent that they would have gotten if we kept funding it at last year's level, we would make sure that this insurance policy paid these people at 100 percent. That is what we tried to do. I say, we tried to do. Actually, I did not vote for the CR bill that got down there, but we will get to the reason why in a second.

But the Republican majority put a bill together that would have in it an insurance policy to keep the Federal Government open and going at 100 percent funding so the flood victims would not be hurt. Yet, the President vetoed that. The Vice President came out, and boy, he was mad. He said, how could they dare hurt the American people, and all we were trying to do was actually trying to help by keeping the Federal Government funded at 100 percent, to make sure that the Federal Government would never shut down.

Mr. Speaker, I cannot tell the Members over the past 2 or 3 years how many times I have seen people come to that podium and say, Mr. Speaker, we must never shut down the Federal Government again. We would almost think if they had sackcloths they would tear them off and they would throw ashes all over their faces. These people were worked up. A couple of times I thought they were going to dab their eyes with the ties that they had, with all their little children on there, to show how much they love children.

Of course, those of us that happen to have children and love children but do not wear those ties, I guess, do not love children as much. But they would come down here and cry and whine, saying, how could we ever shut down the Federal Government again? You are going to hurt too many Americans. The children will be hurt. The grandparents will be hurt. Locusts will descend from the heavens. It will be the end of Western civilization as we know it or, as R.E.M. says, it is the end of the world as we know it.

So we put in this bill a continuing resolution to make sure that the Federal Government is fully funded. Guess what the President does? He vetoes it. So we are sitting there trying to figure out, why would the President veto a bill that we sent to him when he has been saying for 3 years that is what he wanted?

Me not being a really bright guy, I get most of my news from newspapers. So I get this editorial. I read this editorial from the Wall Street Journal. All of a sudden, it starts to make a little bit of sense to me. Now I understand why the President vetoed this insurance policy against shutting down the Federal Government.

The Wall Street Journal had it in their editorial on Tuesday last week, June 10. This is what the editorial says. They start out with a quote from President Clinton. He says this:

''`Shutting down the Government again would be unbelievably irresponsible.' So said President Clinton on January 20, 1996, when he was pinning blame for shutting down parts of the Federal Government on the Republican Congress. Yesterday he vetoed a GOP 'disaster relief' spending bill that contained a provision to prevent precisely that sort of shutdown.

''What gives?,'' asks the Wall Street Journal. ''Won't a shutdown 'cause disruption in the lives of millions of Americans,' as he said on November 14, 1995? What we have here is a moment of political revelation about the Clinton method: He wants to be able to threaten a shutdown, because he knows it'll help him preserve the still-outsized government we have. And as always, he wants an issue, in this case 'disaster relief,' with which to demagogue his opponents.''

This is the part I was talking about, about the flood relief bill getting shut down, vetoed this fall:

If any of those 13 spending bills that Congress passes are not signed by the start of the new fiscal year in October, the agencies they fund can't legally open. Democratic Congresses missed this deadline all the time, instead passing continuing resolutions until the final bills were signed around Christmas. This is what the GOP Congress wants to do for fiscal year 1998, proposing to fund the Government at 100 percent of the 1997 levels until they can work out a compromise with the President.

Again, this is that insurance policy that I was talking about. Democratic Congresses, when they ran the Government for 40 years, did these sorts of things all the time. You sign what is called a continuing resolution that funds the Government at 100 percent, to make sure it keeps going. But this is what the President used to try to veto the bill.

''This would keep the Government running, denying Mr. Clinton the chance to dump blame on the GOP. The President's political leverage would thus be reduced and he'd have to fight over each spending bill on the merits. Not that he is helpless: Unlike GOP Presidents, Mr. Clinton can now wield a line item veto, if he has the nerve. But this is trench warfare, where Congress can fight on more equal terms than the evening news.

''Mr. Clinton can't afford to admit to any of this political calculation, of course. That's why he's trying to change the subject entirely and make this a debate about 'disaster relief,' which no one opposes. If Mr. Clinton really wants disaster relief, he can sign the bill.''

Again, what you do, I guess, in Washington, when they have got you, when the President says for 3 years, give me a continuing resolution, give me an insurance policy to make sure the Federal Government never shuts down, and we give it to him, he changes the subject. He says, how can you hurt these poor flood victims?

Of course, we were not hurting the poor flood victims. As the Philadelphia Inquirer again quoted the political scientist from Minnesota, Federal money is already flowing into the region, yet the Democrats are indicating people are drowning and starving as a result of this, but it is not true. The flood victims have been taken care of. They will continue to be taken care of.

So unfortunately, all of these statements that have been made, according to this political scientist, just are not true. It is a political battle, it is a political battle that a lot of Americans

have not been following, but it is a political battle that is important, because as we go throughout the fall trying to balance the budget for the first time in a generation, trying to give tax relief back to working class Americans, and trying to save the next generation from the crushing debt that this generation is passing on to them, we have got to be able to negotiate with the President in good faith and make sure, and make sure, that he will do the type of things that Americans sent us to Washington to do: to balance the budget, to cut taxes, to send money, power, and influence back to the American people, and yes, to save the American dream for the 21st century.

My son is visiting me this week up in Washington, DC. In fact, he is in the gallery right now. When I see him and his friends running around and playing, like any parent, you start saying, what is their life going to be like 10, 15, 20 years from now? What type of country are they going to live in?

I want to make sure they live in an America where they can pursue the American dream, just like my parents made sure I was able to pursue the American dream, instead of having a country where they are paying 89 percent in taxes to the Federal Government because of the huge Federal debt that Congress and Presidents have thrown on the American people over the past 40 years.

We have to do something to make a difference, so that is why this insurance policy against shutting down the Federal Government was so important, and why it was so regrettable, first of all, that the President vetoed the bill, because he knew what was doing; and secondly, it was doubly regrettable that he would actually, and I want to be careful here, it is regrettable that he would use flood victims in an attempt to change the subject.

Because the President knows, just like the political science professor in Minnesota knows, just like the Philadelphia Inquirer knows, just like the Wall Street Journal knows, just like everybody that has studied this issue knows, flood relief was pouring into the Midwest. This political battle in Washington, DC was not affecting them. In the end, the only real damage that was done was done on a public relations front to the Republican party.

I am sure that we will all be big enough to dust ourselves off and get past that. That is really not my concern. It is not any member of the Republican party's concern, or at least it should not be. Our concern is making sure those people in the Midwest are taken care of, and they are. We wanted to make sure that the Federal Government was not going to be shut down this fall, and that Federal funding would truly not be cut off.

Reviewing, Mr. Speaker, the President and Vice President say that this budget debate hurt people in the Midwest. It did not. It did not. The funding was already up there. As the Philadelphia Inquirer says, it was used for political purposes.

Secondly, the President and the Democrats have been coming up here for years and have said that they want to make sure that the Federal Government never shuts down again. I guess they really do not care, in the end, do they? They had an opportunity. We gave them an insurance policy to make sure the Federal Government never shut down again, and they were all against it. So they can never say that again, right?

I do not know. In Washington, DC, I think anything is possible. Maybe they will have the audacity to come up here in the next couple of weeks, months, years, and talk about how they want to make sure the Federal Government never shuts down again, but they had an opportunity last week to take care of that, and they decided that they would rather play political games than pass an insurance policy to make sure the Federal Government never shuts down again.

The third thing I want to talk about and conclude on, Mr. Speaker, the third point is, there is a lot of disingenuousness that was going on in the Chamber last week when I heard so many Democrats come up and say, we want a clean bill. Mr. Speaker, send us a clean bill. This is about disaster relief. This is about flood victims. Send us a clean bill, they said.

Did they want a clean bill? No, not really. Not really. Do Members want to know what a clean bill would have been? It would have been about a $750 million bill to take care of flood relief in the Midwest. Do Members know how much that $750 million bill ended up being? It was $8.4 billion. There was enough pork in that bill to feed everybody in Washington, DC for the next 6 months.

There is a parking garage in Cleveland, OH, that somehow found its way into this emergency flood relief bill. In fact, when we tried to take it out Democrats on that side of the aisle said it was a deal killer. They needed that garage. Was it an emergency? No, it was not an emergency. Did it have anything to do with the flood? No, it did not have anything to do with the flood. Was keeping it in making it a clean flood bill? No, it certainly was not. That is pork, plain and simple. It had nothing to do with disaster relief.

There are so many other issues. There was another provision that I read about in the New York Times where the New York Times wrote about how there was a movie theater that needed some repairs, needed some renovations, so it got shoved into this emergency flood bill.

The New York Times went and talked to the manager of the theater, and said, is your theater in really dire need of repair? He said, well, no, not really. A couple of pipes have leaked, but other than that it is doing OK. It had nothing to do with the flood, was not even in the region, and yet another politician in Washington, DC saw that as a reason to shove some more pork into supposedly this emergency relief bill that the Democrats said they wanted to be clean.

□ 1230

And of course, there is also funding for apple orchardists; and I have had trouble tying that one to the flood. I guess the closest I could get was that maybe there were some apple orchard farmers in Washington State that might have seen the flood on TV, and maybe it traumatized them so much they could not go out and work in their orchards. I do not know. I could not figure it out.

But once again, this funding had nothing to do with the flood relief. And yet it got shoved into that bill, and yet we had Democrats that actually had the audacity to come on this floor last week complaining about how they wanted a clean bill. Well, let me tell my colleagues, unfortunately, as I am finding in Washington, DC, there are not a whole heck of a lot of bills that end up being clean. There are not a whole heck of a lot of businesses where pork is not being shoved in left and right.

For some reason, that is the way this place works. I do not like it, but it seems like that is the reality. But it is a reality that the Democrats mastered for 40 years while they were in the majority, while the deficit and the debt went up to $5 trillion. They are the ones that were shoving in parking garages into this flood bill and then coming back and talking in self-righteous indignation about how they wanted a clean flood bill and because the flood bill was not clean, they were going to veto it.

And you know, by the end of it, I have got to admit, I was a little bit disillusioned. Like I said, I came here in 1994 and have been here for about 2 or 3 years. I just never knew it worked like this, that we could have people come on this floor and purposely make statements that they knew were false saying that somebody was trying to hurt flood victims by cutting off relief; and they knew that was false but they said it anyway to gain political points. I did not know that we could have the President of the United States and the Vice President and Democrats and some Republicans come on the floor and bang a podium as hard as they did saying, we must never shut down the Federal Government again; and then when we give them an insurance policy to make sure that the Federal Government never shuts down again, they veto it. I just never knew that people did that, that they could get away with that.

I guess the third thing I did not know was that we can have the same people who were saying do not put pork into this bill, give us a cheap emergency relief bill; those same people, while they were saying that, were the very ones

that were shoving pork into the bill. Of course, both sides do that, we find out now. But only one side is the one that is preaching about how they are holier than thou and about how they are self-righteous. And it is just upsetting, it is disappointing. Because I think what it comes down to is there are a lot of people in this Chamber and down in the White House who think that the American people are stupid. That does not sound nice. It really does not sound nice. But I think they really believe the pollsters, and I think they believe the pundits that they can somehow fool all the people all the time. It just is not the case.

I remember last year when we went through the Medicare crisis that we went through, the President of the United States had the Medicare trustees put a report together, and these Medicare trustees came back saying that, unless Medicare was reformed quickly, we would go bankrupt in 3 or 4 years. Well, that is serious.

I think of my grandparents. I think of my mother and father, my mother in a week, I should not say in the House, but my mother in a week will turn 65 years old. This deeply affects all of us. And I think I am going to have to apologize to my mother for that for revealing her age. But it deeply affects all Americans. It deeply affects middle-class Americans who are struggling to put up with the bills and the debts and the crises that they have to deal with day in and day out without having to worry about Medicare going bankrupt and having to take care of their parents, which they want to do but economically cannot do it.

So when the President's Medicare task force comes out and says Medicare is going bankrupt, something has to be done, then doggone it, something has to be done. And so, we walked right into that. We, as the Republican Party, tried to do something about saving Medicare. And we know, most of the newspapers, most of the magazines said that what we did was laudable, that what we did was correct, that we could extend the life of Medicare for another 10 years.

And so, we passed the bill and then the President vetoed the bill, shut down the Government by vetoing every appropriation bill we sent his way and said that we were slashing Medicare, that we were cutting Medicare, that we were hurting Medicare, that we were hurting senior citizens. Well, I guess, is it the chickens that come home to roost? I guess the chickens came home to roost last week, because a nearly identical bill came before Congress this year, and the same President and the same Democrats that last year were talking about how we were slashing Medicare voted almost unanimously to pass the bill. And they did so because they had to because now, instead of Medicare going bankrupt in 3 or 4 years, we find out that Medicare is going bankrupt in 2 or 3 years because, as usual, we choose politics over good practice and we choose demagoguery over common sense when it is time to gain political points in Washington, DC.

It is sad. It is regrettable. It is unfortunate. But it is the way that this White House does business, and it is the way they have done business. And I think things not only need to change, I think things will change, because I do not believe that Americans are stupid. I do not believe that Americans think the worst of other people. I think Americans are a generous people. I think we are a proud people. And I think we are gifted. I think we can recognize what is right and what is wrong.

If we have to save future generations from a staggering $5 trillion debt, we are going to do that. If we have to cut taxes for working-class Americans because they are spending half of their year paying off the Federal Government, I think we will do that. If we have to save Medicare, if we have to save Social Security, I think in the end we will do that.

We have done great things, great things over the past 20 years. Throughout the 1980's, we had the longest expansion of the economy ever in this history during peacetime, and we won the cold war. In the 1990's, we have had a strong, strong economic expansion. Our economy is growing and we are doing some great things, but we have to continue and we have to fight. I think we have to look for the best in people. I think we have to give American people credit, that we just cannot trot out and say, oh, my opponents hate children, my opponents hate senior citizens, my opponents hate flood victims; because I think we are underestimating the brilliance of the American people.

I think what has happened in the past couple weeks is regrettable, and I hope other Members will come to the floor and will set the record straight and will not run away from criticism like scalded dogs but instead will come to the floor and say three very simple things. The first thing is say, the liberals say we are trying to hurt flood victims. We are not trying to hurt flood victims. The money is still going up there, and we have proof and show the proof.

The second thing they need to come out and say is, the Democrats and the liberals attack the conservatives, saying that they were not going to give the President a clean flood bill. What we need to say is, look at all the garbage that is shoved in that bill. If it is not a clean bill, the parking garage that was put in there and subsidies for apple orchardists that was put in and all the other things that were put in there did not make it any cleaner. We need to work together to make sure this type of bill never passes again.

And the third thing we need to say is, OK, Mr. President, you have been saying for 3 years you do not want to shut down the Federal Government. OK, Mr. Vice President, you have been saying for 3 years you do not want to ever shut down the Federal Government. OK, Mr. Minority Leader, minority whip, you have been saying for 3 years you never want to shut down the Federal Government again. OK, fine, let us give the American people the insurance policy to make sure that the Federal Government never shuts down again, that flood relief is never cut off, that housing assistance to the poor is never cut off again, that all these other things that the Federal Government has been doing never gets cut off again by passing the insurance policy to keep the Federal Government running that this Congress passed a few weeks ago and that the President vetoed.

I do not think we can afford those types of vetoes. We cannot afford the zigzagging. We cannot afford the mixed messages that we have been having for too long. And in conclusion, we cannot afford to have a silent majority in this House who will not stand up and speak out and tell the American people the truth.

The American people are grown up. They are intelligent. They are brilliant. They have created the greatest governmental experiment, the greatest country in the history of civilization. They can take the truth. It is time for this silent majority to once again reassert itself, become a vocal majority, go out and tell the American people the truth, and prepare this country for the 21st century so my children and their children and the American people's future generations can prepare for the 21st century and chase the American dream into the next century like I was able to do.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. SCARBOROUGH) to revise and extend her remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes each day on June 17 and 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Member (at the request of Mr. SCARBOROUGH) and to include extraneous matter:)

Mr. BENTSEN.

(The following Members (at the request of Mr. SCARBOROUGH) and to include extraneous matter:)

Mr. HOUGHTON.

Mr. DINGELL.

Mr. HAMILTON.

Mr. SCARBOROUGH.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that

committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1871. An act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On June 12, 1997:

H.R. 1871. An act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

ADJOURNMENT

Mr. SCARBOROUGH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 17, 1997, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3793. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

3794. A letter from the Secretary of Energy, transmitting the semiannual report on activities of the Inspector General for the period October 1, 1996, through March 31, 1997, and the Semiannual Report on Inspector General Audit Reports for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3795. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Miscellaneous Regulations [5 CFR Part 1690] received June 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3796. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Endangered Status for Four Plants from Vernal Pools and Mesic Areas in Northern California (RIN: 1018–AC96) received June 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3797. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Endangered Status for the Plant Lessingia germanorum (San Francisco Lessingia) from California (RIN: 1018–AC98) received June 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3798. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants: Threatened Status for the Southern Oregon/Northern California Coast Evolutionarily Significant Unit of Coho Salmon (RIN: 1018–AE28) received June 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3799. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska, Nearshore Pelagic Shelf Rockfish in the Central Regulatory Area of the Gulf of Alaska [Docket No. 961126334; I.D. 060697B] received June 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SPENCE: Committee on National Security. H.R. 1119. A bill to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes; with amendments (Rept. 105–132). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. JACKSON-LEE:

H.R. 1898. A bill to amend title 18 of the United States Code to penalize the rape of minors in Federal prisons; to the Committee on the Judiciary.

By Mr. HOUGHTON (for himself, Mr. HASTINGS of Florida, Mr. HALL of Ohio, Mr. ROYCE, Mr. MENENDEZ, Mr. CHABOT, Mr. PAYNE, Mr. SANFORD, Mr. CAMPBELL, Mr. DAVIS of Florida, Mr. MCHUGH, Mr. BEREUTER, and Ms. ROS-LEHTINEN):

H. Con. Res. 99. Concurrent resolution expressing concern over recent events in the Republic of Sierra Leone in the wake of the recent military coup d'etat of that country's first democratically elected President; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, Mr. SCARBOROUGH introduced a bill (H.R. 1899) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Seagull*; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 165: Mr. MCGOVERN, Mr. METCALF, Mr. MANTON, Mr. LIPINSKI, and Mr. SANDERS.

H.R. 167: Mr. ROTHMAN.

H.R. 367: Mr. HASTINGS of Florida.

H.R. 446: Mr. SOUDER and Mrs. LOWEY.

H.R. 531: Mr. BLILEY.

H.R. 692: Mr. PACKARD, Mr. ROHRABACHER, and Mr. COSTELLO.

H.R. 986: Mr. SOUDER and Mr. GOSS.

H.R. 1047: Ms. DELAURO and Mr. PAYNE.

H.R. 1126: Mr. DEFAZIO, Mr. BLUMENAUER, and Ms. WOOLSEY.

H.R. 1146: Mr. POMBO.

H.R. 1401: Mr. BARTLETT of Maryland.

H.R. 1419: Mr. LIPINSKI.

H.R. 1719: Mr. RILEY and Mr. LARGENT.

H.R. 1842: Mr. DICKEY and Mr. PAUL.

H. Con. Res. 13: Ms. MCCARTHY of Missouri, Mr. LEVIN, Mr. RANGEL, Mr. GUTKNECHT, and Mr. BERMAN.

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PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

Vol. 143 WASHINGTON, MONDAY, JUNE 16, 1997 No. 83

Senate

The Senate met at 11 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, thank You for this time of prayer in which our minds and hearts can be enlarged to receive Your spirit. You are the answer to our deepest needs. More than any secondary gift You can give, we long for the primary grace of Yourself offered in profound love and acceptance. We have learned that when we abide in Your presence and are receptive to Your guidance, You inspire our minds with insight and wisdom, our hearts with resiliency and courage, and our bodies with vigor and vitality.

Lord, as we begin this day, we commit all our worries to You. We entrust to You our concerns over people we will meet and the circumstances we will encounter and the problems we will face. Our desire is to give ourselves to the work of this day with freedom and joy. Give us strength when we become tired, fresh vision when our wells become dry, and enthusiastic hope when others become disappointed.

Thank You, Father, for the constancy of Your care and love. With one heart we ask You to comfort and strengthen TOM DASCHLE now in his grief over the death of his father, Sebastian Daschle. Be with TOM's mother, Betty, and give her peace in her time of need. Place Your arms of love around this family. In the name of Him who is the resurrection and the life. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

Mr. LOTT. I thank the Chair.

SCHEDULE

Mr. LOTT. For the information of all Senators, the Senate will be in a period of morning business today until the hour of 12:30 p.m. Following morning business, by previous consent, the Senate will begin consideration of the State Department reauthorization bill. Senators who intend to offer amendments to that legislation should be prepared to offer and debate their amendments today. I understand we do have a couple of amendments that may be offered. We have announced earlier that any rollcall votes ordered on those amendments will not occur today but, instead, will be stacked to occur at a time to be determined in the morning by the two leaders. We do hope to open with some early votes so we can get on toward completion of the State Department reauthorization hopefully by tomorrow night. Senator DASCHLE and I discussed that last week before he left, and we agreed that we would try to complete action by Tuesday night, since we have bipartisan agreement on this legislation.

Senators will be notified accordingly exactly when the rollcall votes will be scheduled, and we hope that we can finish the State Department reauthorization so that we can move on to other bills. We now have scheduled the Defense authorization bill for Wednesday and the remainder of the week. We have some other issues that we might try to get up, including the intelligence authorization bill.

So I remind Senators again that there are only 2 weeks remaining prior to the July 4 recess. The next 2 weeks will certainly be very busy, and I hope Senators will continue to be cooperative as we schedule legislation and votes. I thank our colleagues for their cooperation in the Chamber. We may have to go into the night some the next 2 weeks in order to get through the State Department authorization, the Defense authorization, maybe even the intelligence authorization and the two reconciliation bills next week, one on the spending side and, of course, the tax bill. That is a big order, but the Finance Committee will be meeting most of the day tomorrow and Wednesday and Thursday to complete action on those two important reconciliation bills that will carry out the directions of the budget resolution that we agreed to.

SYMPATHY TO THE DASCHLE FAMILY

Mr. LOTT. Mr. President, on behalf of all Senators, I extend our sympathy to the family of Senator DASCHLE. His father, Sebastian ''Dash'' Daschle, passed away this past weekend in Aberdeen, SD. I talked to Senator DASCHLE on Sunday afternoon and expressed our sympathy to him and to his family, offered our condolences and our assistance in any way we might be helpful. I understand Senator DASCHLE will probably be in South Dakota for the remainder of the week, but he has already talked to Senator WENDELL FORD, and we will work together to carry out the legislative agenda we agreed to this week.

Mr. President, I yield the floor. I believe Senator BREAUX is in the area and wishes to make some morning business statements, but I observe the absence of a quorum until he is available.

The PRESIDING OFFICER (Mr. HUTCHINSON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BREAUX. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes each.

Mr. BREAUX. Mr. President, I will not take a great deal of time. I want to talk about the Medicare legislation that is pending in the Senate Finance Committee and the bill which my colleague, Senator CONNIE MACK of Florida, and I will be introducing today.

DEATH OF SEBASTIAN DASCHLE

Mr. BREAUX. Mr. President, I also extend my deepest sympathy and that of my family to our distinguished Democratic leader, Senator DASCHLE, and his family in their loss, and we wish them best wishes during this very difficult time they are undergoing. To the extent he can face the difficult obligations he has ongoing right now, we extend him the greatest sympathy from all of us on the Democratic side and the Republican side as well.

(The remarks of Mr. BREAUX pertaining to the introduction of S. 904 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BREAUX. Mr. President, I know others will be coming to speak and I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

Mr. KYL. I ask unanimous consent that I be allowed to speak in morning business for up to 10 minutes under the time of Senator COVERDELL.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGARDING MFN TO CHINA AND MILITARY BUILDUP

Mr. HUTCHINSON. Mr. President, as the House of Representatives begins the process of MFN disapproval today, I rise to once again voice my own strong opposition to the administration's proposed renewal of most favored nation status to China. The United States Ambassador to China, James Sasser, has recently stated—and of course Ambassador Sasser is a proponent, as a member of the administration, and he has favored MFN—but Ambassador Sasser said China's defense budget is growing. The Chinese themselves have announced an increase in that budget which will bring total defense outlays next year to $10 billion and he says some suggest the amount is really closer to $40 billion.

So there is nothing at all theoretical about China's military buildup. Even the administration, even those who are saying we should continue most-favored-nation status trading status for China, will admit that there is a dramatic and drastic buildup of military capability in China.

Here is what we know about the Chinese military and its potential, based on the United States Government's own official estimates. The 1997 report by the Office of Naval Intelligence, entitled ''Worldwide Challenges to Naval Strike Warfare 1997,'' is devoted almost entirely to rapid increases in Chinese capabilities with Iraq, North Korea, and Libyan capabilities covered almost as an afterthought. China, it informs us ''is working on the development of at least six new tactical aircraft at a time when most nations are finding it difficult to finance even one.'' It continues, ''Overall, the Chinese hope to 'leap' generations of technology with large investments in new air defense capability.''

Mr. President, from Beijing, the words of China's military planners themselves, such as this analysis from a paper prepared for senior Chinese officials titled ''Can the Chinese Army Win the Next War?'' ''While the conflict of strategic interests between China and the United States was overshadowed for a time by the tripartite great power relationship, it is now surfacing steadily since the breakup of the Soviet Union. China and the United States, focused on their respective economic and political interests in the Asia-Pacific region, will remain in a sustained state of confrontation.''

That is coming from the Chinese Government, predicting a sustained state of confrontation. The evidence concerning a Chinese military buildup is clear, it is crystal clear. Whether this evidence comes straight from the administration that would renew MFN to China or from Beijing, how can we reward this regime with a most-favored-nation status? Many who regard themselves as free traders and who argue against linkage of trade through human rights or any other domestic circumstance would admit that when our own national security is involved, when national security is raised to an issue, then trading is a legitimate leverage and a legitimate tool for us to use as a Nation.

So apart from the abysmal human rights record, apart from the deplorable human rights conditions in China today, apart from the fact that human rights conditions in China have deteriorated over the last 5 years, in spite of all of that, we could look alone at the military buildup in China today and justify denial of most-favored-nation status for China.

I believe that China's chemical and nuclear exports are the most serious proliferation threat in the world today, and China has held that title at least for the past decade and a half. Since 1980, China has supplied billions of dollars worth of nuclear and missile technology to South Asia, South Africa, South America, and the Middle East. China has done so, Mr. President, in the teeth of United States protests and despite repeated promises that they would stop.

The chemical and nuclear exports continue, and while they do, they make it impossible for the United States and the West to halt the spread of weapons of mass destruction, a trend that endangers everyone.

Mr. President, China has been the leading proliferator of nuclear weapons in the world. China gave Pakistan nearly everything it needed to make its first atomic bomb. In the early 1980's, China gave Pakistan a tested nuclear weapon design and enough high-enriched uranium to fuel it. Mr. President, this has to be one of the most egregious acts of nuclear proliferation in history. Then China helped Pakistan produce high-enriched uranium with gas centrifuges. Now, Mr. President, China is helping Pakistan build a reactor to produce plutonium for nuclear weapons, and helping Pakistan increase the number of its centrifuges so it can boost its production of high-enriched uranium.

If we grant MFN trading to China, we tacitly endorse the weapons of mass destruction, we support our enemies in their own military buildup, and last Mr. President we set a poor example as the leader of the free world.

This administration continues to forgive and to forget China for the abuse, the persecution, and the military buildup that it is continuing to employ. There is no reason to think that China's nuclear and chemical export patterns will change. I know the Presiding Officer is well aware of those trends and those practices in China today, but there is no evidence that those patterns will change as long as the United States follows its current policy of MFN trade status for China. China is now saying explicitly that it will not even talk to us about missile and chemical proliferation.

As I have stated before, Mr. President, on this floor, there must be some things more important than expanded trade opportunities, some things more important than the almighty dollar. Today, as the House begins the process of marking up most-favored-nation status disapproval resolution, I think it is the time for this institution to say we will not continue business as usual with China. The administration's lobbying efforts to grant MFN trading status to China will most assuredly intensify in coming days. We as a country and we as an institution must set an example for the world to follow. If we grant this regime MFN, we set, I think, a continued example only of appeasement.

Mr. President, I want to make one last point. The repressive Chinese Communist regime has established a bloodstained record of discrimination, detention, and death. The reeducation through labor camps are really no different at all from the old concentration

camps or the gulag. But people seem to know less, they seem to care less, in the case of China. Let this institution show that it, in fact, knows, and it, in fact, cares.

In my closing remarks I quote from an editorial that appeared in my hometown newspaper in Bentonville, AR, last week. The closing words of the editorial said this: ''Every time you buy a product labeled Made in China, send up a prayer for Chinese Christians who must live each and every day in fear that their long-suffering faith will cost them their families and their lives.''

Mr. President, I suggest it is past time that we stood as a Nation against the intolerable human rights record of the nation of China.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I have spoken on the floor many, many times about the pace of the Senate confirming judicial nominees. The distinguished Presiding Officer, my friend, has had to do double duty because he has had to listen to me do it in the Judiciary Committee, too, on occasion. I commend his equanimity and patience in listening to my remarks.

Mr. President, I urge all Senators, Republican and Democrat alike, to move forward on the confirmation of judicial nominees. This weekend, on one of the ubiquitous television talk shows, the distinguished majority leader said he intended to block action on all nominations except military nominees until President Clinton fills four seats on the Federal Election Commission. The distinguished majority leader, of course, has the right and power to control the calendar of the Senate. I have no question about that. But I hope he would reconsider this policy for all nominees, but especially for the Federal judiciary.

The distinguished majority leader has a concern with the President on the FEC. I am not going to get in the middle of that issue. Both sides claim they are moving forward with nominees. I have to assume the majority leader of the U.S. Senate has ways of bringing pressure to bear on the President of the United States without having to cripple the Federal judiciary or to do things that might appear, whether intended or not, to diminish the independence of the Federal judiciary.

For example, we have four noncontroversial nominees at the moment in the Federal circuit and district courts. They should not get delayed in this political squabble. They enjoy strong bipartisan support. They were unanimously reported to the full Senate by the Judiciary Committee with all Democrats and all Republicans on that committee voting for them. More importantly, they are desperately needed in the courts which they have been nominated.

Let me give an example. Alan Gold has been nominated to be a U.S. district court judge for the southern district of Florida. Now, this is a noncontroversial nominee but it is also one desperately needed. He is an extremely well qualified nominee. The Judiciary Committee unanimously reported his nomination last month, and the Southern District Court of Florida desperately needs him to help manage its growing backlog of cases. This is in a district that has one of the fastest-growing populations in this country. In fact, during his confirmation hearing, the distinguished Republican Senator from Florida, Senator MACK, told the Judiciary Committee, ''This appointment comes at a critical time for south Florida. The Supreme Court's recent decision in Lenz versus Mathis has resulted in the early release of hundreds of violent criminals back on the streets and brought about a crisis of confidence in the safety of our neighborhood. This unsettling feeling made it especially critical for South Florida to have a full complement of the judges administering the laws to fight violent crime.''

We first received Alan Gold's nomination in February of this year. The President nominated him for a vacancy on the district court for the southern district of Florida. This vacancy existed since shortly after the elections last year. He has the support of both Senator GRAHAM and Senator MACK.

He had a hearing on May 7. The Judiciary Committee reported his confirmation to the full Senate on May 22. This is the way the judicial confirmation process should work. The position had been open only a few months. The Senate was out at the time the vacancy occurred. Shortly after the elections, the President moved quickly with a nominee that had strong bipartisan support for his home State senators. The Judiciary Committee moved very quickly, and the nomination passed out unanimously. We know that there is a major need for a judge there. Alan Gold's nomination is now pending on the Senate calendar, awaiting action on the Senate floor. This process should not become entangled in partisan squabbling.

Instead, we should look at the one branch of our Government that is supposed to be nonpartisan—the judiciary—and not allow the Federal judiciary to be caught up in partisan squabbling of Senators or with the White House. We should move this nomination through the Senate very quickly.

Another example of a judicial nomination that we should move quickly is in the northern district of Georgia, where Thomas Thrash, Jr., has been nominated to be a U.S. district judge. We unanimously reported his nomination to the Senate last month, on May 22. But this is also a district—the northern district of Georgia—there in the eleventh circuit that desperately needs Thomas Thrash to help manage a growing backlog of cases.

Now, we received his nomination in May 1996—over a year ago. He was accorded a hearing last Congress, on July 31, 1996. But his nomination got caught in the election year freeze, which said we will not move nominations after a certain time in a Presidential election year. The President nominated him on the first day of this Congress for the same vacancy. That vacancy has existed since March of 1996, for over a year. He had a confirmation hearing on May 7. He was supported by both Senator CLELAND and Senator COVERDELL, one Democrat and one Republican from Georgia, and was reported to the Senate by the Judiciary Committee 2 weeks later. Now, this is not a case that should be held up because of a partisan squabble.

Also pending on the calendar is Eric Clay to be a circuit judge for the sixth circuit, another noncontroversial, well-qualified nominee. The Judiciary Committee unanimously reported his nomination to the Senate on May 22 of this year. Now, the sixth circuit desperately needs help in managing a growing backlog of cases. They have three vacancies, two of which have been designated judicial emergencies by the Judicial Conference of the United States. I mention the judicial emergencies, Mr. President, because this is not a case of some mere debating point; this is the Federal judiciary of this country with emergencies, where they need judges, where we could confirm the judges, and, frankly, the U.S. Senate is not doing its job.

We first received Eric Clay's nomination in March 1996. He was accorded a hearing on March 26, 1996. He was reported unanimously by the Judiciary Committee to the Senate on April 25, 1996. And now, more than a year later, we are still waiting for him to be confirmed. Now, Eric Clay has the strong support of both Senator LEVIN and Senator ABRAHAM, one Republican and one Democrat. We ought to confirm this judge for the sixth circuit.

We also have Arthur Gajarsa's nomination to be U.S. circuit judge for the Federal circuit on the calendar. We first received his nomination in April—not April 1997, but April 1996. His nomination was passed unanimously by the Judiciary Committee back in June of last year. Now he is back here again, passed unanimously again. He ought to be confirmed quickly.

We also have the nomination of Margaret Morrow for the U.S. District Court for the Central District of California on the Senate calendar. She is another well-qualified nominee. Ms. Morrow is the first woman president of the California Bar Association and the Judiciary Committee unanimously approved her nomination last year, but

her confirmation got caught up in the election year stall on judicial confirmations. Just last week, the Judiciary Committee again approved her nomination. The Senate should quickly take action on the nomination of Margaret Morrow.

We have confirmed less than one judge a month since the start of this session in January. We have almost 100 vacancies in the Federal judiciary. Many of them are in critical areas, where huge backlogs are occurring, where courts are saying that we are benefiting criminals because they can't be tried; we can't have speedy trials. Criminals get the benefit of this by not having judges to hear the cases. If you have a civil case, forget about a speedy trial.

I just look at some of the headlines we have had recently seen, which are shown on this chart. One is by the Washington Post, by Sue Anne Pressley: ''Cases Pile Up as Judgeships Remain Vacant; Drug Crackdown, Immigration Inundate U.S. Courts in Texas.'' Apparently, you can be on the southern border of this country and have drug and immigration cases in major courts that can't be heard because you can't get enough judges there.

Bruce Fein is one who has written primarily from a conservative viewpoint. His column: ''Judge Not.'' It speaks of the independent Federal judiciary. He says, ''The supreme jewel of our Constitution is a fiercely independent Federal judiciary, but congressional Republicans are attacking this gem.''

We have a couple of editorials on the Chief Justice—one from the Washington Post and one from the New York Times—speaking of the alert from the Chief Justice: ''A Reminder From the Chief Justice.'' These are the cases where the Chief Justice of this country—another conservative Republican—has said, ''We have a crisis situation; let's move on it.''

We have one entitled, ''The GOP Hold on Judgeships; Partisan Politics Have Ground Confirmations to a Halt.''

Now, I say this, Mr. President—I make the same argument now as when we have had a Republican President and a Democratically controlled Senate. If there is one area where partisan politics should not be allowed, it is in the area of the Federal judiciary.

One thing that sets our country apart from virtually all others is the independence of our Federal judiciary. Every country that in this century has moved toward democracy has sent observers to the United States of America to look at our Federal judiciary and they say, ''How do you have such an independent judiciary?'' Look what is happening in countries that are sometimes lurching into democracy. They say the one thing that holds them back, that allows crime to continue, that allows an economic system to break down, that allows graft and corruption to occur in each of those countries is because their judiciary cannot be truly independent. In our country, our Federal judiciary is truly independent.

Now, each one of us, I would gather, on this floor at some time or another has disagreed with a decision of a Federal judge, for different reasons. Each one of us, I would be willing to guess, has to thank God we have an independent Federal judiciary and that we can't stand up and tell the judge how to rule. I know that when I argued cases before Federal courts, I used to sit there knowing they were going to be independent, knowing that I might win and I might lose. I would make my best argument, and it would go from there. That is the way it should be.

What I worry about, Mr. President, is that if we allow the Federal judiciary to be caught up in partisan moves, where one side tries to get advantage over the other, while one side or the other might win in the short term, all of us as Americans are damaged because our Federal judiciary is damaged. Every one of us—Republican or Democrat—should know if we look at history, read history, and if we understand history, that one of the reasons we are the greatest democracy history has ever known is because of our independent Federal judiciary. We should never allow anything to happen to cut back on that independence.

I have never seen anything like this current stall in the judicial confirmation process in almost 23 years in the U.S. Senate. I came here in 1974, in one of the largest classes of this Senate. In fact, I today stand here as the only one who has not announced retirement or left. But I think all the way through that, working with some of the finest men and women I have ever known in both parties—and we have had fights, partisan fights, saying that we should do this farm bill this way or this farm bill that way, or this highway bill this way or that way, or the crime bill this way or that way—we fought it out and we have had the votes and one side or the other wins, and the President either signs it or not. We have done this on foreign policy issues and on all others. But the one area that we have tried to protect from partisan squabbles has been the area of the Federal judiciary.

We know that whoever is President is going to have the greatest influence of all of us on who is going to be a Federal judge. President Reagan made it very clear when he ran for President, for example, who he would appoint as Federal judges. A lot of these Federal judges are not the men and women I would have appointed from that circuit or that district. But I voted for all of them because they were honest people, people of integrity, people of confidence, and people I could look at and say, although I might have disagreed with their political background, I know that, as a litigant, if I came before his or her court, I could expect an honest treatment.

President Bush had other ideas who should be there, as President Carter and President Ford did. These are all Presidents I have served with. President Clinton now has his ideas.

Now, the interesting thing, President Ford was appointed, but these others, in every election, at some point during the campaign, it became an issue as to who will this Presidential candidate appoint to the Federal judiciary. And the American people examined their views and they elected President Carter, President Reagan, President Ford, and President Clinton.

A President should be given a great deal of latitude on who he nominates to the Federal court. If we disagree with a nomination, then we can vote against it. But, frankly, Mr. President, not only does it damage the integrity and the independence of the Federal judiciary by just holding judicial nominations hostage where nobody ever even votes on them, but I think it damages the integrity of the U.S. Senate.

I have said many times that the U.S. Senate should be the conscience of the Nation. On occasion, it has been. But it does not reflect the conscience of a great nation when we take a third and independent branch of our Government, a truly independent branch of our Government, and try to whittle away its independence and try to whittle away its efficacy, and do it unwilling to stand on the floor of the U.S. Senate and vote one way or the other.

If President Clinton sends a nominee to the Senate that any Senator—Democrat or Republican—doesn't like, vote against him or her. That is your right as a U.S. Senator. But don't say, well, they look like pretty good people, but we can't even allow a vote on their nomination. And don't say, if you are, for example, in Texas, that it is terrible that drug and illegal immigrant cases are not being heard, what is the court doing? People in Texas should say, what is the U.S. Senate doing? Why aren't they acting? If you are a civil litigant in the sixth circuit or ninth circuit, or a number of others that have emergency vacancies, and you have one of your rights to be protected, what do you do? You say, why aren't those judges hearing these cases? No. Say, why isn't the U.S. Senate confirming people.

Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senator should be advised that under the previous order, at 12:30, the Senate was to begin consideration of S. 903. Neither of the floor managers for that legislation are present; therefore, a request to continue would be in order.

Mr. LEAHY. I thank the Chair. I ask unanimous consent to continue for another 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, we live, unfortunately, in a partisan time. I have never seen either the U.S. Senate

or the House of Representatives tied up in such partisan knots. I find that it is personally distressing to me. I have enormous respect for the U.S. Senate and enormous respect for the House of Representatives.

I have felt it a great privilege to serve with distinguished Republican and Democrat leaders of both the House and the Senate. I think I have been a personal friend of nearly every leader in the House and the Senate in both parties. And I have considered that as one of the great joys of serving in the U.S. Senate. I can think of a number of times I have joined with Members of both parties to push difficult legislation through. The last farm bill was an example when it was completely tied up. Then it became the Lugar-Leahy-Dole farm bill and passed this Senate with the highest number of votes which I believe a farm bill had ever passed before. The next closest one was probably the Lugar-Leahy farm bill of 5 years before.

I am not suggesting that the two parties hold hands on every issue by any means. I don't think that would serve the country well. But there are certain issues where we come together for the country. We have done this on major foreign policy issues. We have done it at times when this country desperately needed it. We did it recently on the budget agreement.

Mr. President, each one of us should search our souls and ask whether the country is well served by the bitterness that has gone on in some of the partisanship, by the personal attacks against each other and against the institution that we should be proud to serve, or the attacks against the President that have become so personal.

We should ask ourselves if we benefit this great Nation that we are privileged to serve if we diminish and chip away and even destroy some of the independence of our Federal judiciary because, if we do that, Mr. President, some day we will no longer be here. Nobody holds a seat in the U.S. Senate. The distinguished Presiding Officer will leave sometime, and the Senator from Vermont will leave the U.S. Senate sometime. All of us will.

But when we leave, we should look back, and ask, ''What did we do here? What mark in history did we leave?'' If we have left as our mark that we made the Government better, that we made the Senate better, that we made the Congress better, that we protected the institutions of our Government, that we protected the people of our democracy, then we can go home knowing that we served our Nation well.

But we should ask ourselves, each and every one, if we leave here and say that as a result of our partisanship on either side of the aisle that the Federal judiciary was diminished—one of the great institutions of this country, one of the reasons we have remained a democracy, one of the things which guaranteed our diversity, which allows the most powerful nation that history has ever known to be a democracy and not a dictatorship—then we cannot feel that we have served our Nation well. We cannot feel that we can be proud of our time in the U.S. Senate.

So I urge Senators to think about this story. I realize that we are in a different time—and I am reminded that I have spoken before on the floor of the Senate about the experience my father had in Vermont in 1937, 3 years before I was born. Vermont was one of the most Republican States back in 1936 in the Roosevelt great landslide. Alf Landon—the distinguished father of our distinguished former colleague, Senator Kassebaum—Alf Landon carried two States: Maine and Vermont.

And the head of our largest insurance company, the National Life Insurance Co., basically the titular head of the Republican Party, was standing next to my father on State Street in Montpelier, VT, as President Roosevelt was making a visit to Vermont and went by in an open car. The president of the National Life Insurance Co. stood at attention and took off his hat—all men wore hats at that time—and he held it over his heart as President Roosevelt's car went by. My dad said, ''I can't believe you took off your hat for Franklin Roosevelt.'' He looked with arched concern at my father and said, ''Howard, I took off my hat for the President of the United States, not for Franklin Roosevelt.''

I have disagreed with Presidents of both parties since I have been here. I have agreed with President Ford, President Carter, President Reagan, President Bush, and President Clinton. I have voted with each of these President's on occasions. I have voted against them on occasions. I felt it a privilege to meet with them and argue with them. I stated my position as clearly as I could, but always respectfully because of the office that they held—the same way those of us who have been lawyers, who have practiced, know the respect that we hold for the courts that we enter. We all rise. We say ''Your Honor,'' and so forth. We have done this not because we felt that every judge that ever appeared before us was the most brilliant person we have ever known, but we have done it because we know this is an institution that must be protected for the sake of our country. Our State courts must be protected for the sake of our States because without an independent judiciary, then our system of government all breaks down.

We looked, following the tragedy of Oklahoma City, at the trial that has just been completed, looked at a judge who commanded the respect of that courtroom. Both sides—the prosecution and the defense—knew the judge who ran that case. I contrast that to a case of a year ago where a judge allowed the case to just fall apart, and how much that damaged our judicial system. Then we go back to the Federal court and see a judge who knows that both sides will have their opportunity and their rights protected, and they will try this case. The lawyers on both sides knew and respected the Federal court. They knew that this was a case that would be handled under our judicial system, even one involving one of the most horrible acts, certainly the most horrible domestic act of my lifetime, and one of the most horrible domestic acts of this Nation's history. But because we can count on the Federal court, the whole Nation could watch, the whole Nation feeling the anguish that we all felt that terrible day in Oklahoma City. We could watch that court and know that our system works, that we could trust that system, because all of us—the distinguished Presiding Officer, myself, and every one of us who—have always protected the integrity of our courts.

Let us not do anything as Senators, for whatever short-term political gain, to tear apart the integrity of our courts. Let us work together and call on the distinguished majority leader, and those who make the decision of when these judges can come up, to work with all of us, not as Democrats nor as Republicans but as U.S. Senators, doing what is best for this Nation, what is best for our judiciary, what is best for our democracy, and what is best for the independence of our judiciary that has made us the great Nation that we are.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 903, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 903) to consolidate the foreign affairs agencies of the United States, to authorize appropriations for the Department of State for the fiscal years 1998 and 1999, and to provide for reform of the United Nations, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The distinguished Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, the day and the time have arrived. The pending business, as the distinguished clerk has just indicated, is the Foreign Affairs Reform

and Restructuring Act of 1997, legislation which was reported from the Senate Foreign Relations Committee this past Thursday, June 12, by a vote of 14 to 4.

This legislation provides sweeping and long overdue reforms in America's foreign affairs agencies. It also mandates tough reforms at the United Nations.

As I have tried to emphasize from the beginning, it has been my hope that the effort to produce this legislation would be a bipartisan one, dedicated to reorganization and revitalization of our foreign policy institutions. That is what this legislation is, and that is what has brought this bill to its present pendency in the Senate. It has been bipartisanship in the Senate, the same kind of honest give and take that led to some of the truly great decisions by this Senate in years past and in past decades.

There is no point now in rehashing past difficulties or actions either by the Senate or by the President of the United States. The important point is that this time around there has been a remarkable degree of working together, of give and take, and a determination by almost everybody involved that this time a piece of legislation will be enacted by the Congress and signed into law by the President of the United States.

I would be remiss if I did not mention the distinguished Secretary of State, Madeleine Albright, who has made very clear and voluntary public assurances about this legislation. And that lady, Mr. President, has as always stood by her word.

While all of that is obviously personally meaningful to me, it is no more so than the splendid cooperation and genuine interest of the distinguished Senator from Delaware, the ranking member of the Foreign Relations Committee, Senator BIDEN, who not only has made clear his bipartisan support, he has worked tirelessly to make sure that he would be on this Senate floor this afternoon to demonstrate his genuine support for a bill which hereinafter should be and will be known as the Helms-Biden Foreign Affairs Reform and Restructuring Act of 1997. I suspect that Senator BIDEN is aware of how grateful I am to him. He is an able colleague for whom I have enormous respect.

That said, Mr. President, both President Clinton and Secretary of State Albright came forward with recommendations addressing many, though not all, of my key concerns, and in the ensuing months Senator BIDEN and I, along with our respective and competent staffs, devoted countless hours putting together this final package which so overwhelmingly was approved by the Foreign Relations Committee this past Thursday.

None of us got everything we wanted, but we worked together, and the legislation before us today is a bipartisan bill that will abolish two of those temporary Federal agencies that were created a half-century ago—the Arms Control and Disarmament Agency and the U.S. Information Agency. Moreover, this bill will move some of the functions of a third such ''temporary'' Federal agency known as the Agency for International Development. These functions will move to a position within the State Department under the direct control and supervision of the Secretary of State.

I must be candid. If I had my way, and many other Senators feel precisely the same way, the so-called Agency for International Development would be abolished entirely. But that is going to take a little time. So, instead, this bill is the first of many steps in a perhaps lengthy process of reinventing the foreign affairs apparatus of the U.S. Government. But, have no doubt about it, further reforms will happen a little further down the legislative line in the years ahead.

The ball has begun to roll. But, for now, the pending legislation wipes away the Agency for International Development's often arrogant independence from the Department of State by transferring many of the functions of that independent 50-odd-year-old temporary agency to the State Department, and to assure that the allocation of foreign aid will soon be controlled by the Secretary of State, who will at long last have policy control over our foreign aid program.

I have thought many times, during the lengthy hours that we have worked on this particular piece of legislation, of what Ronald Reagan once said about temporary Federal agencies. He said, ''There is nothing so near eternal life as a temporary Federal agency.'' I think the three agencies that we are working on today are an illustration of that.

In any event, the pending bill will also contain U.N. reform benchmarks that we have been negotiating with the administration for the past 4 months. I think it is fair to say that this bill represents the most comprehensive and most far-reaching U.N. reform package ever considered by this Congress. Indeed, the Washington Post, which is no fan of anybody who wants to reform the United Nations—the Washington Post referred to the plan before the Senate today, and I quote the Washington Post, ''* * * as one which would mark the most fundamental shift in relations between the United States and the United Nations since the United Nations was established after World War II.''

Let's look at a few details a little more closely. Among other reforms, the pending bill will require the United Nations to reduce the amount of money the American taxpayers are now required to contribute to the United Nations, reduce it from the present 25 percent of the total operations cost to 20 percent of the total U.N. operating costs. If you do not think that is much, I will discuss that with you in just a minute. This reduction is going to be in effect, by the way, no later than fiscal year 2000. That one, single reform, two or three lines in this bill, had it been enacted 5 years ago, would have saved the American taxpayers more than $500 million. The bill looks a little bit better as you talk about it and examine it.

What else is in this bill? This bill requires the United Nations to adopt a real negative growth budget, one that will eliminate at least 1,000 bureaucratic U.N. posts, so that the American taxpayers in the future will pay a smaller percentage of a smaller budget.

It will forbid future U.N. global conferences, for example the Beijing women's summit that caused such a stir in this country and elsewhere, and the Rio Earth summit, meaning that the American taxpayers will never, never again be forced to pay the exorbitant costs of such boondoggles as those two that I mentioned.

The pending bill will require the United Nations to reimburse the American taxpayers for U.S. contributions to U.N. peacekeeping operations. And that means that the U.S. defense budget will no longer be raided to support U.N. experimentation with peacekeeping operations.

Most important, this bill provides a very significant aspect. It forbids requiring the American taxpayers to furnish the money to pay any so-called U.N. arrearages unless and until the requirements in this bill have been met by the United Nations.

A lot of crabbing is going on about it, and a lot of speculation about whether they will like it or not up there. They don't like it. You know who doesn't care one whit whether they like it or not? You are looking at him, Mr. President. My message to the United Nations is simple but clear: No reform, no American taxpayers' money for arrearages.

Last, and certainly not least, this legislation imposes very strict and very specific disciplines on spending and authorizing funding for the Department of State and other related agencies.

Let me repeat for the purpose of emphasis. This legislation is bipartisan. It does not contain everything that I wanted. Senator BIDEN is a tough and fair negotiator. Nor does it reflect everything that the other side—JOE BIDEN and the Democrats—not everything that they wanted is in here. But, in the end, at the end of the day, as is so often said these days, I believe it is evident that the Foreign Relations Committee is proposing important reforms that will be highly beneficial to this country and to the American taxpayers.

So I say again, it is truly a team effort by both sides, and I hasten to mention that it would not have been possible without the extraordinary efforts of the chairman of the International Operations Subcommittee, Senator ROD GRAMS, who devoted so many

hours presiding over oversight hearings on important aspects of this bill. Senator GRAMS worked with us every step of the way in crafting the legislation which I have just described in some detail. Moreover, Senator GRAMS' special expertise, gained by his having served as the U.S. Congressional Delegate to the United Nations, has been enormously helpful in the crafting of this comprehensive U.N. reform proposal. And then the committee has also worked closely with Senator JUDD GREGG, the distinguished chairman of the appropriations subcommittee which has the responsibility, don't you know, for the Departments of Commerce, State, and Justice. Senator GREGG's support for this bill, this pending bill, sent a message to the administration early on that the appropriators as well as the authorizers of the U.S. Senate would be standing together, united in support of this pending bill.

Needless to say, I sincerely hope that the spirit of bipartisanship will continue and that the Senate will expeditiously complete action on it.

PRIVILEGE OF THE FLOOR

Mr. HELMS. Mr. President, I ask unanimous consent that the staff of the Foreign Relations Committee, both majority and minority, be given the privilege of the floor for the duration of the Senate's consideration of S. 903, the pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, Senator BIDEN is on his way to the Senate floor. While we await the arrival of the distinguished Senator from Delaware, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, is there controlled time?

The PRESIDING OFFICER (Mr. HUTCHINSON). There is no controlled time. The pending business is S. 903.

Mr. BIDEN. Thank you, Mr. President.

Mr. President, I rise today to speak to the legislation before us. Today, the Senate begins consideration of the Foreign Relations Authorization Act, comprehensive legislation regarding the institutional structure of and the funding for America's foreign policy. This bill contains much more than the usual 2-year authorization and funding for our foreign affairs agency which we attempt to bring to the floor out of the Foreign Relations Committee. It addresses two important issues which were the focus of much-heated debate in the last Congress.

Specifically, this bill provides for the payment of U.S. back dues to the United Nations—I need not say a very controversial and hotly debated subject in this body—contingent, I might add, on specific reforms in that body.

I note parenthetically that I spoke on Friday with the Secretary General, Kofi Annan, and he indicated to me that it was his hope and expectation that the Senate as a whole, that I in particular and the chairman of the full committee, Senator HELMS, would be pleased with a number of the reforms he has initiated consistent with what he indicated he would do. Hopefully, they will be acted upon by the General Assembly this summer. But whether they are or not, the back dues are contingent upon specific reforms in that body.

Additionally, the bill establishes a framework for the reorganization of U.S. foreign policy agencies, which is, in my view, totally consistent with the plan announced by the President of the United States in April. The bill, Mr. President, that we have before us is not only complex and wide ranging, in that it covers more than one specific subject, but it is also the product of what I think most people would acknowledge is a serious bipartisan effort on the part of the chairman of the full committee, members of the subcommittee in the majority, members of the subcommittee in the minority, and me as the ranking member of the committee representing the Democratic position. In addition to that, the administration has been part of this lengthy and very detailed negotiation for the past several months.

Last Thursday, after a markup that lasted less than 3 hours in the Foreign Relations Committee, the Committee on Foreign Relations voted overwhelmingly, 14 to 4, to report this bill, with a majority of the members on each side of the aisle voting in favor of it. I am grateful to the majority leader, Senator LOTT, and to the chairman of the full committee, Senator HELMS, for working together to bring this bill to the floor so promptly. The bipartisan cooperation on this bill thus far is a testament to the commitment of both the chairman of the Foreign Relations Committee, the Republican leadership, along with the administration, to attempt to construct what we all talk about a lot but seldom occurs: a truly bipartisan consensus on American foreign policy.

This bill is quite detailed, so with the indulgence of my colleagues, I will take, which is the norm around here and the requirement, a few moments to explain, as the Democratic manager of the bill, what its major provisions are.

First, the bill contains the basic authorization legislation for the Department of State, or, put in everyday parlance, money, the money for running the Department of State and our suggestion, as all authorizers do, to the appropriators as to how much money we should be spending.

First, it contains the basic authorization legislation for the Department of State, the U.S. Information Agency, the Arms Control and Disarmament Agency and the Peace Corps.

The funding levels in the bill closely reflect that of the President's budget. The total amount authorized for fiscal 1998 is $6.1 billion, as compared to the President's request of $6.2 billion. In fiscal year 1999, and this is a 2-year authorization, the amount provided in this bill is $5.9 billion. This modest reduction represents the reduction in the international organization account consistent with the administration's commitments. During debate on this legislation, I will explain that in more detail.

Within this framework, we have provided, first, full funding for the Department of State's core activities; that is, the diplomatic and consular programs, salaries and expenses, and protection and maintenance of our embassies—full funding. It provides 99 percent of the funding for the U.S. Information Agency's diplomatic programs; full funding for our exchange programs, the Fulbright program and others; and full funding for international broadcasting. It provides full funding for the National Endowment for Democracy, a bipartisan operation that has had very great success; full funding for the Peace Corps and the Asia Foundation; and $819 million over 3 years to pay our U.N. arrears.

After several years of reductions in spending for diplomatic readiness, I am heartened we are restoring funds to the international affairs account, particularly to the core activities of the State Department. Although the cold war has ended, Mr. President, the need for American leadership in world affairs has not. Our diplomats often represent the frontline of our national defense, and with the downsizing of the U.S. military presence overseas, the maintenance of a robust and effective diplomatic capability has become all the more important, in my opinion, and in the opinion of a vast majority of people who study the issue.

Despite the reduction in our military readiness abroad, the increased importance of diplomatic readiness to our national security has not been reflected in recent Federal budgets. According to a study of the Congressional Research Service prepared earlier this year at my request, foreign policy spending is now at its lowest level in 20 years. Stated in 1998 dollars, the budget in the current fiscal year is $18.77 billion, which is 25 percent below the annual average of $25 billion over the past 2 decades, the past 20 years, and 30 percent below the level of 10 years ago, which was very near the end of the Reagan administration.

Mr. President, I emphasize, again, that this is a lot of money, but out of a $1.7 or almost $1.8 trillion budget and in light of the fact we are the world's only superpower it is a small percentage. To continue to reduce our commitment to foreign affairs at a time when

we are necessarily reducing our military activity abroad, our military presence abroad, seems to me to be counterproductive. It seems to me that in the former Soviet Union, the former Soviet states, the newly independent states, we should be having an increased diplomatic presence there. We should be opening consulates; we should have a robust economic presence there; and yet, as a matter of fact, we have been cutting back. This bill reverses that trend.

Let me put it another way. This halts the trend of downward movement and recognizes our need to engage the world with diplomacy and our foreign policy, not with our military.

So I am pleased that we are reversing the hemorrhaging of funds away from foreign policy, according to this bill.

Second, the bill provides a framework for the reorganization of the foreign affairs agencies that is consistent with the President's announced plan on April 18. The backdrop for this, I know the Presiding Officer knows very well, is that the world has changed drastically. The world has changed drastically, as we all discuss and talk about, but we have not reorganized the foreign policy establishment in our country. We have not reorganized our foreign policy apparatus.

Although it made a great deal of sense, in my view, in the past years to have, for example, the Arms Control and Disarmament Agency separate and apart from the State Department and our Agency for International Development separate and apart, and other departments separate and apart, it seems to me, and it seems to most observers, including the administration, that it no longer makes sense. Here the credit must go to the chairman of the Foreign Relations Committee. He has been consistently advocating a major overhaul of the State Department, as well as these other agencies, in terms of consolidation.

I might add that there are provisions in this legislation that, obviously, I should have said at the outset that I don't like. There are provisions I would like to change. For example, I think we should be funding more money for the United Nations, although I acknowledge the amount we funded can get the job done. I think we should be making additional changes and giving greater flexibility to AID than we do in this legislation. The fact of the matter is, this is a product of a compromise on three major, major, major initiatives. As a consequence of that, neither Senator HELMS nor I got all that we bargained for in this. That is the nature of compromise. So this has been a very important element of this whole package for the chairman of the committee.

Like the President's plan, the bill that we bring to the floor today provides for integration of the Arms Control and Disarmament Agency within the State Department within 1 year and ensures that the arms control function is maintained in a position of prominence within the Department of State.

When I went months ago to negotiate or lay out how I would like to proceed and was willing to proceed with the chairman of the full committee, I indicated to him that I would work in a bipartisan way to deal with the reorganization, deal with the United Nations and deal with the funding of the State Department, assuming that he was not using this reorganization and other methods as merely a means for us to withdraw from the world. He not only indicated that it was not his objective, he has followed through and has shown it was not his objective, evidence the fact that we essentially fully fund the State Department for the next 2 years and he has agreed to significant latitude for the State Department in the bill and its reorganization efforts, compared to the bills he has introduced for the last 2 years.

So, like the President's plan, the bill we bring to the floor today provides for the integration of not only ACDA, but also the U.S. Information Agency [USIA], into the State Department. It provides for a 2-year transition for that to occur and creates a position of Under Secretary of State for Public Diplomacy.

Again, I indicated that my concern was that as we bring these specialized agencies of significant consequence into the State Department, where they have never been before, that they be brought in at a level commensurate with their significance, that they not be subsumed in the State Department and essentially lose their visibility and significance.

It seems to me, Mr. President, arms control will be the single most important element of American foreign policy over the next two decades. For it to be taken out of its independent status and subsumed into the State Department would be a mistake. What we do is we establish in this bill a position of prominence for the person who heads ACDA, as well as for USIA, and we create the position of Under Secretary of State for Public Diplomacy. There is only one difference in that it integrates the Office of Public Liaison and Legislative Affairs into the State Department within 1 year.

The reason for that is, we think, quite simple. It is nothing complex. We think it can be done quickly and that it saves bureaucracy and it saves money.

Additionally, this bill puts some flesh on the bones of the President's plan with regard to international broadcasting. The President's plan was virtually silent on this question, stating only that ''the distinctiveness and editorial integrity of the Voice of America and the broadcasting agencies would be preserved.''

That is just what we have done here.

This bill just holds and protects that principle by maintaining the existing Government structure established by Congress in 1994 consolidating all U.S. Government-sponsored broadcasting. I might add, this was a money-saving effort led by the Senator from Wisconsin, Senator FEINGOLD. He has succeeded, at least in large part, in one of his objectives, which was to save the American taxpayers a great deal of money. We have eliminated a bloated bureaucracy. We have consolidated services, we have consolidated technical capability, and we have preserved the integrity of the radios.

By radios I mean Radio Free Europe/Radio Liberty—the things that Lech Walesa said helped bring down the Berlin Wall more than anything else. We established Radio Free Asia and Radio Marti and TV Marti relating to Cuba. All of these maintain their journalistic integrity because of their editorial integrity.

So we have done, I believe, what the administration indicated it wished to do; that is, maintain the distinctiveness and editorial integrity of these radios as well as the Voice of America. This bill upholds and protects that principle.

As I said, what we have done is consolidated from 1994 all the U.S. Government-sponsored broadcasting, that is Voice of America, Radio and TV Marti, Radio Free Europe/Radio Liberty, Radio Free Asia, and Worldnet TV, under the supervision of one oversight board known as the Broadcasting Board of Governors. That has been done.

Importantly, however, the board and the broadcasters below them will not be merged into the Department of State where their journalistic integrity would be questioned and greatly at risk. The radios will, however, continue to play an important role in advancing U.S. foreign policy objectives.

The board will have what I call a dotted line relationship with the State Department in that the new Undersecretary of State for Public Diplomacy, the same function now performed by the Director of USIA, will have a seat on the board. Additionally, the Secretary of State will provide foreign policy guidance to the board and will be consulted about additions or deletions of language services currently performed by the radios.

Like the President's plan, the bill maintains the Agency for International Development, that is AID, as a separate agency, but provides for its partial integration into the State Department.

This has been the most controversial part of all of this, I might say, Mr. President. There is a constituency that has a very solid case to be made—I think a very strong case to be made—suggesting that the expertise buildup by AID, headed now by Brian Atwood, and by many other distinguished persons before him, is unique in that it is the outfit that literally goes out and provides for digging the wells, bringing the water, and bringing the new projects to those areas that need the help.

It was very important that we not take that expertise and merge it into

the State Department, get it lost with every other GS–15 or 17 or 12 and lose the distinctive nature of those experiences. There is a difference between those who do foreign policy and those who dig wells. It is this distinctive nature—the ability to produce and deliver services—that says we, the United States of America, through our aid program, are going to assist populations in need.

But it has been, I think, a legitimate concern, in light of the new world we now face, that there be more policy sway on the part of the person dealing with the foreign policy of America—the Secretary of State. We have tried to accommodate that, Mr. President. Just as the President announced, the AID administrator will be placed under the direct authority of the Secretary of State and, consistent with the plan's objectives of improving coordination between the regional bureaus at State and AID, the Secretary of State will have authority to coordinate this aid policy.

This is causing a bit of a flap, though. This has been the single biggest thing that, to the average American and I suspect the average Senator, sounds merely like a giant bureaucratic snafu in that somebody's turf is being stepped on and somebody else's turf is not being accommodated, et cetera. It is more than that. It is more serious than that. But I suspect we have not heard the end of what we attempted to do in this legislation.

The concept of aid coordinators, that is, having aid coordinated by the State Department, is not new in this legislation. Since the early 1990's, the State Department has had such coordinators that have supervised the aid programs in Eastern Europe and the former Soviet Union.

Under the leadership of President Bush and, prior to that, under the leadership of the Democratically controlled Foreign Relations Committee, we first had a thing called the SEED program and then the President expanded that, President Bush expanded it into the Freedom Support Act. That aid program involved deciding how much aid would go to the Ukraine, how much aid would go to Russia, et cetera. And we set up a special coordinator within the State Department to do that.

So this is not a new notion we are applying here. This legislation, quite frankly, is modeled on that concept. Indeed, the language we use here is borrowed directly from the Freedom Support Act. But nonetheless we are going to hear more about this because some of my colleagues, on both sides of the aisle, have very, very strong views about this. I suspect we will be debating this aspect of the reorganization more than any other.

Two other issues bear emphasis and belie any charge that we are micromanaging the reorganization of the State Department.

First, unlike the bill reported by this committee in the last Congress, this reorganization bill does not—and I thank the chairman for doing this because it is one of the major disagreements he and I had—this bill does not, as the last bill introduced in the Congress did, mandate specific reductions in budget or personnel. Instead, it requires only a periodic report on savings that are achieved.

Second, the committee has provided no directives—none—on the promised reinvention of the State Department itself.

Let me be clear about this. The President's plan stated that a central element in the plan would be an ''intensified, comprehensive internal reform program at State.'' In other words, the reorganization of State by itself.

Again, for my colleagues listening to this, there are basically three pieces to this reorganization. One is you have the State Department sitting here and then you have these very important agencies, USIA, AID—I think those are the acronyms —U.S. Information Agency, the Administration for International Development and the Arms Control Disarmament Agency.

For historical reasons, they had all been, if you will, satellite agencies outside the direct, immediate control of the State Department, although all related to the State Department. That is one big piece. What do you do about that matrix?

There is a second big piece here. The second big piece is, within the State Department, how many Undersecretaries of State do you have? How many Assistant Secretaries of State? What do you do in terms of how they relate to one another? How many personnel should be in the field and not in the field? How many consulates should you have and not have? These are all very important decisions.

That is part of this $6.1 billion we are giving them to run this year and $5.9 billion in the second year of this 2-year authorization. We do not fool with that. We do not micromanage that. We respond to the concerns of the last administration and this administration. We say, ''Look, you present us with a plan. You come up and you go ahead and reorganize that. We're giving you authority to go out and do it. You do it.''

We are not micromanaging, but we are going to deal with this big, controversial subject that has been sort of rattling around for the last decade. We are going to take AID, ACDA, and USIA, and we are going to merge them in varying degrees into the State Department.

There are those who are going to come out on the floor and say that Senator HELMS and I are into micromanaging the State Department's day-to-day activities. That is simply not true. That is not what we are doing. But we are tackling the one issue no administration has really been able to successfully deal with. And that is, what do you do about these three very important agencies that have very important constituencies and very important functions? We are taking them—they have been out there by themselves now for a number of years, with good reason—and we are merging them, in light of this changed world, into the State Department. We are doing that. We are doing that, in my opinion, for several reasons.

I will tell you my motivation for doing it. First, internally handled, I am not sure how it would ever get settled in the administration. The constituencies are significant. The bureaucracies are real. They are important. Second, I worried that if we were essentially just going to use this as an excuse to eliminate their functions, we would be doing a great disservice to the Nation. Senator HELMS agreed. Senator HELMS said, let us bring them into, in commensurate positions of responsibility and authority, the State Department. So we are doing that. But even within that, we leave a great deal of flexibility for the Secretary of State and the President of the United States.

Mr. President, I believe I speak for the chairman when I express my hope that the type of reform effort that the President has indicated he wishes to undertake—that is the actual reorganization of the State Department itself, which we do not do—my sincere hope that he will in fact vigorously pursue the long overdue internal management reform needed because the State Department's problems could be compounded by the absorption of two new agencies unless reforms are made.

So the irony here is, Mr. President, we are subsuming these organizations into the State Department, and now it is real important that the internal management and reforms within the State Department take place because, if there is difficulty in terms of organizational structures at State now, they are going to be compounded by bringing in these additional agencies.

We leave all of the aid personnel outside here. We take policy and we put it in, but the personnel, the people who actually go out and make sure the water goes to the village, their unique capability stays out here as an independent agency.

So the point is that we are giving the State Department and the President ample opportunity to do what they say they needed. And I believe the administration—the administration; Freudian slip—my administration, in effect, on the floor that I have to deal with is the majority party. The majority party, led by Senator HELMS, has given a great deal more flexibility than they intended to give for the administration to be able to do that. Obviously, the administration would prefer, as a matter of principle, passage of legislation that delegates broad authority to the President to reorganize the whole shooting match.

Well, in a perfect world I would prefer that as well. The truth of the matter is, it is not a perfect world. My

team does not control this place. The other team controls this place. They have very different views. And I think we have worked out, in light of that, a very, very important compromise that is consistent with the overall objective the President has stated.

But under the administration's approach, which is basically just delegate, the only moment for congressional action would be a resolution of disapproval of a plan. What the administration wanted, and if I could have waved a wand—put it another way; if I had 51 votes—I might attempt to accommodate their wish.

But what the administration wanted was that they send a plan to us when they have the opportunity to go through it and vet it. They will say, ''This is our reorganization plan, including the whole shooting works. Now, you, the Congress, either approve or disapprove it.'' You can only—excuse me, you have to disapprove it. If you do not disapprove it, then it becomes law; it is changed. If you disapprove it, it has the benefit, if you are a President, of allowing you to get your plan passed with only one-third of the Congress plus one voting for it, because we can come along and get 51 votes and say, ''No; we don't like the plan you submitted,'' and disapprove it. The President then vetoes our disapproval of his plan. Now we have to override his veto. So we come back up here and we have to find a supermajority if we do not like the plan.

So it is not something Congress would usually buy on to, any more than administrations like to buy on to giving up any prerogative, and one of their prerogatives is to reorganize the executive branch. They do not like the fact that we are doing part of that for them, which is understandable. If I were President, I would feel the same way, or if I were the Secretary of State, I would feel the same way. Conversely, Congresses are not real crazy about offers made to them that allow Presidents essentially to control the agenda, control the outcome by only getting one-third of the Congress plus one person to vote with them.

So here we are. I now am joining the chairman of the full committee in preferring that Congress should place its positive stamp on the President's plan rather than having the chance only to give a stamp of disapproval and to be overridden by one-third plus one.

In general terms, the committee's approach does not provide any less flexibility to reorganize. To be sure, the committee locks in the date for ultimate integration of the two agencies in question. And we are only fully integrating two agencies, USIA and ACDA. And it speeds up the partial integration of AID into State.

Within those broad outlines the administration has considerable flexibility to implement the thousands of decisions required under reorganization. Ultimately, Mr. President, the administration will have to return to the Congress for certain authorities to carry out the complicated integration of two large agencies into the State Department. However, I would be surprised if the administration contends that this requirement to return to Congress is unduly burdensome.

I hope the administration will work with the committee on this procedure. If the administration is committed to the reorganization outlined by the President's April 18 statement, as I believe it is, then it should have no trouble implementing the legislative framework laid down in this bill.

Finally, Mr. President, the bill provides for the payment of U.S. arrearages to the United Nations. Now, in my almost 25 years of being a U.S. Senator, there is little that generates as much enthusiasm for debate than when we talk about paying arrearages to the United Nations. Maybe when we talk about the question of abortion more vigor is displayed on this floor, but only abortion and a few other issues raise the combative instincts of my colleagues more than paying back U.S. arrearages.

Now, the proposal contained in our bill, this bipartisan proposal, led by my friend from North Carolina, I believe will serve three important purposes. One, it should finally end the long festering feud between the United Nations and Washington about our unpaid dues. Second, it should bring much needed reform to the world's body so that it can more efficiently perform its missions, missions which we acknowledge in this legislation that we support. Third, it should, I hope, restore some of the bipartisan support in Congress for the U.N.'s system, support that has existed for most of the U.N.'s 50-year history.

The agreement before the Senate will allow us to pay $819 million in arrears to the United Nations over a 3-year period contingent upon the United Nations achieving specific benchmarks, to borrow Chairman HELMS' expression.

Now, the payments are broken down as follows: In year 1, we will pay $100 million. I might add, even if we wanted to pay more, the budget agreement we passed does not accommodate us paying any more than that, so even if we wanted to pay all the rest, the Congress and the President have limited us to what we can pay under that budget agreement. Now, in year 2—and this was a significant compromise, and he is on the floor, and I want to publicly thank him for accommodating my request on this—in year 2, we pay $475 million, assuming the benchmarks are met. In year 3, we will repay the remaining $244 million.

The significant feature of this payment scheme is that it will allow the administration to pay off virtually all our arrears in the first 2 years for the two most important accounts, which are the regular and peacekeeping budgets. With these two accounts current, our diplomats will have the leverage they need to push through the tough reforms that are needed.

Let me mention a few of the particularly noteworthy benchmarks, again using the chairman's term. The plan calls for a two-stage reduction in our regular U.N. assessment rate from 25 percent to 20 percent. Now, I have been criticized a great deal for going along with this, as my friend from North Carolina, I suspect, has been criticized for going along with paying the arrears. I am told, ''JOE, as a supporter of the United Nations how can you possibly insist that the U.S. portion of the United Nation's regular dues be reduced from 25 percent to 20 percent?'' And I say I would rather just pay our arrears and then negotiate that. But on the issue of what should we pay, Mr. President, I would respectfully suggest that if the meeting in San Francisco organizing the U.N. were today rather than 50 years ago, we would not be sitting down with economic giants like Japan and the European countries and others and saying, ''By the way, we should pay 25 percent.''

I argue it made sense after World War II when we were the only economic power left standing in the world. We are not the only economic power left standing in the world. I want to pay our fair share. I do want to carry our burden. But I am hard pressed to see why I am doing such a terrible thing, siding with the chairman, saying our numbers should get down to 20 percent from 25 percent.

As I said, I challenge anyone to tell me why you think there would be a consensus in the world that we should pay 25 percent if we were starting from day one. Now, agreed, admittedly, the chairman and I do not agree on how we should go about this. I would like to pay the arrears, not make it conditional and negotiate our dues because this is a little bit heavy handed, but I am a realist. Politics in the best sense of the word is the art of the practical. We have to get 51 votes to get this thing moving. The chairman and I have to make compromises. He has come a long way. I am willing to go a long way because I think this meets the most important requirement.

I hear people telling me now, and I see my friends on the floor, saying, ''JOE, this is great. You worked out this compromise with Senator HELMS, but if you got him to compromise this much, if you were just a little tougher you would have gotten a billion 300 million for U.N. arrears.'' First, they do not know my friend like I do. We have worked together for almost 25 years. We came here at the same time. Second, it is amazing how people in hindsight say, ''Hey, this is great, this is great. We are moving along in the right direction.'' This is the end of the road, this direction.

As I told the chairman, he came up to that $819 million, and the administration says they can get the job done with that—it is a bottom-line number with me. If we go to conference and the House cuts that number, I am not voting for this. And the chairman did not

like going up that high but he is sure going no higher, unless I misread him. So people say, ''Well, JOE, you are forcing the United Nations to make these decisions. It is not fair.'' Well, I remind them, can the United Nations take another year, can we handle another year of nonpayment without doing permanent damage or additional damage to our status within that agency, which I think is an important agency? Everybody tells me it is important this get done. I asked those folks who now are saying this is not enough, I asked them, you figure out how to get 51 votes for something more than that, and if you do not get 51 votes and this carries over for another year, what damage have we done? If damage would be done by not paying the disputed amount between $819 million and what others say we owe, if damage would be done by that, how much damage would be done if this thing goes over another year? I respectfully suggest, a lot more damage by not acting. And, by the way, I have had this conversation with the President of the General Assembly and with the Secretary-General of the United Nations. They both want action now because they say what our fellow nations in the United Nations are wondering, are we ever going to pay? Do we think we have an obligation? This, at a minimum, establishes that. It is very important, very important.

We may have a slight disagreement, my friend from North Carolina and me, but I see the United Nations as a valuable tool. I do not want to be sending U.S. troops everywhere in the world where there is a need for international action, where there is a need for the world to respond so it does not blow out of control. I do not want to do that. The United Nations can be and is a very valuable adjunct and tool. I do not want to see it come apart. To me, this is the single best way to meet our foreign policy needs now. It is important we act now.

Let me mention a few of the particular noteworthy benchmarks beyond moving from 25 to 20 percent. The plan also requires that the United Nations make a commitment that the United States be reimbursed for support we provided for the peacekeeping operations, something that is very important to the chairman. Some of my colleagues, all of whom I respect, will come to the floor and say, ''Well, you know, JOE, look at what our share of the world's resources are and look at what our share of the world's economy is and look at what our share of our involvement in the United Nations is, and it really should be 25 percent.'' I say, does the rest of the world take into consideration the billions of dollars American taxpayers are paying to keep peace in the world? How about Korea? How about Japan? How much do they pay? How about the billions of dollars we have committed in Bosnia? How about the billions of dollars we have committed around the world? Now, I am not asking the United Nations to credit us for that. I do not know how they would calculate that. I am asking them to recognize it.

I am asking, by us coming up with these arrearages, to stop the bashing, to stop the U.S. bashing, as well as, hopefully, to stop the U.N. bashing. This is a time for us to take advantage of the institutions in the best sense of the word that exist to maintain world peace without our having to be the world cop.

In addition, the plan calls for a number of budgetary and oversight reforms that promise to improve the efficiency both at the U.N. Secretariat and in its largest specialized agencies.

I say again to my friend who is on the floor, he may have been off the floor earlier, I spoke with Kofi Annan on Friday. I suspect the Senator may have, as well. He indicated he appreciated our efforts. Obviously, he would like more. He said something interesting. He said that he was hopeful that you, Mr. Chairman, and I would be pleased with the reforms he has already suggested and that he hopes the United Nations will act upon this year prior to—prior to—commitments mandated by us in these benchmarks. He did not get specific about each, but I am sure, knowing him as I do, he is committed to reasonable reform just like every other major business in the world is reforming and every major governmental institution is reforming and streamlining. I believe that it is the intention of the Secretary-General to do the same thing. The end result will be to increase the efficacy of the United Nations and the fairness of those nations that contribute to its function.

There are many of my colleagues that will look at the list that I mentioned here today and wonder why such detailed restrictions are attached to the payment of this money. In an ideal world, as I indicated in committee, I indicated to the chairman, and I indicate now, I would prefer far fewer restrictions. I support the United Nations with all its flaws because I believe, more often than not, it advances our national interests by providing a forum for combating problems that no single nation can address on its own, or at least no single nation can efficiently address on its own. We should not have to be the nation to address problems solely on our own. Placing conditions on U.S. payment is not unprecedented. Congressional pressure has often been an important catalyst for change in New York.

For example, were it not for the efforts of our former colleague, Nancy Kassebaum—and everybody thinks of Nancy Kassebaum as a supporter of the United Nations and looks to Senator HELMS as the person who stopped all these payments to the United Nations, Senator Nancy Kassebaum, now Nancy Kassebaum Baker, when she was a leader on this floor—her efforts required that the U.N. system would have to adopt a consensus-based budgeting process. Were it not for her efforts, that would not have occurred. Were it not for the initiative of Congress in 1994, then under Democratic control, in fairness to the chairman, there would be no inspector general at the United Nations. That was a condition we placed. That was a Democratically-controlled Senate, that was a Democratically-controlled committee.

So this notion of benchmarks is not an unprecedented notion. What is unprecedented is the Senator from North Carolina saying, ''I will sign on to pay our arrearages.'' That is the unprecedented part, from my standpoint, and the benchmarks that he has insisted upon, I cannot look him in the eye and say that they are not reasonable. I would prefer not to have them, but they are not unreasonable. I would prefer to do it another way, but they are not unreasonable, and consequently I am supporting him because this is all part of an overall agreement to deal with the entire foreign policy of the United States of America.

Mr. President, the achievements I mentioned earlier, the inspector general and others, were reasonable conditions. So, too, are those contained in the Senate bill now before the Senate.

The original plan offered by the majority, in my view, did not meet the same standard, but as a result of good faith negotiations with the majority, we now have a set of conditions, which the administration, including our Ambassador to the United Nations, our former colleague and now Ambassador Bill Richardson, believes are achievable.

Mr. President, I am often asked what it takes to be a U.S. Senator, and I say it takes two very important things: One, you have to be an optimist. If you are not, you are in the wrong business. It is not the place to be. The second thing it requires, I think, is that you be a pragmatist, because we have to achieve a consensus in this body. We represent over 250 million people with very different views. We represent very different constituencies and very different ideologies. Pragmatically, we have to get to the point where we get 51 votes.

I recognize that no plan to pay our U.N. arrearages can get through a Republican-controlled Congress without some of the conditions that are on here. Again, I think the ones that remain are not unreasonable. I believe it is important to get this issue behind us and move toward a bipartisan foreign policy. This legislation should contribute considerably to straightening out our relations with the United Nations.

For those colleagues on my side of the aisle who remain unconvinced, let me state clearly that the administration was involved every step of the way in the U.N. negotiations, and it has signed off on every element of this U.N. package and supports the proposal as the best deal that can be achieved, because they believe, as I do, that we must put this behind us. So I don't

want to hear that the chairman did this by fiat, or the chairman—which he is capable of doing—got the ranking member in and convinced him, or has mesmerized him into changing his view. That is not true—possible, but not true. That is not what happened. The administration was either in the room or informed of everything we have done on this point. They, like me, believe that this is the best we can get and that it can get the job done.

Now, I say to some of my colleagues, very bluntly—I will state it on the record—they say that they think the administration is wrong as well. Well, look, I have to sign on with some team here, you know. They are the ones running the show. They are the ones with the expertise. They know a lot more about what is needed to satisfy the 150 some nations of the United Nations. I take their word for it and I believe they are correct—substantively correct—that it can be done. The administration doesn't love this; I don't love it; the chairman doesn't love it. But that's what this legislation is about. That is why we have a Congress. That is how it is supposed to work to arrive at a consensus.

Let me conclude by saying, Mr. President, that I have been here a long time. I have worked on a lot of big bills. I have been, like the chairman of the committee, in the majority and the minority. I like one better than the other. I have been both places, and I have been in both places twice. As I said, I have had the responsibility on my side of the aisle of shepherding through some very comprehensive legislation, not the least of which was the crime bill. But I think if the chairman of the committee and I stood here in January, the first week we were in session, and said that JESSE HELMS of North Carolina and JOE BIDEN of Delaware are going to sit down in a room over the next 5 or 6 months and work out an entire package on how to deal with all this—when is the last time we passed an authorization? It was in 1994. That was the last time we passed any legislation to pay arrearages. It was the last time we got any consensus on how to reorganize. Well, we have done that. We both may be wrong, but we have done it.

We have brought to the floor a comprehensive package. So that I don't confuse anybody, the most important thing to me is, first of all, to maintain my principle, and, second, to maintain the commitments I make. There are going to be amendments on this floor that I would like to vote for. For example, my friend from Indiana, Senator LUGAR, one of the most informed men in the United States of America on foreign policy, believes, as I do, that we should dedicate more than $819 million toward paying our arrearages. As a matter of fact, I am the guy who called him when I thought my friend from North Carolina and I could not work out an agreement, and said, ''If I introduce an amendment to raise the arrearages, will you vote for me in committee?'' But then the chairman came along and said, ''I will agree.'' I ended up voting against my friend from Indiana in the committee to raise the number higher. I did that because I made a commitment.

This is an overall package, all of this. It is not fair for me to say to the ranking member or to the chairman, who has made significant concessions from his former positions, I want to take this one piece out of the overall agreement and still keep the agreement, any more than it would be fair for him to go into a committee and vote to reduce the number from $819 million to $600 million. He will not do that to me, and I will not do that to him. This is not a matter of us making a personal deal. This is meeting the commitment given to us by the Senate: Can we put together a bipartisan consensus on this?

I want to announce to everybody that I am probably going to be casting votes here, and I will state why at the time—they may say, ''How can BIDEN vote that way?'' If it stood all by itself, I probably would not vote that way. But I believe the package we brought for the Senate's consideration is serious, balanced, important to the foreign policy of this Nation, and workable. I will stick with it. It is not a perfect bill. Like any document that is the result of negotiations between two opposing parties, it represents compromise and it contains some elements that neither of us like. But it represents, in my judgment, an incredibly constructive compromise. I urge my colleagues to support it.

Mr. President, unless my friend from North Carolina wishes to take the floor, I have nothing further to say.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KYL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I shall not devote a lot of time to expressing my appreciation to Senator BIDEN. He knows how I feel. Beginning in January, he is correct, I wasn't sure that we would work this out. He is a fair man, and I try to be. As I look back on it, it was an inspiring experience for me. I thank him, and I hope we can expedite the proceedings from now on.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, the bill is open for amendment. This is a good time for Senators who have amendments—and I hope only a few, if any, do, but I expect there will be some—this would be a good time for them to come over. We will accord them as much time as they need. But I say with all the earnestness that I have, it would be helpful if Senators will come and offer their amendments because the bill is open to amendment at this time.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent to proceed for 15 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIGHTING JUVENILE CRIME

Mr. SESSIONS. Mr. President, we are facing a crisis in juvenile crime in America. At no time in our Nation's history have we experienced such severe and pervasive juvenile violence.

The statistics tell a frightening story. From 1983 to 1992—in just 9 years—juvenile arrests for violent crimes increased 57 percent. Specifically, juvenile arrests for aggravated assaults increased 95 percent while juvenile arrests for murder rose 128 percent. To put it in more concrete terms, over 2 million juveniles are arrested each year, many for violent crimes. In 1995 alone, teenagers committed almost 4,000 murders. Sadly, the worst is yet to come.

A huge demographic explosion will occur early next century. By 2006 the teenage population will top 30 million, the most in 30 years. Respected criminologists, such as James Q. Wilson and Marvin Wolfgang, agree that this demographic bulge could have a disastrous effect because of the large increase in young males in their crime-prone years. The number of juveniles will increase 31 percent by the year 2010. Experts predict this increase, particularly in young males, will mean at least 3,000 more murderers, rapists, and muggers on the streets than exist today. A U.S. Department of Justice report confirms these dire predictions. The Justice report estimates that by the year 2010 juvenile arrests for violent crime will more than double.

So today I want to discuss how we can help the States fight juvenile crime. As chairman of the Youth Violence Subcommittee of the U.S. Senate Judiciary Committee, I am greatly interested in crafting a bipartisan juvenile justice bill. But before we begin, let's face the facts.

The Federal Government has only a limited role in fighting juvenile crime. Ninety-nine percent of all juvenile

cases are tried in State courts. I believe that S. 10 is a great bill because its primary focus is aimed at helping the States fight juvenile crime.

So today there are three main provisions of S. 10 that I would like to talk about and to highlight, and which I think we ought to consider: drug testing, the expansion of juvenile detention facilities, and recordkeeping.

S. 10—the Hatch-Sessions bill—deals with these important problems in an effective way. First, let's talk about drug testing. S. 10 provides the States block grants to fight juvenile crime. One of the requirements to receive the block grants is that States make reasonable efforts to drug test all juveniles arrested for a felony. There is no provision in S. 10 more important, in my opinion, than drug testing.

Drug testing is one of the most important diagnostic and rehabilitative tools available in fighting crime. Mr. Eric Holder, President Clinton's nominee for Deputy Attorney General, who testified just last week before the Judiciary Committee, stated that drug testing provided vital information for dealing with juveniles who have been arrested, and that when he served as a Federal judge he tested all arrestees.

Drug testing is so important because it allows authorities to identify a drug problem before the juvenile becomes hopelessly addicted. It tells the parents what may have driven this young person to become involved in crime. It helps the judge to craft an appropriate sentence and appropriate police conditions. It helps the probation officer conduct appropriate supervision of these young offenders. However, many have raised a concern about the cost of drug testing requirements in S. 10. There is great bipartisan support for drug testing. The only question raised is whether or not it is too expensive. It is not. For example, a typical price charged by a commercial laboratory for a single drug test for cocaine and marijuana is $5.75. Moreover, volume purchases of drug testing equipment can reduce that price to even less than $5. Both of these figures have been verified by official price quotes from commercial laboratories.

S. 10 provides $75 million to the States to implement this drug testing provision. If the roughly 900,000 juveniles arrested last year for FBI indexed felonies were tested at $6 a test, it would cost approximately $5.4 million. It should be noted that most States already test arrestees to some extent. Therefore, the cost will be reduced significantly.

Obviously, S. 10 provides more than ample resources, not only for an initial test but for supervision followup tests as well. That is important. When a young person is released from prison, followup tests should be conducted, particularly if he has drug tendencies. A followup test can tell whether or not that child is back into an unhealthy lifestyle and headed for criminal trouble and additional time.

Another important matter is juvenile recordkeeping. Juvenile recordkeeping in America is a travesty. Most judges—whether in adult court or juvenile court—do not have access to a defendant's juvenile record because those records are either sealed or are not shared with other jurisdictions within the law enforcement community. S. 10 greatly improves juvenile recordkeeping without overstepping the Federal Government's role in juvenile crime, and without great expense. One of the few requirements in this bill is that the States make reasonable efforts to record, collect, and disseminate juvenile criminal records for the FBI just like they do for all adult cases.

In order to ease the burden on the States, we provide funds to help them upgrade their juvenile justice record system. We have estimates from organizations that specialize in recordkeeping that State juvenile records can be updated and sent to the FBI for roughly $50 million.

I believe S. 10 provides the States with more than sufficient resources to accomplish this goal. And please note that this bill in no way mandates the States to open their cases. Each State will make its own decision. It simply says that the law enforcement community, through the National Crime Information Center computer system, will have arrests and convictions for serious felonies by juveniles. Those records are only available for law enforcement and judicial purposes.

The following is a true story that illustrates the problem we are talking about. A 15-year-old was arrested and pled guilty to armed robbery. Previously, he had been arrested several times for violent crimes in a different State. Unfortunately, the presiding judge did not have access to these prior arrest records because they were not part of the National Crime Information Center computer system.

Despite the fact that he had pled guilty to a violent crime, the judge decided to release him after being assured that he would be going into a residential facility. Soon after that young offender was released, he shot and paralyzed a police officer during an attempted theft. There is no doubt that the judge would not have released him, had he had access to that juvenile's prior record of violent crime. The lack of access to juvenile records in this case directly contributed to a tragic crime. When a probation officer supervises a young offender, he needs to know the young offender's criminal history. It is simply illogical that we fail to maintain those records in a readily accessible way.

Reporting juvenile records to a national clearinghouse will provide law enforcement officers and judges across this Nation with accurate criminal history information. This will serve to protect law enforcement personnel when they are dealing with juvenile suspects and defendants, as well as provide necessary information to the judiciary.

One proper role for the Federal Government, in law enforcement, is to serve as a national clearinghouse for information. Our proposal fulfills such a role and in the process dramatically improves our juvenile justice system.

There is another matter of importance. The Hatch-Sessions bill helps States improve their juvenile detention centers. The bill provides matching grant money to the States for the construction and renovation of juvenile detention facilities. In the last 20 years, juvenile prison construction has not kept pace with the tremendous increase in juvenile crime. While States and the Federal Government have increased adult prison capacity significantly, the construction of juvenile facilities has been neglected consistently.

Ladies and gentlemen of the Senate, if crime is to be reduced, we must increase juvenile detention and juvenile detention space. I mention crime, and not merely juvenile crime, for this reason. The line between juvenile crime and adult crime has never been so blurred. An ever-increasing amount of serious crime is committed by young offenders. By some accounts, juveniles now account for almost 20 percent of violent crime arrests and over one-third of all property crime arrests.

The following facts illustrate the need for more juvenile detention centers. Only 56 out of every 1,000 juveniles arrested are incarcerated. I repeat that. Only 56 out of every 1,000 juveniles arrested are incarcerated. We are simply not identifying the violent criminals and putting them in prison.

To put it in more concrete terms, consider this. In 1991, over 123,000 juveniles were arrested for violent crimes, yet there were less than 50,000 juvenile beds in the United States available to house them. And many repeat, habitual property criminals have to be incarcerated, too. I wish that were not so, but that is simply the fact. We have had a doubling of violent juvenile crime in less than a decade. We simply have to increase our bed space. Again, I wish that were not so.

A lack of proper juvenile detention centers eliminates the deterrent effect of the criminal justice system. When a police officer arrests an offender in a stolen car for burglarizing a person's home, and he cannot keep him even 1 night in the local jail because it is not an approved juvenile facility or because there is no space in the juvenile facility—that young offender is released back on the street. This undermines respect for the law. Not only does the young offender get the wrong impression, but so do his classmates, running-mates, and gang members. They see Billy get arrested and expect something to happen. When he is released the very same day, they get a message. It is not the message we want to convey. We simply have to step up to the plate and do more about that.

Another matter. Many of my colleagues have indicated that our bill fails to provide sufficient prevention money. I would like to point out that according to the General Accounting Office, the Federal Government currently has 131 programs administered by 16 different departments and agencies that may be used to benefit at-risk and delinquent youth. In 1995, the total cost of these programs exceeded $4 billion. We are already spending tremendous sums of Federal taxpayer money on prevention programs. I hope they work. Some of them do and some of them do not. We need to do a better job of oversight. And the States also are spending tremendous sums of money for prevention purposes. We have a juvenile justice system that is broken, and we need to fix it.

Here is a chart which shows the huge number of programs and the total dollars—$4 billion—being spent right now with Government appropriated funds for at-risk and delinquent youth. This bill has prevention matters in it, but it is also focused primarily on changing our juvenile justice system from a state of collapse into an effective system that will actually work to deter crime.

There are 21 gang intervention programs, 35 mentoring programs, 42 job training assistance programs, 47 counseling programs, 44 self-sufficiency programs, 53 substance abuse intervention programs. Each of these programs is already being funded in an effort to help at-risk young people not get caught up in a life of crime. The penalty imposed for every act of wrongdoing, starting from that first offense, is in itself prevention.

Mr. President, 61 percent of the juveniles brought into the juvenile court system are 15 years of age or younger. These juveniles may still be amenable to discipline. However, there is currently little respect for our State juvenile system because the juvenile judges have little resources and almost no bed space to carry out the sanctions they would like to impose. S. 10 will assist the States in rectifying this deficit in resources.

So, Mr. President, I have mentioned only three provisions of the bill today but there are many more. There is a tough antigang provision that has great potential to crack down on gangs; historic reforms of Federal procedures to make cases more easily prosecutable in Federal court; elimination of unwise Federal mandates; requirements for local juvenile crime, advisory committee groups, and I just noticed the Senator from Delaware has arrived. This provision is modeled after a provision he put in the law a number of years ago to require the local court system to get together to discuss civil case processing.

We believe, and I think Senator BIDEN agrees, that if we are going to give money to a local juvenile court system, we ought to at least ask that the judge, the prosecutor, the sheriff, and the police chief get together and discuss just how well their system is working and what they can do to make that system work better.

I appreciate the consistent leadership over the years that Senator BIDEN has provided. He is the ranking member of the Juvenile Justice Subcommittee, and his contributions were very valuable in putting together a bill that I believe eventually will be a historic step forward in juvenile justice. I believe that this is the most significant juvenile crime bill in over 20 years. Our juvenile justice system is broken. These are sound, thoughtful, practical and effective provisions that will help fix a broken system.

Mr. President, I urge my colleagues as time goes by to give the highest consideration to this legislation and urge their support of its passage.

I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I ask unanimous consent to be able to proceed for 20 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I will say at the outset I will cease if anyone comes to the floor. I am acting in a bit of a dual capacity here. I am comanaging the bill that is before us. We are waiting for some of our colleagues to come over with amendments. But in the meantime let me before the Senator from Alabama leaves the floor acknowledge and thank him for his acknowledgement of my efforts in this area and thank him for the knowledge he has brought to this body as a former prosecutor, an attorney general in his State, and as a former U.S. attorney running a Federal operation in his State as well, and for the vigor with which he has attacked the obvious problem. It is only of late that most people are acknowledging we should be focusing on juvenile crime. He in his capacity within his State both as a Federal official and a State official has been focused on it for some time. He and I have some outstanding disagreement on how to approach this, but we are substantially in agreement.

A LESSON FOR ALL OF US

Mr. BIDEN. Mr. President, with your permission, rather than immediately comment on the same subject matter, I ask, as we used to say in the Senate, a point of personal privilege. I would like to comment on a story that was published in my hometown newspaper that is the antithesis of problems relating to juvenile delinquency. It is a story about a family I am very close to.

I should say at the outset I am prejudiced in this regard. I have a very close relationship and high regard for the father and mother of this family, and three of the four children in this family have worked with me and are friends of my children. One of them is in this Chamber today at my request as an employee of one of our colleagues from Florida.

Mr. President, I want to tell this story because we rarely get a chance to share with our colleagues the kind of story I am about to share and, I might add, that in my almost 25 years in the Senate I have only done this on one other occasion, but I think it is just remarkable.

The story is about a family named Kimmel, the Kimmel family. Going way back, I didn't practice law with but practiced law in adjoining suites to Mort Kimmel and knew his wife Marsha. We go back now about 30 years.

Mr. President, it is the kind of story which I rarely share but my reluctance to discuss this in a public forum was increased initially because the individuals involved were such close personal friends, Mort and Marsha Kimmel and their family. I have known Mort and Marsha, as I said, for 30 years and the children have worked with me on my campaigns and have been friends with my children as well. They are among the most giving and caring people I know.

A story appeared on the front page of our largest statewide newspaper entitled ''Triumph of the Heart.'' I will ask at the appropriate time it be printed in the RECORD. It is a picture of my buddy, Mort Kimmel, and his wife and his four children. I will explain that in a minute. It is focused on a young man named Larry Spiller who is, in fact, the nephew of Mort and Marsha Kimmel.

It is really a story about Larry Spiller and his aunt and uncle and his cousins who welcomed Larry into their home and into their hearts after a severe family tragedy. I think it holds some lessons for what we all say we value but few of us practice. It is a story of selflessness, of sacrifice, and, most of all, of what being family, in my opinion, is all about.

On New Year's Eve, in 1987, the Spiller family got on an airplane—mother, father, and three children—to head to a ski trip in Vermont. Larry's father had a commercial pilot's license. He was instrument-rated but got caught while flying the family up to Vermont, after one stop and then taking off again, in a wind shear 90 feet before the runway as they were landing and the plane crashed. Larry's mother and father both died in the crash, and Larry's two brothers were mortally injured. This young man, Larry Spiller, was then 8 years old. He was the only survivor. And because he happened to have switched seats with his mom just before they attempted to land—he had been riding in the copilot seat, and his mom wanted to get up front to help his dad because of the weather—and he was seated in a seat where his back was to the pilot, I expect and most people think that is the reason why he survived.

Well, what happened was, on that awful day, there was a meeting shortly

thereafter that took place in another family, and that is in the family of the brother-in-law, the family of the partner, because Larry's father and my friend, Mort Kimmel, were law partners. But Larry's father happened to have a mother who was the sister of my friend, Mort Kimmel. And so Mort and Marcia Kimmel and their three young children—Wayne, who is now 27, Michelle, who works here in Washington, who is now 24, and Karen, 18—held a family meeting and they made a very fateful decision. They made a decision to bring Larry into their home as another son, another sibling—no holds barred, absolute, total, equal.

Karen, who is now 18 years old, on her own volition gave up her bedroom for her cousin. That was her idea. And many other personal, what appeared to be sacrifices were made through the selfless acts of the three children and the mother and father. It is the kind of selfless family decision that is so often talked about, that we see in the movies and we see glorified, but so seldom do we know of it occurring. Because we all have a tendency to rationalize when that kind of thing happens, even though it is your sister's child who survived. I can picture thousands of good people rationalizing, ''Well, wait, we only have so much. If we bring in Larry, then what about our three children? And maybe it is best for * * *'' and so on and so forth. As the Presiding Officer knows, the ability of the human mind to rationalize is mind-boggling. But they made no rationalization. They, in a genuine family decision involving all three of their children, decided that there was only one course of action.

There were adjustments and sacrifices for everyone involved. But for the Kimmels, that is all part of being a family. You hear a lot of talk these days about family values, but the Kimmels and Larry Spiller, that young 9-year-old boy at the time, have lived out what in reality is an old-fashioned notion, that families are there for one another.

We have an expression in my family. After my wife and daughter were killed, I came home from the hospital, my two sons were in the hospital, and my sister had already moved into my house. She didn't ask anything—my younger sister and her husband. We have an expression in our family: If you have to ask, it's too late. Well, they didn't have to ask; they just decided and they acted.

Whether it involves taking in an orphaned child or bringing in an elderly parent or grandparent in your home, providing a sibling or an aunt or an uncle a place to get back on their feet on solid ground after a period of rough going or ill health, these sacrifices are all examples of what we mean by family. Make no mistake about it: These decisions are not easy. But family values, real, practice-what-you-preach family values, don't always make it easy for us to make decisions. And they are not always convenient.

Family is, rather, about commitment. And the Kimmel family is a living testament to that commitment.

Let me tell you what the article was about. I will not go on much longer. The article is focused on how this young man, Larry Spiller, who is now graduating from one of the finest high schools in Delaware, about how well he has done in this family. He has excelled both academically and athletically. This young man made all State in both baseball and basketball, did incredibly well in school, and will be attending Cornell University. Like so many other great schools, it is very difficult to get into, and his family has every right to be proud of this young man.

It would have been easy for a 9-year-old child, I can tell you from experience, having been tragically robbed, in this case of his entire immediate family, to let that tragedy define his life. No one would have begrudged him that. That happens to a lot of people whose lives have been scarred by tragedy. And it would have been equally understandable had Mort and Marcia Kimmel and their children allowed Larry to slip into that kind of thinking or allowed Larry to slip through their fingers and allowed the tragedy to be the focal point of their lives. But that did not happen. They all grieved, of course, and still do. But they have been able to move on, to live their lives as a dynamic family, each of them involved in school and sports and civic activities. They proved that while bad things do happen to good people, good things happen, too, especially when you make up your mind not to let the bad experiences define and dominate your life.

Last summer, young Larry turned 18 and received the bulk of his parents' estate. It was a substantial sum of money for a young man just beginning to make his way in the world. It could make Larry's life a lot easier in the coming years. But, instead, Larry Spiller and the Kimmels have used the money to establish the Kimmel-Spiller Charitable Foundation to help sick children and those facing injuries and disabilities.

In the newspaper interview that I will submit for the RECORD, he, young Larry, who was graduating, as I said, was asked what he had to say about this. He said, ''There is really no need for me to have all that. I want to work for my own money as a lawyer, which I will probably do, and my parents''—he refers to Mort and Marcia as his parents—''will support me through college. It could help other people.''

How many young kids, with that kind of a capability, that kind of money, would say, ''You know, there is really no need for me to have it; I'll work for my own money; I'll be able to do it''?

Larry goes on to say in that article, ''I'm lucky to be here. I'm lucky I could just move into another family and be so stable. I was always happy to have a second chance.''

Larry Spiller and Wayne and Michelle and Karen Kimmel, the other children, and their parents, Mort and Marcia Kimmel, are a very special family, and in their story lie some valuable lessons for all of us. It is not easy to be a family. The decisions aren't always painless decisions. Sacrifice almost always goes with love. But when love is there, anything can be overcome.

Mr. President, I ask unanimous consent that an article from the Wilmington News Journal about Larry Spiller and his family be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the News Journal, June 11, 1997]

TRIUMPH OF THE HEART

ORPHANED AT 9 AND TAKEN IN BY HIS UNCLE AND FAMILY, LARRY SPILLER IS A STORY OF ACADEMIC, ATHLETIC AND PERSONAL SUCCESS

(By Kevin Tresolini)

Your heart wants to ache for Larry Siller, but he will not let it.

He is a young man who could have withdrawn, cursing the fates—and the wind shear—that orphaned him almost 10 years ago.

Instead, he radiates happiness.

''I consider myself lucky,'' Spiller said. ''It's not as if nothing has happened, but I'm very comfortable with who I am.''

Now 18, he is poised to move into the next phase of life with his graduation tonight from Tower Hill School. He has excelled academically—earning admission to Cornell University beginning this fall—as well as athletically, making All-State in basketball and baseball.

Spiller almost didn't live to see this day.

He was 9 years old, traveling with his parents and two brothers on Dec. 31, 1987, when the six-seat Piper Lance airplane carrying the family crashed 10 feet short of the runway at Burlington (Vt.) International Airport.

Spiller's father, Paul, a 39-year-old Wilmington attorney who was piloting the plane he co-owned, and mother, Judith, 35, were killed instantly. His brothers, Harvey, 14, and David, 5, suffered severe spine and head injuries and died within two weeks.

A National Transportation Safety Board investigation concluded that wind shear—a sudden, violent, vertical burst of wind—brought the plane down.

Spiller, who suffered a broken leg and concussion, survived. And he has become an inspiration to others around him.

''What he's done is unbelievable,'' said David Glazier, a Brandywine High School senior who is a close friend. ''He's the opposite of what you think might happen. I've never seen him upset.''

''He is an absolutely outstanding individual,'' said Steve Hyde, his baseball coach at Tower Hill, ''in every sense of the word.''

THE PLANE CRASH THAT CHANGED HIS LIFE

Paul Spiller was an experienced pilot with a commercial pilot's license, a flight instructor's certificate and 734 hours of flying time when the Piper Lance left Greater Wilmington Airport at 1:30 p.m. bound for Rutland, Vt.

The Spillers were going to meet friends for a quick vacation at the Killington ski resort.

According to federal transportation officials, the plane landed in Binghamton, N.Y., at 2:47 p.m. to wait out bad weather. At 4:01, the plane left Binghamton.

About an hour later, the Spillers' plane was cleared for approach to Rutland. But the plane began to accumulate ice, and Paul

Spiller asked to be diverted to clearer weather. He was informed that Burlington, the picturesque college town straddling Lake Champlain 67 miles to the north, had radar contact and 15 miles visibility. He headed there.

At 5:20 p.m., when he couldn't maintain 5,500 feet altitude because of ice, Spiller declared an emergency. He was given permission to descend to 2,000 feet, where ice began coming off the windshield. Then it iced up again, and the Burlington control tower turned the runway lights up.

''I was in the front seat with my dad when he called an emergency,'' Larry Spiller remembered. ''My mom said, 'Switch seats with me. I want to be up front to help your father.'''

Larry moved to the second row of seats, which pointed backward. His brothers were facing him. Behind them was the luggage compartment.

At 5:40 p.m., the pilot radioed again. ''The runway is clear now. I can see it clearly. Thank you.''

All seemed fine. One minute later, Paul Spiller radioed again and was cut off midword.

''I just experienced what I think to be wind sh—''

The plane plummeted 200 feet to the ground and slid another 100 feet. It briefly caught fire, but emergency workers—stationed nearby because of the emergency call—quickly extinguished the flames.

Workers found Larry, conscious, with the luggage. They took him and his unconscious brothers to the Medical Center Hospital of Vermont.

Spiller could not recall the crash when he woke up in the hospital and saw his mother's brother, Morton Kimmel.

''When I told him, [about the accident] he didn't believe it,'' Kimmel said. ''I said, 'It's true.'''

Larry visited his brothers, who never regained consciousness.

''I think about [my family] pretty much every day, even if it's just for a second,'' Larry said. ''They're * * *.

SPILLER GETS A NEW FAMILY

With the crash, Morton Kimmel lost his sister, two nephews and a brother-in-law who was his law partner.

But he gained a son, when he took Spiller into his family.

Kimmel and wife, Marcia, eventually became Spiller's legal guardian. His cousins—Wayne, now 27, Michell, 24, and Karen, also 18—became his new siblings.

''They took me in and I was just part of their family,'' Spiller said. ''Ever since then, I've been calling them my parents and my brothers and sister.

''It's really a very normal life. I didn't change schools. I didn't change sports.

''My first father coached me in every sport. My present father now coaches everything, too. Few things changed except the people I was living with.''

Larry's grandparents, Benjamin and Bebe Spiller, now living in Pompano Beach, Fla., lost their son, daughter-in-law and two grandsons. Larry gave them a lifeline, Benjamin Spiller said.

''We survived because of him.''

'CAN I CALL YOU MOM?'

On his first night with his new family, 9-year-old Larry Spiller, a boy with his whole life ahead of him but the lives of his immediate family members behind him, tentatively asked his aunt, Marcia, ''Can I call you mom?''

Feeling it was too soon, and not wanting Larry to forget his real parents, she responded, ''Let's just wait.''

The following New Year's Eve, one year to the day after the crash, he asked again.

''I was tucking him into bed,'' she said, ''and he said, 'It's been a year', and asked again. We have family meetings every week. I said, 'This would be a big change,' but I knew it would be all right. We talked about it at our next family meeting and said, 'We'd love to do this.'''

Stripped of the security of his immediate family, Larry had every reason to feel alone. He never did.

''Our families were so close,'' said Spiller, who was a Tower Hill third-grader at the time of the crash. ''We were together all the time anyway before the crash. I never felt alone at all, there were so many people around me.''

One of the most important was Karen, a cousin eight months younger than Larry.

''Everybody was walking on eggshells,'' Mort Kimmel said of Larry's first fragile days with his ''new'' family. ''Except Karen. Karen gave him her room. Karen brought him back into reality.''

At Tower Hill, classmates marveled at Spiller's strength.

''I remember when he came back to school,'' said longtime pal Chip Goodman. ''His leg was in a cast and part of his head was shaved. But that was all there was to tell you what had happened.''

As Spiller developed into an athlete, his new family cheered him on. He would up scoring more than 1,100 points as a Tower Hill basketball player, the third-highest total in school history.

A pitcher and infielder in baseball, he batted .375 as a junior and .351 this spring, securing All-State recognition both years. He'll play in Saturday's annual Blue-Gold Senior All-Star Game, and made the Delaware South roster for this month's Phillies-sponsored Carpenter Cup tri-state tournament at Veterans Stadium. This summer, he's again playing for the defending state champion R.C. du Pont American Legion baseball team.

GIVING AWAY HIS INHERITANCE

On Aug. 5 last summer, Larry's 18th birthday, his biological parents' financial holdings and life insurance benefits, which had been held in trust, became Spiller's. The amount, he said, ''is substantial.''

He's giving it away. Along with his present parents, Larry has set up the Kimmel Spiller Charitable Foundation. The first grant will likely be worth $30,000 Mort Kimmel said.

''It's a fund for sick kids or people injured or with disabilities,'' Spiller said. ''There's really no need for me to have it. I want to work for my own money as a lawyer, which I'll probably do, and my parents will support me through college. It could help other people.

''I definitely consider myself lucky,'' Spiller said again. ''Just switching seats with my mom. If I hadn't done that, there's no way I would have had a chance to survive.

''I'm lucky to be here. I'm lucky I could just move into another family and be so stable. I was always happy to have a second chance.''

Mr. BIDEN. Mr. President, let me conclude by saying that I know there are thousands of other families who made the same kind of sacrifices. When we talk about family values, this is what I mean by family values, family values that reflect a common consensus about sacrifice to make things better for everyone else in the family.

Mr. President, I am proud to know the entire Kimmel family, and I am proud that one of the young children in that family—not quite so young anymore, she is still very young by our standards—is down here making her contribution to her Nation by working on the staff of one of our colleagues from Florida.

Mr. President, with the Chair's permission, I would like to move onto a different subject, the subject spoken to by my friend from Alabama. If my friend, Senator DURBIN, is ready to move on his, I will withhold that until the next lull we have and respond to my friend from Alabama on the issue he raised regarding youth violence.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. DURBIN. Mr. President, it is my understanding we are considering the foreign affairs bill. I have several amendments to offer in reference to that legislation.

The PRESIDING OFFICER. The Senator is correct. The Senate is on S. 903.

AMENDMENT NO. 377

(Purpose: To express the sense of Congress regarding United States citizens imprisoned in Peru)

Mr. DURBIN. Mr. President, I offer an amendment for consideration by the Senate which I have discussed with Senator BIDEN's staff as well as Senator HELMS' staff.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 377:

The amendment is as follows:

At the end of title XVI, add the following (and conform the table of contents accordingly):

SEC. . SENSE OF CONGRESS REGARDING UNITED STATES CITIZENS HELD IN PRISONS IN PERU.

(a) FINDINGS.—Congress finds the following:

(1) The Government of Peru has made substantial progress in the effort to restrict the flow of illicit drugs from Peru to the United States.

(2) The Government of Peru has cooperated greatly with the United States Government to stop individuals and organizations seeking to transport illicit drugs from Peru to the United States and to jail such drug exporters.

(3) Any individual engaging in such exporting of illicit drugs and convicted in a court of law should face stiff penalties.

(4) Any such individual should also have a right to timely legal procedures.

(5) Two United States citizens, Jennifer Davis and Krista Barnes, were arrested in Peru on September 25, 1996, for attempting to transport illicit drugs from Peru to the United States.

(6) Ms. Davis and Ms. Barnes have admitted their guilt upon arrest and to an investigative judge.

(7) Ms. Davis and Ms. Barnes have volunteered to cooperate fully with Peruvian judicial authorities in naming individuals responsible for drug trafficking and several have been arrested.

(8) More than 7 months after their arrest, Ms. Davis and Ms. Barnes have not been formally changed with a crime.

(9) Peruvian domestic law mandates that formal charges be brought within 4 to 6 months after arrest.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Government of Peru should respect the rights of prisoners to timely legal procedures, including the rights of all United States citizens held in prisons in Peru.

Mr. DURBIN. Mr. President, this is a sense-of-the-Senate resolution involving a very sad situation. This amendment expresses the sense-of-the-Senate that the Government of Peru should respect the rights of prisoners to timely legal procedures, including the rights of all United States citizens currently being held in prison in Peru.

This amendment was included in the State Department authorization bill that has been enacted by the House of Representatives. It was offered in that Chamber by my colleague from Illinois, Congressman TOM EWING. It was accepted as part of the chairman's en bloc amendment.

The purpose of this amendment is to encourage the Government of Peru to bring to trial two young Americans who have been held in prison in Peru for more than 7 months without being formally charged or brought to trial. These two young Americans have received a lot of publicity in the United States. One from the State of Illinois, Jennifer Davis, and another, Krista Barnes of California, have admitted their guilt to a serious crime. They were arrested in Peru when they were 19- and 20-year-olds, respectively, after being recruited by drug smugglers in attempting to carry powdered cocaine out of Peru.

These two teenagers made a tragic mistake. They are prepared to accept the legal penalties for their actions. And it will be a harsh penalty. They and their parents are only asking that they be brought to trial by Peruvian authorities and convicted so that they can be extradited to the United States to serve their sentences.

The physical conditions under which Jennifer and Krista are being held are in violation of the basic spirit and letter of international human rights agreements, to which Peru is a signatory. I have spoken to their parents. The prison where they are being held is extremely overcrowded. Basic health care is not provided. Nourishment is inadequate. There is sexual and other violence taking place. The shared bathroom facilities have no running water and are extremely filthy, and disease is rampant.

The amendment specifically states that any individual engaged in the export of illicit drugs and convicted in a court of law should face stiff penalties. But the amendment also states that individuals engaging in the export of illicit drugs should have the right to a timely trial.

I know this is an important matter to many families in Illinois who are friends of Jennifer Davis. They understand the serious mistake she has made. They understand that she will pay a price for it that she will never, ever forget. All they are asking for is humane treatment, that she be brought to trial and, if convicted, we can then apply for extradition to the United States.

What we are asking of Peru is nothing new. The government of that country has already signed international agreements saying that they will treat all prisoners in a humane way, and that they will bring prisoners to trial. So I hope my colleagues in the Senate will join me in the approval of this sense-of-the-Senate resolution as an amendment to the Foreign Affairs bill which is presently under consideration.

At this point, I yield the floor.

Mr. BIDEN. Mr. President, does the Senator have a second amendment?

Mr. DURBIN. I have another amendment, and Senator GORTON of Washington has a companion. If we can deal with the Peruvian amendment first, and hope he comes to the floor momentarily?

Mr. BIDEN. With the permission of the chairman, I think we can deal with this. There is no real objection to what the Senator is suggesting. It makes sense.

There is another one of our colleagues who wishes to deal with a similar circumstance in Peru. Maybe the Senator could withhold seeking action on this and see if we can accommodate this all in one amendment, and possibly move to a second amendment.

Mr. DURBIN. I am learning in the Senate that accommodation is a good idea if your amendment is well received. I sense the amendment is well received.

Mr. BIDEN. Mr. President, I say to my friend, that is the case. The question is whether or not we can accommodate another one of our colleagues as well. It is always better than to have a rollcall vote.

If the Senator will seek to lay aside this amendment temporarily and possibly proceed to his next amendment, maybe we can accommodate both at the same time.

Mr. DURBIN. Yes. I would be happy to.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, the amendment is set aside.

AMENDMENT NO. 378

(Purpose: To designate additional countries as eligible for NATO enlargement assistance)

Mr. DURBIN. Madam President, I have a second amendment that I would like to present for consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself and Mr. GORTON, proposes an amendment numbered 378.

Mr. DURBIN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . DESIGNATION OF ADDITIONAL COUNTRIES ELIGIBLE FOR NATO ENLARGEMENT ASSISTANCE.

(a) DESIGNATION OF ADDITIONAL COUNTRIES.—Effective 180 days after the date of the enactment of this Act, Lithuania, Latvia, Estonia, and Romania are each designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act, except that any such country shall not be so designated if, prior to such effective date, the President certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that the country fails to meet the criteria under section 203(d)(3) of the NATO Participation Act of 1994.

(b) RULE OF CONSTRUCTION.—The designation of countries pursuant to subsection (a) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(1) is in addition to the designation of other countries by law or pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act; and

(2) shall not preclude the designation by the President of other emerging democracies in Central and Eastern Europe pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act.

Mr. DURBIN. Madam President, I hope in designating this amendment, it will designate as my cosponsor Senator GORTON of Washington. He and I are cosponsoring similar amendments, and I think he will be on the floor momentarily to discuss his amendment, but I would like to discuss this amendment directly.

This amendment designates Lithuania, Latvia, Estonia, and Romania as eligible to receive assistance to prepare for future NATO membership.

This amendment does not require that any nation be invited to join NATO. It simply makes Lithuania, Latvia, Estonia, and Romania eligible to receive assistance to prepare for NATO membership in the future. A similar amendment was in the House-passed version of the State Department authorization bill.

I say to my colleagues, this last February, I visited Lithuania, the homeland of my mother, for my fourth visit. I found, much to my amazement, that no matter where I traveled in this small country, no matter what official I sat down to meet with, people had on their mind one thing and one thing only: NATO membership.

The Baltic States, particularly Lithuania and Latvia, believe that NATO membership is crucial to their survival. They are surrounded, in many instances, by questionable circumstances, Russian troops and a lot of question marks that leave them uncertain about their future.

I said to them at that point that when I returned to the Senate, I would do everything in my power to inform

and educate my colleagues about this deep, heartfelt feeling in the Baltics, that their membership in NATO is where they want to be in this next century, looking to the West, looking to democracy, being part of our security alliance which was so crucial for half a century in Western Europe.

This amendment is consistent with current laws and programs to assist the new democracies of Central and Eastern Europe to prepare for future NATO membership. It includes, obviously, the Baltics States and Romania. The NATO Participation Act of 1994 authorized the President to establish a program to assist emerging democracies in Central and Eastern Europe to prepare for future NATO membership. The NATO Enlargement Facilitation Act of 1996 designated Poland, Hungary, the Czech Republic and Slovenia to receive assistance to prepare for future NATO membership, and the act directed the President to designate additional democracies in Central and Eastern Europe if they met certain criteria.

It is clearly in the interest of the United States to support democracy, free-market reform and security in the Baltics and Romania. There is no better way to do this than to help them prepare for NATO membership. Lithuania, Latvia, Estonia and Romania are doing everything asked of them—and more—to prepare for future NATO membership. They should be designated as eligible to receive assistance under the NATO Enlargement Facilitation Act of 1996.

Examples of how the Baltics and Romania are meeting the criteria established by this act for assistance to prepare for NATO membership:

They have made courageous choices and painful sacrifices to reestablish their freedom and rebuild their democracies and free-market economies. It is hard to imagine, the Baltic States and other Eastern European countries, once members of the Warsaw Pact, which were subjugated to Soviet rule for 50 years, this blanket of Soviet hegemony virtually snuffed out the initiative, creativity and energy of these great nations, but they survived. And not just survived, they came out of it determined to rebuild, rebuild with a face to the West.

All of these nations have applied for NATO membership.

They have made significant progress toward establishing civilian control of their militaries, police and intelligence services.

They are adhering to the rule of law.

They are respecting the values and interests shared by other NATO members.

They are accepting the obligations, responsibilities and costs of NATO membership.

Their parliaments are making financial commitments, many times at great sacrifice, to prepare for NATO membership, significantly increasing their support for national defense and Partnership for Peace activities.

My vision, and I hope one shared by my colleagues, is that an enlarged NATO will put Europe in a position to deal with its own problems in a better fashion. We are now deeply committed in Bosnia, as we should be, to bring peace to that region. But if there were a strong NATO encompassing so many more countries in Europe, I think we can envision a day when that sort of a dispute and that sort of a problem will be dealt with primarily, if not exclusively, by NATO members in European States.

This suggestion of enlarging NATO eligibility is a step on a path that could lead us to that favorable conclusion.

These countries have demonstrated they are fully committed to sharing the responsibilities of NATO membership.

They are building their defense forces in accordance with NATO planning standards.

They are improving their communication and information systems, command and control, and English training.

They are active participants in the Partnership for Peace Program.

They have participated in joint exercises, training programs, and peacekeeping operations led by NATO and the United States.

It was, I guess, incredible to me to consider that a tiny country like Lithuania would send a small group to IFOR in Bosnia to participate in peacekeeping. Tragically, one of the Lithuanian soldiers was one of the early casualties because of the detonation of a mine. The Lithuanian Parliament might, at that point, have had a vigorous debate and decided they made a mistake, that they were not ready to get involved. They decided just the opposite. Even having lost a Lithuanian soldier in a joint effort with the United States and other NATO countries to bring peace to Bosnia, the Lithuanian Parliament voted overwhelmingly to commit even more troops in their peacekeeping effort to demonstrate to Europe, to the world, and all the NATO members they are serious about making this kind of a participation a reality.

I learned last week from the Prime Minister of Latvia that the same type of commitment was made. They have participated in NATO's peacekeeping mission. They have increased their troop commitments, and it is clear that they are sincere. They are strategically significant to an effective NATO defense, and they are likely to be in a position to further the membership of NATO and contribute to the security of the North Atlantic area in the near future.

I have nothing further on this amendment. I defer to the chairman or minority spokesman as to whether they would like to consider the amendment at this point or wait for Senator GORTON to come to the floor with his companion amendment.

Mr. HELMS. Madam President, I suggest we await the arrival of Senator GORTON so we can see the whole picture at one time, if that suits the Senator.

Mr. DURBIN. That is fine.

Mr. BIDEN. Madam President, I agree, but if he will yield for me to make a comment, if I may, to my friend. The Senator has made the case for the Baltics and for Romania. As to the Baltics, it seems to me, the case is obvious. With regard to Romania, that important country has made significant strides in the last 6 months.

I want to make clear so that we all know, what we are talking about is the NATO Enlargement Facilitation Act, which was passed in 1996. Basically, what the act does, Madam President, as you well know, is that it says there are newly independent states, which formerly were satellite states of the Soviet Union, who are seeking membership or may seek membership in NATO. It is kind of a two-stage process. We did the same thing for Hungary, we did the same thing for Poland, we did the same thing for the Czech Republic, and last year we added Slovenia. We basically said, look, we, the Congress and the President, will come up with some money to help you begin to organize yourself to meet the criteria for admission into NATO. This is not a club that you join because you like it, or join because you simply want to join. This is a deal where everybody has to carry their own weight proportionately within the club, and we are not going to admit anybody who cannot do that. But it requires some expenditure of money on the part of these countries to essentially do the political, economic, and military inventory they need to be able to determine whether or not they can meet the criteria. This is what it is. This is prep money to get them up and running to make their case.

So, we are going to be doing here for the Baltics—and I share my friend's view—and for Romania, what we did for Slovenia, for Hungary, for the Czech Republic, and for Poland.

I respectfully suggest, now that our friend from Washington is on the floor as well, that there be consideration of amending their amendment to add Bulgaria. Let me explain why.

I stated earlier on this floor that I was pleased that the Clinton administration decided to support the first three countries mentioned in the first round. In our meetings we had an opportunity to make our case to the President as to who we thought should be invited to final accession negotiations at Madrid next month. I was disappointed, quite frankly, that the administration decided not to push Slovenia in the first round. After discussion with the President and his advisers, however, I am absolutely confident that Slovenia will make it in the second round, and I am confident that Romania will too.

For everybody to understand, we are not just talking about a one-time

event. NATO enlargement is an evolving process. Every European democracy, theoretically, is eligible. Probably the Baltics elicit more support than any other area of Europe, for the reasons stated by my friend.

With that in mind, the Senator's amendment designates Lithuania, Latvia, Estonia, and Romania to join Poland, the Czech Republic, Hungary, and Slovenia to be eligible for receiving assistance to prep them for future membership in NATO. They have established democracies, made courageous reforms to create free-market economies, are putting their armies under civilian control, and deserve our support.

Another Eastern European country that deserves inclusion in this amendment to let them get prepped and make their case is Bulgaria. After having gotten off to a very slow start toward democracy after the Wall came down, it has now voted the post-Communists out of office. The new Bulgarian administration has begun free-market economic reforms, and recently the Bulgarian Parliament went on record as naming NATO membership as its primary foreign policy goal.

Madam President, over the centuries, Bulgaria has been the most pro-Russian country in Europe. So these changes are truly noteworthy. Bulgaria is not as far along the path to NATO membership as the other four countries named in Senator DURBIN's amendment, but they have made a definitive break with the past, and the democrats in Sofia, I think, deserve our support and encouragement to move further.

I will not push my second-degree amendment now. Before we vote on this, however, or before the chairman makes a decision, I would like them seriously to consider, while the Senator from Washington is making his case, whether or not we should include Bulgaria.

As the Senator found in traveling to the Baltics, what I found, whether I was in the Balkans or whether I was in Central or Eastern Europe, that the prospect of becoming a member of NATO has a significant positive impact on whether they establish a market economy, whether they move away from the Communist-controlled apparatchiks who are left over, and whether or not they embrace a foreign policy that looks to the West rather than to the East.

So I would ask for his consideration.

Mr. DURBIN. Would the Senator yield?

Mr. BIDEN. Yes.

Mr. DURBIN. There was a Senator from Illinois many years ago named Everett Dirksen who said on another totally unrelated issue that ''There is nothing more pregnant than an idea whose time has come.'' The idea of NATO expansion, the idea of involving former Soviet clients, allies and republics into a new peace-seeking alliance is an idea whose time has come.

I would certainly defer to the Senator's request and be happy to add an amendment in the second degree and hold my amendment at the desk until we accomplish that. The inclusion of Bulgaria would be a very positive addition.

Mr. BIDEN. I thank the Senator from Illinois.

I will check with my chairman to see if he agrees with that.

In the meantime, I see our friend from the State of Washington is here, so I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. What is the question before the Senate?

The PRESIDING OFFICER. Before the Senate is the Durbin amendment No. 378.

AMENDMENT NO. 379

(Purpose: To express the sense of Congress that Estonia, Latvia, and Lithuania should be integrated into the North Atlantic Treaty Organization)

Mr. GORTON. Madam President, with the indulgence of the Senator from Illinois and the two managers of the bill, I should like to ask unanimous consent to set that amendment aside and send up another amendment sponsored jointly by the Senator from Illinois and myself, simply in order to broaden the discussion of this present subject as it is on the present subject with the hope of eventually following the suggestion of the Senator from Delaware and perhaps consolidating this set of ideas into a single amendment.

The PRESIDING OFFICER. Is there objection?

Mr. GORTON. With that, Madam President, I ask unanimous consent that the present amendment be set aside and that the amendment I send to the desk be immediately considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself, Mr. DURBIN, and Mr. D'AMATO, proposes an amendment numbered 379.

Mr. GORTON. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title XVI, insert following:

SEC. . ADMISSION OF ESTONIA, LATVIA, AND LITHUANIA INTO NATO.

(a) FINDINGS.—Congress makes the following findings:

(1) The Baltic countries of Estonia, Latvia, and Lithuania are undergoing a historic process of democratic and free market transformation after emerging from decades of brutal Soviet occupation.

(2) Each of the Baltic countries has conducted peaceful transfers of political power since 1991.

(3) The governments of the Baltic countries have been exemplary in their respect for human rights and civil liberties and have made great strides toward establishing the rule of law.

(4) The governments of the Baltic countries have made consistent progress toward establishing civilian control of their military forces and, through active participation in the Partnership for Peace and the peace support operations of the North Atlantic Treaty Organization (in this resolution referred to as ''NATO''), have clearly demonstrated their ability and willingness to operate with the forces of NATO nations and under NATO standards.

(5) Each of the Baltic countries has made progress toward implementing a free market system which has and will continue to foster the economic advancement of the people of the Baltic region.

(6) The Baltic region has often been a battleground for the competing territorial designs of nearby imperial powers which, along with other factors, has contributed to a history of insecurity and instability in the region.

(7) NATO has been a force for stability, freedom, and peace in Europe since 1949.

(8) NATO has indicated it will begin to invite new members in 1997.

(9) Estonia, Latvia, and Lithuania, exercising their inherent right as participating states in the Organization for Security and Cooperation in Europe, have voluntarily applied for membership in NATO.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Estonia, Latvia, and Lithuania are to be commended for their progress toward political and economic liberty and meeting the guidelines for prospective NATO members set out in chapter 5 of the September 1995 Study on NATO Enlargement;

(2) Estonia, Latvia, and Lithuania would make an outstanding contribution to NATO if they become members;

(3) eventual extension of full NATO membership to Estonia, Latvia, and Lithuania would make a singular and lasting contribution toward stability, freedom, and peace in the Baltic region.

(4) upon satisfying the criteria for NATO membership, Estonia, Latvia, and Lithuania should be invited to become full members of NATO at the earliest possible date; and

(5) Estonia, Latvia, and Lithuania should be invited to attend the NATO summit in Madrid on July 8 and 9, 1997.

Mr. GORTON. Madam President, the thrust of this amendment is to encourage the inclusion of the three Baltic Republics, Estonia, Latvia, and Lithuania, in the North Atlantic Treaty Organization at the earliest practicable date. It is similar to the proposal already made by the Senator from Illinois, which is directed more at the time of preparation; this one, with that ultimate goal.

I think that, in the most profound sense, this is not a highly controversial matter. The President has stated that the goal of the United States in the present round is to admit three highly qualified nations, the Czech Republic, Poland, and Hungary, to NATO. I want simply to say at this point that I enthusiastically support that policy on the part of the President and will certainly vote to ratify any treaty to that effect.

I share some of the disappointment of the Senator from Delaware, with whom I previously discussed this subject in private, that the first round is not more expansive than it seems likely to

be. I tend to fall on the side of those European allies of ours who would admit Slovenia at the very least and perhaps Romania as well. Nevertheless, any step forward in bringing thoroughly into the fold of the North Atlantic Treaty Organization and therefore into first class membership in the basically Western European and North Atlantic community is a consummation that is devoutly to be sought by all of us.

My particular amendment, and that of the Senator from Illinois, is focused on three nations collectively, not as large in population as the smallest of the three nations that are about to be admitted to NATO.

The three Baltic nations have a unique role in European history, in some respects a uniquely tragic role in that each of them in modern times stood as an independent nation only for roughly 20 years. Between the end of World War II, 1939, 1940, they lost their independence until each of them regained that independence in the early 1990's.

They are unique as well, madam President, in the sense that it is greatly to the credit of the United States of America that this Nation almost alone of all of the nations of the world never formally recognized the incorporation of Estonia, Latvia, and Lithuania into the Soviet Union. For the better part of half a century, there were tiny embassies here in Washington, DC, representing what seemed, I suspect, to most the vain hope that at some distant future day those nations would once again meet their own aspirations and become independent.

I always agreed with this policy. It was policy that was followed by President Franklin Roosevelt, by President Truman, by President Eisenhower, by President Kennedy, by President Johnson, by President Nixon, by President Ford, by President Carter, by President Reagan, into the administration of President Bush, at which point that independence and freedom became a reality.

I had the great honor, Madam President, a number of years ago of having been invited to address the Congress of Estonia, the first, and illegal under Soviet law, calling together a group of people in Estonia to begin that process of independence. It is a mark of the opposition in the then Soviet Union to that independence that I was not granted a visa and was unable to make that speech in Tallinn. I made the speech, however, from the floor of this United States Senate, Madam President, and sent the videotape to Estonia. As I was told afterward, it made a greater splash, greater showing than if I had actually been able to be there in person.

So I have this particularly close feeling for the people of Estonia and for its independence. It was several years later that I was first able to visit that country. But I know what each of these other Senators on the floor knows, that the people of those tiny nations regard themselves as integral parts of our Western European North Atlantic civilization.

Their foreign policy can be summed up in a desire to join the North Atlantic Treaty Organization. Yes, a major part of this is a feeling that their physical security will be enhanced by being a part of NATO. And, yes, in some sense it will be. But I believe more than that, the psychological value felt by the people of those nations, freed after almost half a century of being occupied, frozen in place by a Soviet dictatorship, is equal to whatever the formal security arrangements will be.

I believe that nothing could be more in the tradition of the United States of America, that from 1940 until early in the 1990's never recognized that these nations had lost their independence, than to invite these three small nations as quickly as possible to be a part of the North Atlantic Treaty Organization.

Obviously, they are not on this list for the first round. If in fact a second round is limited to, say, Slovenia and Romania, they will not be a part of the second round either. I do believe, however, Madam President, that it is important for us here in the U.S. Senate to recognize that these aspirations take place because of the tremendous admiration the people of those countries have for the United States and for all we have stood for during their long decades of darkness.

So I hope, and I hope fervently, that in the course of the next 24 hours the group of Senators here on the floor can reach an accommodation pursuant to which that aspiration on the part of the people of these three small nations will be recognized in this bill by the time that we have passed this bill. The House of Representatives has already done so in slightly different language than my amendment or the amendment from the Senator from Illinois.

One of my suggestions might be that we try to create parallel language so that each of the Houses of Congress has passed exactly the same thought.

I am, however, quite flexible on how we go about granting this degree of recognition and support. But I do think that for the future of democracy, for the future of small countries who so long aspired to be free, and now with our help are free, that this recognition should be granted.

Mr. DURBIN. Will the Senator yield?

Mr. GORTON. Yes.

Mr. DURBIN. I am a cosponsor of the Senator's amendment. I spoke to this issue before his arrival on the floor, and I will not belabor the point. I will say, for colleagues who are wondering what role the smaller states play, Senator GORTON and I coauthored two amendments. My amendment asks that the Baltic States and Romania be considered in terms of funds for preparation to be part of NATO. The amendment then, coauthored by the Senator and myself and presently pending before the Senate, says—and I think this is important—''upon satisfying the criteria for NATO membership, Estonia, Latvia, and Lithuania should be invited to become full members . . .'' So it is a two-step process.

I think both amendments are consistent, coauthored by the same two Senators, because we believe that given the funds, given the opportunity, the Baltic States, Romania, and perhaps Bulgaria added by amendment, could certainly then apply as eligible for membership.

I join with my colleague from Washington in saying that at this moment I hope the United States will lead the way in saying that the Baltic States, subjugated to Soviet tyranny for half a century, would have that moment they are praying for, full membership in NATO.

I thank the Senator for yielding and including me in this important amendment.

Mr. GORTON. I thank my friend from Illinois. He has put this case extremely eloquently both in private and in public. I am delighted to be joined with him.

I hope that the two managers of this bill will be in some form able to accommodate the thought that I believe is very widely held in this body and throughout the United States.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SARBANES. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. I understand there are amendments pending. I ask unanimous consent the pending amendments be laid aside so it will be in order for me to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 380

(Purpose: To delete section 1145, which limits the remedial authority of the Foreign Service Grievance Board)

Mr. SARBANES. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES] proposes an amendment numbered 380.

The amendment is as follows:

On page 96, delete lines 1 through 12.

Mr. SARBANES. Madam President, this amendment would delete section 1145 in the bill, the section which purports to clarify the remedial authority of the Foreign Service Grievance Board, but which in effect limits the remedial authority of the Foreign

Service Grievance Board. I am frank to say I hope we will not do that.

The section in question would expressly limit the remedial authority of the Foreign Service Grievance Board to those actions specified in section 1107(b) of the Foreign Service Act.

Now, as I understand the Department's thinking in this matter, they believe it is necessary to prevent the Board from relying on other statutes as authority for directing remedies that are not contained within section 1107(b) of the act. Those would include the award of liquidated damages in cases that fall under the Fair Labor Standards Act, and compensatory damages in discrimination cases.

Section 1101(a) of the Foreign Service Act provides the Grievance Board with jurisdiction in cases alleging the violation, misinterpretation, or misapplication of applicable law. Thus Congress has given the Foreign Service Grievance Board the authority to decide grievances under other laws, including the Fair Labor Standards Act and the equal employment opportunity laws.

It would seem to me that if we have given them the authority to decide grievances under these other laws, that it was our intention that the Board would have the authority to provide the remedies available under those laws. And those remedies, in particular, are the liquidated damages available under the Fair Labor Standards Act and the compensatory damages under the EEO laws.

In other words, the Grievance Board ought to retain the authority to provide remedies under the laws over which it has jurisdiction.

Of course, first a grievant must be successful in pressing a claim. The question is, having won the grievance, what remedies are available?

Now, the Foreign Service Grievance Board's own regulations provide broad remedial authority. If the Board finds that a grievance is meritorious, the Board is authorized to ''take any corrective action'' it deems appropriate that is not contrary to law or the applicable collective bargaining agreement.

Furthermore, the act requires the Foreign Service Grievance Board to apply the substantive law that would be applied by the Equal Employment Opportunity Commission for all grievances alleging a violation of the equal employment opportunity laws.

If the Grievance Board is directed to apply the substantive law that would be applied by the EEOC, I see no reason in the world why it would not be able to apply the remedy that would be available to an EEO action. In other words, I am just trying to ensure that the Grievance Board is able to provide appropriate remedies.

These remedies, liquidated damages and compensatory damages, are available under the Fair Labor Standards Act and the EEO laws, and those laws have no exemption in them for the Department of State or other foreign affairs agencies. Nor do they provide any rationale for excluding the foreign affairs agencies from laws with which that every other Federal agency must comply.

I am fearful that by denying or limiting the remedial authority of the Foreign Service Grievance Board, the effect of section 1145 would be to require those with grievances to go into court, or through the EEOC, rather than through the grievance procedure, because the grievance procedure would not be able to provide them full relief. I can't believe that this is the kind of arrangement we want to have.

It seems to me that it makes eminent good sense that the Grievance Board, which has the authority to apply these other statutes in its substantive determinations, ought to have the authority to provide remedies to correct violations. The limitation that is sought to be placed on the remedial authority of the Board would unfairly disadvantage foreign service officers with grievances, whose cases may be quite legitimate.

This is an important issue for people with grievances, and I think we must be careful in working out the statutory arrangements by which they have their grievances resolved. For the life of me, I don't understand why we would deny to the Board the remedial authorities that I have outlined here. I hope that the managers of the bill will find this amendment acceptable.

Mr. BIDEN. Madam President, I apologize to my colleague. I was on the phone. If he could give me a second to catch up with my staff on what the Senator just had to say before I attempt to answer him. I apologize for not being here while he spoke. If he has a second amendment, he can go ahead and we may be able to work this out. Let me check.

Mr. SARBANES. I appreciate the response of one of the managers of the bill.

Mr. BIDEN. Madam President, rather than take the time of the Senate, I think the suggestions made by the Senator are appropriate, and I would be happy to—and my colleague from North Carolina indicates he would also—accept the Senator's amendment.

Mr. SARBANES. I appreciate that.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 380) was agreed to.

Mr. HELMS. Madam President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES. Madam President, I ask again that the pending amendments be set aside in order to be able to offer an amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 381

(Purpose: To clarify which management officials are prohibited from participating in collective bargaining)

Mr. SARBANES. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES] proposes an amendment numbered 381.

Mr. SARBANES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

The amendment is as follows:

Add at an appropriate point in the bill a new section as follows:

SEC. . LIMITATIONS ON MANAGEMENT ASSIGNMENTS.

Section 1017(E)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4117(e)(2)) is amended to read as follows:

''(2) For the purposes of paragraph (1)(A)(ii) and paragraph (1)(B), the term 'management official' does not include chiefs of mission, principal officers or their deputies, administrative and personnel officers abroad, or individuals described in section 1002(12) (B), (C), and (D) who are not involved in the administration of this chapter or in the formulation of the personnel policies and programs of the Department.''.

Mr. SARBANES. Mr. President, this amendment would add a section to the bill to clarify a previous action taken by the Congress, which, in effect, was too broad, too expansive, and caused unnecessary difficulties. I support the general purpose of the existing law, which was to prevent conflicts of interest in negotiating management-labor disputes. I am in favor of trying to deal with that problem. But it now appears that we went too far in trying to do so.

The amendment I am now offering would narrow the definition of ''management official'' to a more appropriate group. A similar provision, I believe, was included in the companion to this bill recently adopted by the House of Representatives.

Let me briefly try to outline the situation. In the early 1990s, the Congress amended the 1980 Foreign Service Act, placing restrictions on the movement of foreign service personnel between certain positions in the American Foreign Service Association, which is the organization that represents foreign service employees, and management jobs in the foreign affairs agencies. The Act was amended to prohibit any individual who served as an agency management official or confidential employee during the preceding 2 years from participating in the management of the American Foreign Service Association for the purposes of collective bargaining or representing them in such bargaining. And, conversely, any individual who had participated in AFSA management for the purposes of collective bargaining, or who represented AFSA at the bargaining table,

is precluded, for 2 years, from serving as a management official or confidential employee. So for 2 years, such officials could not move in either direction.

I have no quarrel with the purpose of that amendment, which was to prohibit a foreign service employee from moving from one side of the table to the other in labor-management negotiations. However, I think the definition of ''management,'' as we try to deal with this problem that is currently in the law, is too broad because it can encompass officials who play no role in labor-management relations or the formation of personnel policy.

This broad definition creates an obvious problem for people who might otherwise want to participate in the American Foreign Service Association and hold responsible positions in that organization. If they become officers in AFSA, and then in that capacity participate in labor-management relations—which in many instances is part of the job—they would be precluded from a whole range of potential posts within the agencies.

The amendment I am offering would narrow the definition of ''management official'' by exempting chiefs of mission, principal officers or their deputies, administrative and personnel officers abroad, who are not involved—I emphasize ''not involved''—in the formulation of the personnel policies and programs of the Department.

In other words, we would continue the protection against conflicts of interest by covering only those officials who are involved in labor-management relations or personnel policies and programs. And so a foreign service officer who is in any way involved with those issues on behalf of the Department may not move into an AFSA position involving those issues for 2 years.

Likewise, someone who has served in an AFSA position that involves labor-management relations may not take a management position in a foreign affairs agency for 2 years that would involve these issues. But this amendment would not prohibit, for instance, someone who was an officer in AFSA from becoming a Deputy Assistant Secretary in a regional bureau that has nothing to do with developing personnel policies or programs.

At the moment, the broad limitation has a rather chilling effect on people who are willing to assume a responsible role in AFSA. They say to themselves, ''If I do that, for 2 years I am blocked out of taking a whole host of positions in the foreign affairs agencies.'' Of course, AFSA represents the employees in all of the foreign affairs agencies. Its officers are being prevented from taking a wide range of subsequent assignments.

I don't think this was the intent of the statute. I agree with the basic effort to preclude any conflict of interest, and this amendment in fact accepts the proposition that you ought not to be able to go from one side of the bargaining table to the other. But my amendment seeks to limit the current provision's coverage so that it does not exclude former AFSA officers from responsible positions in the foreign affairs agencies that really don't involve the bargaining table. That is the amendment.

Mr. BIDEN. Mr. President, I think the point my friend makes is a valid one. I don't think it was our intention to have this blanket exemption. As I understand the Senator's amendment—and, obviously, the chairman is checking this out himself for his position—from my perspective, it seems to make sense.

I want to ask a question. Where there is the potential for a direct conflict—that is, if I were representing the employees on one side of the table, then I were to shift to a policy position or a management position that had jurisdiction over the very issues I was negotiating, I would still be precluded from taking that management position; but if I were to go off to be the economic counselor to the Embassy in Paris, or in Beijing, I would not be precluded, is that right?

Mr. SARBANES. That's right. You would be prohibited, for 2 years, from shifting over into a position that involved labor-management relations or developing personnel policy. So you could not just go over to the other side.

Mr. BIDEN. What is happening now, as I understand what the Senator is saying, is a very talented, hopefully ambitious, Foreign Service officer who may very well want the opportunity to have those positions filled—for example, the economic consular in the Embassy in Beijing—may not take the time to fill the position representing the union; that he or she would be precluded from any reasonable prospect for advancement for 2 years after they leave that position for a practical matter.

Mr. SARBANES. That is the basic thrust of it. I am not sure the economic counselor is the right example because I don't think that is covered right now. But currently, as I understand it, you couldn't become a chief of mission or deputy chief of mission.

Mr. BIDEN. That is correct.

Mr. SARBANES. Which is, of course, a very important stepping stone on the career of a Foreign Service officer. I take it that currently, the DCM is regarded as a ''management official.'' Even though the deputy chief of mission is not involved in labor-management negotiations, or in developing department-wide personnel policies, he or she does administer an Embassy.

So the question then is, should you keep someone who has been an officer in the Foreign Service Association from being able to accept such a position? I don't think we should. I do think they should be prohibited from becoming involved with labor-management negotiations.

Mr. BIDEN. Based on what I understand the amendment intends to do, as the staff informs me, I personally don't have any objection, nor I am told does the chairman.

So I urge that we accept the Senator's amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 381) was agreed to.

Mr. SARBANES. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES. I thank the manager of the bill for his courtesy.

I yield the floor.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

AMENDMENT NO. 382

(Purpose: To provide a substitute for title XXII relating to United Nations arrears payments)

Mr. LUGAR. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside, and the clerk will report.

The legislative clerk read as follows:

The Senator from Indiana (Mr. LUGAR) proposes an amendment numbered 382.

Mr. LUGAR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 180, line 1, strike all through page 198, line 20, and insert the following:

TITLE XXII—ARREARS PAYMENTS AND REFORM

CHAPTER 1—ARREARAGES TO THE UNITED NATIONS

SEC. 2211. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Department of State for payment of arrearages owed by the United States to the United Nations and its specialized agencies as of September 30, 1997—

(1) $409,500,000 for fiscal year 1998; and

(2) $409,500,000 for fiscal year 1999.

(b) LIMITATIONS.—Amounts made available under subsection (a) are authorized to be available only—

(1) to pay the United States share of assessments for the regular budget of the United Nations (excluding the budgets of the United Nations specialized agencies);

(2) to pay the United States share of United Nations peace operations; and

(3) to pay the United States share of United Nations specialized agencies.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

(d) CONGRESSIONAL NOTIFICATION.—Before the disbursement of funds under this section, the Secretary of State shall notify the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives at least 15 days in advance in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

Mr. LUGAR. Mr. President, the amendment that I have offered strikes Title XXII, which is the portion of the

legislation that deals with payments of arrears to the United Nations and reform of the United Nations.

I offer this amendment fully respectful and cognizant of the remarkable work achieved by the Chairman of the Committee, Senator HELMS, and the Ranking Member, Senator BIDEN, in negotiating on behalf of members of the committee a comprehensive bill with regard to the organization in the State Department and other foreign affairs agencies, in addition to the matters relating to the United Nations that are the subject of my amendment.

Mr. President, I want to discuss very broadly today why I take this occasion to offer this amendment because the timeframe for consideration is necessarily very short. The markup in our committee occurred just last Thursday. The debate today on the floor is occurring on Monday, and presumably we will have votes on these and other issues on Tuesday, tomorrow. Therefore, Senators and their staff will need to understand issues quickly in order to make a judgment on what I believe is a monumental turning point in American foreign policy, and perhaps one of the most serious foreign policy debates that we will have this year.

I ask, first of all: Why have we come to such a point? By that, I mean why and how could the United States have come to owe hundreds of millions of dollars to the United Nations? It did not occur overnight. As I will illustrate in the course of my remarks, the amounts we owe are, in most respects, not to the United Nations organization per se. Indeed, again and again I will reiterate that only about 5 percent of our arrears are actually owed to the United Nations. Well over $650 million of the money is owed to other countries in which the United Nations is merely a passthrough largely to these countries for reimbursement of past peacekeeping expenses.

So the debts that we owe are to Great Britain, to France, to Germany, to Italy, and to a host of friends and allies of the United States. We have accumulated debts to them largely because of their peacekeeping activities that we voted for. Our country frequently took the position that we were not in a position nor did we wish to send Armed Forces to various areas in which the United Nations, with our votes, decided to try to keep the peace. Therefore, our agreement in these cases was to pay money while other nations sent their forces, and on some occasions contributed money also.

I mention this point because for several years there has been an assumption on the part of many Members of this body and of the House—perhaps even of the Presidential administration—that the U.N. had very great problems. As a matter of fact, many Members from time to time have suggested a lack of general support for the United Nations, suggesting that it impinged on our sovereignty, and on our ability to conduct foreign policy in a straightforward way. In fact, Mr. President, I submit that a great number of Americans not confined to this Chamber have come to a psychology that the United Nations has been preying upon us; that somehow an organization located in our country, in New York City, has been imposing insuperable demands upon us and they resent that. And, because of our resentment, so this argument goes, we ought to reform the U.N; we ought to teach it a lesson; we ought to deprive it of money; we ought to make editorial views of those activities we think are not very good, even those that we have voted for; and that by depriving the United Nations of money change its course, we indicate that we really do not wish to participate at all.

Mr. President, I think we are coming to a much more crucial point in this debate than simply whether we will pay the arrears—the money that we owe. I think Senators will fundamentally have to determine: Should we continue to be a part of the United Nations? Because, if in fact the United Nations is deprived of the funds that we owe and other nations take our lead and are not prepared to pay either for diverse reasons of foreign policy it is apparent that the United Nations will be severely weakened. As a matter of fact, it will be less and less effective, if effective at all.

So, Mr. President and Members, I think at the outset as we come to an understanding of how we got to this point, we have to decide: Do we really want the United Nations to be a forceful advocate for peace, for justice, an instrument of our foreign policy, and a group of nations in which we play a vital role as members of the Security Council with veto power from the beginning of the San Francisco Charter? Do we want this? If we do, we are going to have to not only try to shape up the United Nations but shape up our own views and our own activities as a member State—our own leadership, as a matter of fact—if the United Nations is to be effective.

I come out on the side of one who believes that we ought to be active and vital in the United Nations; that, as a matter of fact, the United Nations plays an important part in our foreign policy; that it is extremely important to our overall security in the world; and, that it is an organization in which we play a leading role which ought to be supported by us as opposed to constricted by us, demeaned by us, and criticized by us. Given an opportunity, it seems, that the Congress has again and again not only tried to inhibit the United Nations but, as a matter of fact, may finally succeed in killing it off, if we are not thoughtful.

Mr. President, if Members believe that these are the views of their constituents in a representative democracy, eventually the U.N. will receive the brunt of those attacks. But I would suggest that the American people have different views. As a matter of fact, Members will be interested in polls taken by the Wirthlin group and other polling groups for the United Nations Association. And one question that I found relevant was this one:

Considering the problems we are likely to face in the coming years, how important is it for America to be an active part of the United Nations—an active part—very important, somewhat important, or not important that America be an active member?

Fifty-four percent of Americans said it is very important that we be an active member. Another 28 percent said it is somewhat important that we be an active member. Only 12 percent said it is not important, and 6 percent had no answer.

That is a rather extraordinary breakdown.

Mr. President, of 82 percent of Americans, 54 percent are saying it is very important to be very active in the United Nations.

Then in a Times Mirror poll, they asked: Do you agree or disagree with the following statement: The United States should cooperate fully with the United Nations?

On that kind of a question, 65 percent say we should cooperate fully. Twenty-nine percent disagree with that proposition.

Another question asked: Do you favor or oppose legislation that would have the United States withdraw completely from the United Nations? The Wirthlin group found again: 22 percent favor withdrawal, 71 percent oppose withdrawal, and 7 percent had no answer.

On still another quesiton, overall, do you think that in the long run efforts to strengthen the U.N. would be a good investment or not a good investment? This is the program on international policy attitudes poll.

Sixty-eight percent of Americans said good investment, and 28 percent, not a good investment.

Now we come to the crux of our issue today, Mr. President.

The question posd was: Do you favor or oppose the United States paying its U.N. dues in full? Do you feel that way strongly or somewhat strongly?

Thirty percent favor strongly our paying our dues in full. Twenty-eight percent favor somewhat. Thirteen percent oppose somewhat, and 16 percent oppose strongly.

Adding together those figures, Mr. President, you once again get about the same 2-to-1 ratio. Fifty-eight percent believe that we ought to pay in full, and 29 percent do not.

By 2 to 1 the American public believe that we ought to be paying our fair share and our full share.

Interestingly enough, another qustion asked: Do you believe that U.N. member states should always pay their full dues to the U.N. on schedule, or should a state hold back its dues to pressure other members to agree to changes that it believes are needed? Again, the Wirthlin poll. Mr. President,

in 1989, 60 percent of Americans said we should always pay. In April 1996, 78 percent said members should always pay.

I find that interesting, Mr. President.

The evolution of the American people with regard to the United States meeting its obligations has led to a much higher percentage of Americans saying that member states should always pay.

Honor U.N. peacekeeping—the basic reason that we are here today, as a general rule, when it is necessary to use military force to deal with trouble spots in the world—Do you feel more comfortable having the United States contribute to a U.N. military action or for the United States to take military action by itself?

Sixty-nine percent said U.N. military action while 24 percent said U.S. action alone.

Do you think peacekeeping should be a high priority of the United Nations' system; somewhat of a priority; or not a priority? The Wirthlin group poll again: 75 percent of Americans in April 1996 said a high priority, somewhat of a priority said 17 percent, and not a priority, only 6 percent.

Mr. President, I shall not recite further polling data except to make the observation that by fairly large ratios of about 2 to 1, or larger than that, Americans believe that we ought to participate in the U.N.; that we ought to pay our dues on time; that all nations should pay their dues on time; that peacekeeping operations are very important for the United Nations to conduct.

I mention that because it appears to me that most Members may not be aware to whom we owe the money.

I would just simply point out, Mr. President, and I take this opportunity to cite precisely the countries to whom we believe we owe money. They may have different views as to how much we owe, but there is general agreement between the administration and the Foreign Relations Committee to have come up with the figure of $819 million to be authorized and appropriated in one form or another. We have agreed that the U.S. portion of that debt is more than one-third.

Using that ratio, France is owed by the United States $60.1 million; Great Britain is owed $41 million; the Netherlands, $21.3 million; Pakistan, $20.1 million; Germany, $18.3 million; Belgium, $17.3 million; Italy, $17.2 million, $16.1 million to India; $14.2 million to our neighbor Canada, and a long list of countries with smaller sums than that, all owed by the United States, with the United Nations merely a passthrough to them.

Mr. President, it is clear, at least in my judgment, that we owe the money, that it is clear to whom we owe the money, but it is not at all clear whether the money is likely to be repaid.

Now, I mention this because we had a debate in the Foreign Relations Committee markup on Thursday and the assertion was made essentially, and the press has picked up this story largely intact, that however you look at this, this provision entails a significant change in the course of American foreign policy. Essentially there is now agreement on the part of the United States to pay a part of the money we owe.

Following the Foreign Relations Committee meeting, Nick Burns, on behalf of the administration, was asked: ''What are you saying to Senator LUGAR who says that the arrears are contractual obligations of the United States and should not be the subject of conditions?'' Mr. Burns punts the issue, in my judgment. He says:

> Well, I think President Clinton and Secretary Albright have been very clear for as long as they have been in office that we do not like being the largest donor—that is, debtor—to the United Nations. In fact—

Mr. Burns says, and I am quoting—

> we have called ourselves publicly the largest deadbeat debtor to the United Nations. We don't like that. The American people don't want their Government to be in arrears to any institution, much less the United Nations, but we have an opportunity here to make sure that while we take steps that are costly for us to pay off our arrears, we send forward a very strong signal that reform is important and the reform ought to be followed through.

Mr. Burns continues.

> We have taken the opportunity and we have not been met with a fundamental objection by Secretary General of the United Nations, Kofi Annan. He has welcomed the progress that has been made this week. He has put forward his own reform proposal. So we don't have a problem with the Secretary General and we certainly would look forward to the continued support of Senator Lugar in this effort.

Mr. President, I am not certain what that means. Clearly Mr. Burns does reflect the thought of the administration and most Americans. We do not like to be thought of as a deadbeat country, but he is suggesting, I suppose, that somehow all of that has been finessed this week—a certain amount of reform, a certain amount of payment, the Secretary General not giving fundamental objections and a hope that somehow I might be pacified.

I was even more intrigued by reports on Saturday in the Washington Post and the Washington Times after our Ambassador to the United Nations, Bill Richardson, was accompanied by the distinguished Senator from Minnesota, ROD GRAMS, a member of the Foreign Relations Committee and chairman of the subcommittee dealing with international organizations. Senator GRAMS and Ambassador Richardson went to New York and had a press conference. I quote from the story by John Goshko in the Saturday, June 14, issue of the Washington Post.

John Goshko said:

> They denied Congress wants to micromanage the United Nations and they insisted the plan is not a take-it-or-leave-it proposition. Instead, they said, it is a set of suggestions aimed at helping the United Nations become, as GRAMS said, the best United Nations it can be.
>
> The two officials' assertions that conditions or so-called benchmarks in the plan are only suggestions ran counter to remarks by Senator Helms on Thursday.

Senator HELMS is quoted in the story.

> ''This bill will prohibit the payment—prohibit the payment—''by the American taxpayers of any so-called U.N. arrears until these congressionally mandated benchmarks have been met by the U.N.,'' Helms said.

Quote again.

> The message to the U.N. is simple but clear: no reform, no American money for arrears.

On another key point, Mr. Goshko says:

> Washington desires to cut the U.S. share of the U.N. operating budget from 25 percent to 20 percent. Richardson said it would be his job to negotiate with the other members to win such a change. But——

Says Mr. Goshko—

> Helms used language implying that attainment of that goal is not subject for negotiation.

Mr. President, let me just say that clearly at some point or other in this debate or on some other occasion, we will have to make up our minds. It will be impossible for Ambassador Richardson or my distinguished friend, Senator GRAMS, to go to New York and indicate, as the Washington Times said, and they quote Senator GRAMS:

> ''These are broad suggestions.'' At a press conference both men took pains to soften the edges of a bill most here see as a nefarious ''take it or leave it'' offer. Mr. Grams said he plans to spend time at the United Nations this summer selling the package to foreign envoys.

But at this stage, whether one has the hard version or the soft version, my basic question is: is it likely the money will be repaid at all? And that is fundamental. If you buy my premise the United Nations is important, that it is important for us to make sure it is beefed up, is stronger, is viable as a part of our foreign policy, then, at a minimum, this means we must pay our arrears. And those arrears are only slightly owed to the U.N. superstructure. Most is owed to our allies with whom we have dealings in many other fora.

If, in fact, we pass legislation—and I believe the legislation that came out with regard to Title XXII, the arrears section we are discussing, leads to so many stipulations, not only micromanagement but conditions to a fault, that the likelihood of very much money passing to our allies or to the U.N. is very small.

The Washington Times article and writer counted as many as 20 conditions that would be required. My staff, in analyzing title XXII, has found at least 38. I have discussed briefly some of the major conditions, and these are major decisions for the United Nations must make to get its money and to make possible our payment of the arrears to our allies. But it is quite a change from dues in which we pay 25 percent of the U.N. budget to 20 percent and is quite a move for us to get 31 percent dues for peacekeeping down to 25.

There are many Americans, not simply Senators in this Chamber, who would rather pay less. So I suspect there will not be an argument that, given your druthers, it would have been fine if our statesmen negotiated a long time ago a U.N. debt for dues for us of 20 percent as opposed to 25, or for 25 percent for peacekeeping as opposed to 31.

Mr. President, I think we have to recognize that we are saying in this legislation is that unless the rest of the world, the other 183 countries, acquiesce to the United States and arbitrarily lower our dues, we will not pay. There may be a suggestion somehow that money is going to come forward, but unless those two requirements are met, it does not appear to me possible that payment is likely to occur.

Now, we add on a number of other conditions such as the fact that U.N. conferences can occur in only four cities in the world and the rest of the world will have to accept that because we put it in this bill and we have said, in essence, we are not going to pay unless each of these conditions is met. Perhaps Ambassador Richardson and Senator GRAMS read this legislation in a different way and saw all of this legislation as merely suggestions, sort of ideas that might be kicked around up there at the U.N. with our friends. That is not the way the bill reads. It says you meet our requirements or there is no money to pay our past dues. And the distinguished chairman of the committee has underlined that view in his own remarks last Thursday.

So, Mr. President, is the money likely to be paid? Probably not. And that means that the debate we are having today is likely to linger. The problem is there will not be as good a time to finally take care of this problem than there is presently. The Budget Committee, those who have been working on the overall reduction to zero deficit in 5 years, set aside the money and their plan is for us to pay off. If we do not authorize the money to do that, then it disappears from the table. It is unlikely to appear again. I do not suspect that the Congress will be involved in another 5-year plan for deficit reduction soon. We will have adopted one. We will be in the plan. We can choose to authorize the money and appropriators can finally decide whether to appropriate it. But at this point we come up with an option, under 20 conditions or 38 conditions, or however many you may be able to derive from Title XXII, that if we decide not to pay any money, we are going to have a problem, and that is what I want to discuss.

Now, what are the problems if we don't pay? I think the problems are not only the inevitable weakness of the U.N., but the quality of our relationships with our allies in the world. Americans may not realize that is the problem we are talking about, our relations with Germany, Great Britain, Italy, with our NATO allies. At other times in other fora we are discussing NATO expansion, we are discussing new obligations, and arguing how extensive those will be. And most Americans, including myself, who have argued for NATO expansion have pointed out that we anticipate our obligations will be relatively small. I accept the estimate of the President of the United States in his London press conference with Prime Minister Blair that we will be paying $150 million to $200 million a year. But this implies that our European allies will be paying a lot more. The countries coming in will have to pay a great deal to bring their infrastructure up to speed to meet the common defense principles. Essentially, the United States will take the position with regard to NATO expansion that burdensharing means a very large burden taken on by our European allies for their defense, for the defense of Europe, and we will argue that that is perfectly logical; they are the countries most in harm's way and that we already have provided substantial infrastructure in Europe. But the stakes are very high and the money sums are very large that we are going to ask of European allies. Now, what if, in the midst of that argument, we still have the U.N. arrears situation? There are Members of the Senate arguing: We don't like the United Nations. We think it's top heavy with bureaucrats, that these people are inefficient, that too many come from countries other than our own, that essentially they hold too many conferences in strange cities all over the world, and we will not pay either the United Nations or our European allies until all of this is terminated—ad seriatim, as you go through and read Title XXII.

Those negotiations for NATO expansion might be very difficult. I suggest a whole set of other negotiations may be very difficult. I had in my office this afternoon a distinguished Austrian statesman. We have a lot at stake in negotiating on agriculture with Europe, enormous sums, in terms of whether we come to agreement on technology, science and on export subsidies and export taxes. There is a lot at stake for a lot of Americans. Those negotiations are very tough. We are coming up to another GATT round in 1999 on agriculture. It is not at all certain how much headway we shall make. But it makes an enormous difference, in billions of dollars of exports, that we make a lot of headway and that we be negotiating with friends in good faith.

How in the world can we anticipate useful negotiations on NATO or the European agriculture plan or the GATT situation with the very same countries to whom we are, in essence, saying: Sorry, we are not going to pay because a number of Senators don't like the United Nations? They still have a billboard mentality which says, ''Get us out of the United Nations.''

Some of us are going to have to say on this floor, ''Not only keep us in, but make the U.N. work.'' I certainly subscribe to every reform proposal that makes sense at the United Nations, and the Secretary General, who is a friend of the United States, subscribes to much of that. I have no doubt if we are a vigorous player in the United Nations, as opposed to taking the thought that we are being preyed upon by a group of nations over whom we have no control. If we are a vigorous player, we are going to be able to negotiate changes that are substantial, and we are going to have to do that in the European Community with the agricultural plan and with NATO. There is no free lunch in this business. The idea that we can, with an ultimatum, say, ''Take it or leave it,'' and that somehow the United Nations will make these changes to accommodate us, I believe is unrealistic.

Mr. President, let us take, hypothetically, one more situation suggested by the distinguished junior Senator from Massachusetts, Senator KERRY, during the markup in the Foreign Relations Committee. Senator KERRY said, from his experience in dealing with U.N. reform, and he has had substantial experience on this topic, he thinks there is a possibility that all the other 183 countries will acquiesce. They will finally read Title XXII as the Foreign Relations Committee adopts it and grudgingly, and with great passion and recrimination and so forth, understand that it's lights out for the United Nations if they don't acquiesce to the United States, which they will describe as a bully, as a country operating totally outside international norms, as a country that did not recognize its obligations.

That is still another scenario. I gather proponents of the bill think that is the best scenario. The United States wins. We reduce our dues unilaterally and our peacekeeping moneys. We managed to bully every other nation on Earth into acquiescence on the basis that a United Nations without us would be unthinkable. I would say, under those circumstances, we still have ahead some mighty rough sledding with regard to any other international organizations or negotiations on trade, or NATO, or whatever.

The amendment I have offered is a simple solution. It says, in essence, that we owe $819 million. We ought to pay it in 2 years, two equal installments with no conditions, because we owe it to other countries, essentially. We owe it to some international organizations such as the Food and Agricultural Organizations, the FAO. We are about $100 million behind in our dues payment to them. We are about to lose our seat and our vote, even while those of us in agriculture feel it is very important we be at the table. There are consequences for being a deadbeat, for trying to stiff other countries. We ought not do it. We ought to affirm that the United Nations is important, that we are a leading player, that we are the leading player in terms of confidence building in international diplomacy, in security arrangements which the United Nations represents.

I have offered this amendment as a substitute for the entirety of 18 pages that contain all of these conditions, an extraordinary array of pages and language. I am hopeful Members and their staffs will read this before they commit themselves to a vote in favor of this provision.

I rise today simply to offer Members an alternative. The distinguished Senator from Delaware, the ranking member of the committee, has argued with a great deal of skill in the Foreign Relations Committee markup, that even if my position is right, even if there is some logic to what I have to say, the fact is the alternative was never my position. The fact is, the very best situation that he was able to negotiate with the distinguished chairman of our committee was for 18 pages of title XXII as they now exist. In essence, we are faced with the situation, as I read the logic of the distinguished Senator from Delaware, of a take it or leave it with the Senate, quite apart from a take it or leave it with the rest of the world. The implication is, if we do not adopt title XXII as negotiated, there is likely to be no money, zero money, for the United Nations.

But I am suggesting that the outcome of adopting title XXII may very well be zero money for the United Nations, that you get to zero either way, that we have not solved the arrears problem, that the headlines that somehow or another the United Nations is about to be revived are premature. Or, to state Senator KERRY's position, as I have already: Somehow, the United Nations gets the money, they go through all the hoops and with all of the resentments, recriminations, and difficulties we have around the world, we pay dearly, a multiple of whatever has been squeezed out of this process.

It is not an easy choice for Senators to make. But that is why I pose it in these terms and why I believe it is fundamentally one of the most important debates that we shall have about foreign policy. It gets to the heart of our relationship with our friends, with the rest of the world, and with the United Nations.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I, myself, am in the strangest position I have found myself in, probably, in the 25 years I have been here. I don't disagree with a single thing that my friend from Indiana has stated.

Let me review the bidding, as I understand it, very, very quickly. No. 1, we have to decide, is the United Nations useful? Is the United Nations an important instrument in dealing with crises and conflicts in the world? Should we be a part of it? Does it augment our foreign policy? Is it important? Is it vital?

In my view, the answer to every one of those questions is a resounding yes. As a matter of fact, I went so far, as the fellow with whom I engaged in a political campaign last year repeatedly pointed out—I wrote a very long paper, not too long ago, about 4 years ago, where I wrote that I believed we missed an opportunity for making the United Nations the centerpiece for the architecture of peace well into the next century. I think it has a capacity far beyond that which we are asking of it, and I think it has a capacity that is unparalleled by any other potential organization existing or one that I can contemplate.

I think we do not spend nearly enough time pointing out what my friend from Indiana has, that 80 percent of the U.N.'s work is helping developing countries help themselves. The fact of the matter is, their work includes promoting and protecting democracy and human rights, developing effective food distribution and food cultivation strategies, assisting disaster victims, helping nations avert military threats by providing a diplomatic floor for dispute resolution. Who else does that besides the United Nations? Where else in the world—where in the world can we possibly go to have any of those functions undertaken?

Some would say the United States should do that. The very people who say the United States should do that are the very people who, when the rubber meets the road, say, ''No, no, no, no, we should not be involved. We, the United States, should not be involved. We can't be the world's policemen. We can't be expected to do everything.'' I find it ironic, the same people say the United Nations isn't worth the powder to you know what.

So much—all of what the United Nations does, frankly, even though it is exasperating and time consuming and frustrating sometimes, is clearly in our interest. We rely on the United Nations to provide humanitarian assistance to millions who otherwise would have no source of food or shelter. We rely on the United Nations to eradicate disease and improve health around the world. And particularly, it is the United Nations that leads the world in helping children by providing food and shelter and by protecting them from the scourge of disease that threatens their health in many parts of the world.

We, the United States, rely on the United Nations to handle the increasing flow of refugees across borders and to prevent refugees from devastating and destroying neighboring economies, security, and the environment. We rely upon the United Nations to counter global crimes. The United Nations coordinates the international cooperation to fight terrorism, to counter drug trafficking. We rely on the United Nations to facilitate and maintain peace. In short, we rely on the United Nations in a way that we rely on no other organization. It is indispensable.

So, that is the place from which we both start. I think it is fair to say our voting records for the last 20 years or so have been almost identical relative to the United Nations. I have not been one who has voted to cut the United Nations.

The point that the Senator has made repeatedly and I have made repeatedly is the average American thinks, when we talk about arrearages we owe the United Nations, they think we owe money to a bloated bureaucracy out there that is wasting our money with all of these ghost employees who are doing nothing but subsidizing the economy back home and wasting our money and then voting against our interests, and that is where the money goes.

Hardly any of the money that we owe goes to the Secretariat, goes to pay salaries at the United Nations, or goes to turn the heat and light on. The bulk of the money we owe, we owe to our friends for the reason my friend said. We said: Hey, we ain't sending GI Joe. You send your guys. You send your guys. We can't be expected to be everywhere. And we vote. We have a vote in the U.N. Security Council. If we don't want to vote to send anybody there, we can say no, and they don't go. But we vote yes because we view it to be in our policy interests, our foreign policy interests. So, who do we owe? We owe France, we owe England, we owe Belgium. I have a list right here. I will repeat it. It bears repeating: France, Great Britain, The Netherlands, Pakistan, Germany, Belgium, Italy, India, Canada. That is where the bulk of the money is we owe—for peacekeeping.

I say to my friend from Indiana, one of the things I tried to note in negotiating this is: I'll tell you what, why don't we just pay all the peacekeeping stuff up front? We can sell that to the folks here. Even the those that don't like the United Nations, they like Great Britain, they like Germany. Even the folks that don't like the United Nations acknowledge France is an ally. Why don't we just pay them, no strings, nothing, pay what we owe, bingo.

I even tried to put in an amendment. The Senator used the phrase, ''pass through.'' In a sense, the United Nations is passing through that money to them. I even came up with language—I should say this young man on my staff came up with language—to say: Guarantee that the money just passes through, cannot be diverted to go anyplace else: Pass through, pay France; pass through, pay Belgium, pass through—et cetera.

Tried that route. As was pointed out accurately by my friends with whom I was negotiating, ''Hey, look, we realize if you pay our friends, then the pressure is relieved. The pressure is relieved. We're not likely to get these changes we want in the United Nations.''

So you are right, this is pressure; you are right. We finally, after all these negotiations, which included the administration, said, ''OK, what do we do? Do we end up essentially emasculating the United Nations, causing its further''—talk about resentment—''further resentment?''

Let me back up. I apologize to my friend for him having to hear this for the third time from me. I have heard from him as well three times, and I welcome hearing 10 more times, because he is right on the merits. I was asked if I would have a meeting with the President of the General Assembly. I forget how many people he brought along with him, three or four folks representing their countries in the United Nations, their Ambassadors.

They came down to see me—I am paraphrasing as was stated by the spokesperson for the President—as a friend of the United Nations seeking my help. We sat around the conference table in my office for, I don't know, an hour, hour and a half. I listened to what they had to say.

I said, basically, ''You're right.'' I said, ''Let me get this straight now. You are saying three things to me: One, you acknowledge the United Nations needs some reform and you want that reform to take place anyway and you're going to initiate it. But if we even request, if Senator HELMS' benchmark includes any of the reforms you have already contemplated you want to do, if it did, then it would make it harder for you to do them because people would resent the fact that we were telling you you had to do them.'' I said, ''Do I have that straight?''

They said, ''Yes, that's right.''

I said, ''Let me get the second point. The second point is you desperately need a demonstration of the board of findings of the United States that we're going to pay our debt, and that you can't wait another year on promises. It is no longer good enough you have a President who says he is with you and you have a minority of Senators who say they are with you, you need something tangible right now.''

''Yes, that's my second message, Senator.''

''But your third message is: Give us the money with no strings now, even if it is not all of it, in order for us to be able to get things underway to demonstrate we will reform in order for you then to have enough votes to produce the rest of the money.'' I said, ''So you acknowledge it is going to have to be staged, right?''

''Yes.''

I said, ''I agree with you, but before you leave, let me ask you a question. Given your choice, no money and no conditions this year or conditions that are consistent with the things you say you want to do anyway and you are willing to attempt to do, and significant money this year with a significant commitment for the bulk of the money the next year and the remainder the third year, which do you pick?''

They said, ''We pick the conditions and money rather than no money, no conditions.''

So I sat down with the administration and I said, ''OK, folks, you sent up here a proposal for over a billion dollars in 1 year. Got anybody to support it besides me?''

''Yeah, we got some other people to support it,'' and named, I believe your name was taken in vain, I say to Senator LUGAR, and a few others.

I said, ''Do you think you have enough votes to get that done?''

They said, ''No, we don't think so.''

''What do you want me to do? Well, let's see what we can get done.''

So I met with the Secretary, and I met with our U.N. Ambassador, our former colleague from the House. I said, ''You have to tell us your drop-dead number''—excuse the expression. ''What is the bottom line on this? If I can't get all you need, what is the bottom line on all this? And I want to tell you what the conditions are here that Senator HELMS wants. I don't want any of those conditions, but what ones can you live with and what can't you live with?'' And we began a long, long process of negotiating.

The end result is what you see here. The end result is the administration, whether they are right, wrong or indifferent, told me on this part of the U.N., they want more. They don't like the conditions. They believe the minimum number should be $1.21 billion. They don't believe we owe, by the way, 1 billion 4. They don't agree with that. They don't think we owe that, which is the number everybody uses. They say we don't owe that.

When the day was done, the Senator from North Carolina made some significant concessions. That left the Senator from Delaware in a position to say, ''OK, the U.N. says, bottom line, they would rather run the risk of not risking another year of nothing,'' notwithstanding the fact it will cause them serious problems. In turn, I think the Senator is right; it is going to cause us additional problems. The administration says we can do it on this amount of money and we can make those conditions work if you stagger the conditions to the end. ''Give us the bulk of the money upfront and make the hard conditions at the end.'' That is what they said.

So we go back to the threshold question: Is the United Nations in our interest? I believe deeply that it is essential—essential—to the ability to carry a sound foreign policy for this country into the next decade and beyond. OK.

Now, what is the best chance of the U.N. continuing to be viable? Take a chance on something that the President of the General Assembly doesn't like but acknowledges, given two bad choices, would rather have, take the position the President does not like, our U.N. Ambassador does not like but believes can get the job done if that is what it has to be, or go back to square one, which is debate this on principle—and I am not belittling and I am not being a smart guy saying that—debate the principle of this for another 4 months or 2 months or 6 months or a year and leave Ambassador Richardson totally empty-handed, with no money, not give the Secretary General anything to demonstrate that we have other than a minority of us and the President saying we will pay, the check is in the mail, or go ahead and do what is proposed in this legislation?

I honestly believe, unless the administration is fundamentally wrong in their calculation, this is in the absolute best interest of the United States of America and has the greatest prospect of continuing to have the United States viable than any other alternative I can come up with.

The next question, it seems to me, is reasonable to ask: OK, BIDEN, geez, you agree with Senator LUGAR, he is your ally, you are in the same boat on this thing, you agree with the principle he is saying, you got this much, why not go along with him and raise it? Maybe if you speak up now, you may get enough votes to get 51 people in this body to vote up that number.

There is a simple answer to that. It may not be a good answer in the minds of most people. The editorial boards of the New York Times and others won't like it, but if I do that, there is no deal. Then we go back, not negotiating between 819 and 1 billion 21 or whatever the Senator's amendment is going to say precisely, or saying we pay all the 819 without any conditions and whether we pay the 819 with conditions, we go back to zero versus 1.021, or zero versus 819 and no conditions.

I don't suggest that I know any more than my friend from Maryland, Senator SARBANES, and my friend from Indiana, Senator LUGAR, but I do suggest I don't know any less about how this place works. I do suggest that paying this over 2 years will be better than over 3, but the issue is whether it is over 5 or none when we started this. I do suggest it is better to have no conditions than the conditions we have in here, but I suggest it is much worse to have the original conditions than the conditions that are in this bill.

I have a vast amount of respect for both my colleagues. As my friend from Indiana will tell you, when I thought that the Senator from North Carolina was unwilling to raise the level to the amount that the administration said they needed, I picked up the phone and I called the Senator from Indiana, and I called two other of my Republican colleagues on the committee, and I said, ''If I offer an amendment to fully fund this,'' or if we offer it, ''can we get it adopted?''

In the case of two other Republican Senators, I said, ''If I offer it, will you vote for it?''

In the case of the Senator from Indiana, I said, ''If we offer it, what do you think our chances are?''

In the meantime, the Senator from North Carolina, the chairman of the committee, said, ''All right, I will go to the minimum number that the administration says they need, but I won't go any further.''

In addition to that, we also were able to get the number up for the international organization account for this year's State Department authorization

and a lot of other things that the administration wanted.

So here we are. I will end where I began, where the Senator from Indiana began. This is one of the most important decisions we are going to make. The viability of the United Nations and our influence on that organization is critical to American foreign policy interests, to the interests of the United States over the next several decades.

Strategically, we have not one bit of difference. Tactically, is it better to get what the administration says they can make work, what the Secretary General says he appreciates—the attempt we are making and doesn't know if he will get funding from, but thanks for the effort, and what the President of the General Assembly says he would rather have, given two bad choices. Is it tactically better to go that route, to ''save the U.N.'' and us in it, or is it tactically better to not go this route, go the route of the amendment of my friend from Indiana, and if we win, hope that my friend from North Carolina says, ''Well, I lost here on the floor, that's OK by me''? I choose the first tactical option for the same strategic reason the Senator from Indiana chooses the second.

I had one of my colleagues say, ''You know, you got the chairman to go up to 819. The trouble with you is you just didn't have a tough enough bargain. You could have gotten him to go higher. If you just held faster, he would have gone higher.''

I respectfully suggest, name me someone else who got the chairman up to 819 or even remotely close.

There is one other provision I am almost reluctant to raise here, but one of the provisions the chairman has in this mark is that we get paid money for our peacekeeping.

The administration believes there are moneys owed us as well and believes the U.N. owes us about $107 million. That is not part of this legislation, but it is part of the calculus. It may end up being a fight between OMB and the administration—I mean, within the administration. It may be a fight in some other place if the administration really cares about this. Do not come to me and tell me it is easier to get another $107 million from my good friend here and a majority of his colleagues, our colleagues who are his allies, if they cannot work out an internal problem within the administration.

So we are at least theoretically talking about $925 million versus $1.021 billion. We have all been in this business long enough. If, in fact, our Ambassador to the United Nations—probably the most skilled negotiator we have ever had in that spot in the history of the United Nations—if he cannot figure out the difference over 3 years for roughly $90 million, then he is not the fellow I worked with in the last decade and a half.

Like I said, as one of my colleagues said to me, ''Joe, I've been here too long. I'm not doing this on anything other than on pure principle anymore.'' Well, that is great. That is great. My honest opinion—and that was not said by my friend from Indiana, although he is an incredibly principled guy—in my view, tactically, this is the single best thing that can happen to enhance and give the greatest prospect for the outcome that I desire occurring, and that is, a viable United Nations, with the United States playing a vital role and the United Nations playing a vital role.

Again, every argument made by my friend from Maryland in the committee and my friend from Indiana in the committee, and here, is accurate as it relates to whether or not we are imposing on the United Nations. We are. I might add, I do not know how they voted, but we voted on legislation that imposed on the United Nations an IG, an inspector general. We imposed that on them. I did not hear anybody standing on the floor then saying, ''We are imposing on the United Nations.'' Maybe somebody did. It sure did not reach this level. It is not new.

Some may recall in a previous Republican administration, the Secretary General discussed with us reducing our share to 20 percent—actually, below 20 percent, between 10 and 15 percent—and the then Republican Secretary of State said, ''No, we don't want to go that low. It will diminish our influence.'' So it is not like we are coming out of the blue with a number that cannot possibly be met.

Agreed, I do not like doing business this way. If I sign on to a contract, even though the terms turn against me, I stick with the contract until—as our friend from Mississippi, Senator Stennis, used to say every time you would look at him—I have one of his letters he sent me. He said, ''You got to plow the field to the last furrow, to the end of the road.'' Well, that is how I think contracts work. You plow the field to the last furrow, to the end of the road, then negotiate next year's crop, then negotiate how many furrows next year. That is the better way to do it. That is how I am used to doing business.

Personally, as a Senator, as a legislator, as a man—as a man—this field is not going to have any crops. It is not going to grow anything because there is no plow in the field right now. We may not have enough of a plow to plow the field to the last row, to the last furrow at the end of the row, but, boy, we have 99 percent of the field covered.

Then, as I said earlier—and I will yield the floor with this—in a slightly different context today I said, you know, I am a Senator. That means I am an optimist. To be a Senator, it seems to me, you have to be an optimist. You would not choose this job knowingly if you thought things were not going to turn out.

Well, look, 3 years is a long time. Kofi Annan, the Secretary General, called me on Friday. I realize that is nothing unique. I am not the only guy that has spoken to him. But he called me. I happened to have known him in his former incarnation in the United Nations. He is one heck of a guy. And he called and said, ''Joe, I want to thank you for the try.'' He did not say, ''I called and said I think it is a good deal.'' He said, ''I want to thank you.'' I do not recall whether he said it or I said it, but he will hear it, so he will correct me if I am wrong. My recollection was that one of us said off the other's sentence, ''Three years is a long time.'' And then he said, ''I hope by the end of this year many of the very proposals and reforms you're asking for will already be done and maybe that will change some people's minds.''

The administration only asks for $100 million in fiscal year 1998, and this gives them $100 million in fiscal year 1998. The conditions they have to meet are basically zero. They have to promise our sovereignty is not in jeopardy, essentially. The second year, the $400 million and some, the conditions get a little tougher—not very tough. The third year, the last $244 million, that is where the rubber meets the road.

The Senator did not want to do it that way. The Senator wanted the rubber to meet the road the first date.

Is that a fair statement, I say to my friend from North Carolina?

He has actually made some genuine, serious concessions. I said, let us keep this ball in play. That is my plea. Let us keep the U.N. in play. Get them money now. Start to pay back our debts now. Get it underway now. As I am one of those guys that thinks once you put the ball in play, we win—we will reach the appropriate outcome.

My concern with the approach taken by my friend from Indiana—and he, as I said, has been here almost as long as I have; he is a skilled politician in the best sense of the word, as well as a principled, knowledgeable legislator—he could be right that the route I am taking you down tactically will not get us to the strategic objective, and maybe the way to do this is call the bluff, call the bluff. But I doubt whether or not even he believes that if we were to prevail, or if I were to abandon this fairly reached deal, that we would likely, at the end of the process, be any further along than we were the end of last year.

Keep in mind—I want to say it again because I have been absolutely, completely straight with my friend from North Carolina—if we go to conference and they have no money—by the way, unless something happened in the last couple days, they have zero, nothing, for the U.N., zero—if this means we go to conference and BIDEN is expected to go from $819 million to $408,500,000, they have the wrong guy. My bottom line is $819 million.

So we may not get to there from here even if we do it my way—not my way, the way suggested in this legislation. But I respectfully suggest no one has laid out for me, and I am anxious to hear it, how we get from here to there.

And the ''there'' is preserving the United Nations, our position within it, its viability, credibility, and ours as well.

I cannot believe, if the Senator from Indiana were President—and he would have made a good one—and I were the Secretary of State—I doubt he would have picked me—I cannot believe, if he said, ''JOE, you go see Chirac, you go see Blair, you go see Kohl, you work out something on this arrearages deal with them.'' I cannot believe I could not get that done for him without damaging my relationship with them and figuring out a way at the end of the day—the end of the day, whether that means 3 years or 5 years or 7 years—to pay what we owe.

But I do not know how to get from here to there. Were he President and I Secretary of State, and he said, ''JOE, go work out a deal with those guys. And, by the way, you have no money. We can't come up with a nickel. You go work it out.'' I do not know, folks—I do not know. I think I have a little bit of a greater faith in this administration than my colleagues do, and a little greater faith in the ability of our Ambassador to the United Nations to make this work without suffering the consequences that could and may be suffered if this were to pass. But like I said, I have not heard any other idea. And I have been working with this too long to fall on my sword.

I again close where I opened. I think on the merits—my friend from North Carolina knows how I feel—I think on the merits my friend from Indiana is correct. But I think the merits and the friendship of the Senator from Indiana may get me into the girls State championship basketball game in Indiana, maybe, but it will not get me much further—probably will not even get me there.

I yield the floor.

Mr. SARBANES addressed the Chair.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Since the Senator sought the floor——

Mr. SARBANES. Go ahead.

Mr. HELMS. I will be glad to yield.

Mr. SARBANES. No.

Mr. HELMS. How long does the Senator wish?

Mr. SARBANES. I will yield to the chairman, obviously.

Mr. HELMS. I understand that. But I respect the Senator from Maryland. I want him to have his say.

Certainly, Mr. President, I am not going to criticize Senator LUGAR. I think and hope we have been friends ever since he came here. I have made several statements publicly in his advocacy. I think he will acknowledge that. But he is not in a position in which he has to make judgments that will lead to either a successful piece of legislation or an unsuccessful one, depending on which decision is made.

Senator BIDEN has very eloquently and accurately described the process by which the committee brought in a lot of views and a lot of people, including the distinguished majority leader, TRENT LOTT, and the relevant appropriations subcommittee chair JUDD GREGG. As I said in my statement earlier, this bill will not represent every provision that I want, but I think it is the best legislation for the American people. I do not need any pollster to tell me that; in fact, I have found out that the results often depend on who the pollster is taking a poll for and what the people who paid for the poll want to accomplish with the poll. That certainly is a game that is played in politics constantly.

But let me say that speaking, I think, for a sizable percentage of the American people—and not having a poll except the ringing of the telephone in my office and the fax machine grinding constantly and the mail by the sackfuls—we do not owe it to the rest of the world to pay the so-called arrearages to the United Nations for peacekeeping, and we certainly do not owe these nickel and dime amounts to our allies or to anyone else, for that matter.

Let me set the record straight just a bit. I do not say this with any hostility, but if you think the American people have not been socked with enough taxes to support whatever project or institution that is supported at the moment, let's look at the facts. Since 1950 the United States—that means the American taxpayers—has given other countries (free of charge) $120 billion in military assistance through grants and loans. In just the past 10 years, the United States paid $40.4 billion in military assistance to another set of countries. I have heard no moaning and groaning on this floor about what we owe, but nothing about all of the support the U.S. has given.

When you add up the low-cost and no-cost loans to the total assistance that the American taxpayers have been forced by their Government—by this Senate, by the House of Representatives, by the President sitting in the Oval Office on Pennsylvania Avenue—the total assistance that the American taxpayers have given out since 1950 amounts to at least $161 billion—and mind you, that does not include interest that has been forgiven when we didn't seek repayment of loans.

In addition, every dime of this has been given away in years when we did not balance the budget. These costs are part of the reason that we have a $5.400 trillion federal debt today. So let me be clear—we long have bankrolled the world, and I will cry tomorrow for those ambassadors from France and Germany, and even Poland, who say that they do not like what JESSE HELMS is doing in the Senate. Well, JESSE HELMS does not like to have to do it, but some of us have reached the point that we have to hold hands tight and work out a deal that will achieve long overdue reforms.

Now, this pending bill is the proposition that has been agreed to by the President of the United States, by the Secretary of State, by JOE BIDEN—who is the ranking Democrat on the Foreign Relations Committee—and by countless other distinguished Americans whom we have consulted and with whom we have worked.

Now, let me tell you something. It is easy to sit back and say, ''Well, we have got to pay our debts.'' With what and on what schedule? Are you going to add it to the federal debt? What are you going to cut out of the budget which we have been unable, thus far, to get balanced in this body and in the House of Representatives and then signed by the President?

We all hear that there is a coalition of interests, but my primary interest happens to be the people who pick up their lunch pail and go to work every morning, who do not know much about Congress. They are trusting us to protect their future and the futures of their children and grandchildren. Now, every campaign they are celebrated as the reason Joe Candidate and Mary Candidate are running for office, looking for votes. But as soon as the election is over, you do not hear much more except a political speech now and then.

Now, I have been on the Foreign Relations Committee quite a while. JOE BIDEN and I held up our hands to take the oath of office on the same day—January 3, 1973, right over in that corner. We have been in the Senate the same length of time. I have enjoyed serving with Senator BIDEN because although he and I seldom agree on fundamental issues, he always shoots straight with me—and I think that he will say that I have shot straight with him. I am a conservative and I am unabashed about it. And JOE, no doubt about it, is a liberal. That is the way it goes in this body.

But also on the Foreign Relations Committee some years ago, I think in the mid-1980s, one of the bad ladies who served on the committee—now, I am not even going to joke about it. She is one of the sweetest ladies I have ever known, one of the brightest ladies I have ever known, and one of the most unyielding ladies I have ever known—and her name was Nancy Kassebaum. It is now Nancy Kassebaum Baker because she is the bride of Howard Baker, the former majority leader of this Senate.

Now, it was, I believe, 1986 an amendment was enacted into law in the State Department Authorization Act. And by the way how many authorization bills have been passed since that year? Not many, not many. So the affairs of the Senate Foreign Relations Committee, Mr. President, have been handled by the Appropriations Committee until this year and we are endeavoring to have the Foreign Relations Committee resume its rightful place in the conduct of foreign affairs. I do not think it ought to be conducted by the Appropriations Committee.

But in any case, our former colleague from Kansas, the then Nancy Kassebaum, used a very interesting approach more than a decade ago in trying to get a budget reform at the United Nations. She was so disappointed and so was I with the way the United Nations was being operated. Her amendment was enacted into law for the authorization act for fiscal years 1986 and 1987. It explicitly and unilaterally withheld 20 percent of the U.S. contribution to the United Nations and its specialized agency until voting reforms took place at the U.N. Now, I must ask, what is so unusual about this bill? We are including provisions that require reforms in the same way—by withholding U.S. contributions. I do not know whether Senator LUGAR was chairman of the Foreign Relations Committee at that time. If he was, I doubt that he very strongly opposed Senator Kassebaum.

But the point is we have so many people who have responsible roles to play in this matter. We are hearing from the President and former Presidents, we are hearing from Secretaries of State and former Secretaries of State, et cetera, et cetera, et cetera, as Yul Brenner said in ''The King and I.''

I have a letter from Bob Dole supporting this plan. I ask unanimous consent it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. HELMS. I appreciate the remarks that Senator LUGAR has made. But I just wish there would be some understanding of what our options are. Sure, we could watch Senator LUGAR talk about it, but we will end up with the Appropriations Committee running for the Senate our role in the foreign policy apparatus.

I admire Senator LUGAR, always have, always will, and I refuse to get in a fuss with him. His amendment is dictating to all those who have worked for months to arrive at a consensus piece of legislation how to do things when he does not have any workable alternative. I will still respect him, but I say that the Foreign Relations Committee, and the Senate, has for the first time in a long time the opportunity to take its rightful place in the procedure of determining the foreign policy apparatus of this country.

I will have more to say, if necessary, as time goes by, but I hope the Senator will not press his amendment.

I thank the Chair. I yield the floor.

EXHIBIT 1

JUNE 12, 1997.

Hon. JESSE HELMS,
Chairman, Committee on Foreign Relations, U.S. Senate, Senate Dirksen Office Building Washington, DC.

DEAR JESSE: I want to take this opportunity to commend you for a job well done on your United Nations reform legislation. I know you have spent many hours ensuring that our national interests—and the interests of American taxpayers—are better protected at the United Nations.

As you know, I have long supported efforts to achieve reforms in United Nations peacekeeping and in the other areas of U.N. operations. The personnel, budgetary and organization reforms your legislation requires before additional U.S. funds go to the U.N. are comprehensive and long-overdue. I am pleased to see your legislation effectively precludes U.N. efforts to create a standing army, impose taxation or control U.S. property. I am particularly supportive of the provision which requires U.N. reimbursement for all costs associated with U.S. support for U.N. peacekeeping, and the provision which lowers the U.S. annual assessment for the U.N. budget. If such provisions had been in place in 1993, U.S. taxpayers would have saved literally billions of dollars.

You have put together an impressive piece of legislation. I congratulate you for leading a difficult effort that will result in a more efficient and more limited United Nations, and help ensure that American interests come first in our policy toward the United Nations.

I am writing this letter solely on my own behalf and the opinions expressed herein are my own.

Sincerely,

BOB DOLE.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. I commend the very able Senator from Indiana for offering this amendment and for, in effect, crystallizing this issue on the floor of the U.S. Senate.

I share his view that this is an extremely serious matter and that the American commitment to the United Nations, despite various assertions we are hearing to the contrary, in fact may be in the process of being seriously eroded. This is a very important amendment.

It is my own strongly held view that the interests of the United States have been served by our Nation's active participation in the United Nations and the U.N. system. Over the years, since the end of World War II, the U.N. often has been an effective means of promoting U.S. foreign policy interests. When we work with and through the United Nations, we can leverage our resources and our influence in order to achieve a much greater impact than we could unilaterally.

Why do we go to the U.N. and seek these resolutions to sanction various actions we take around the world to serve and protect our national security interests? Because it gives us an international mandate to pursue a course of action, and frequently elicits contributions from other countries. Sometimes, in fact, the other countries are the ones who put their troops on the line, not the United States, in order to accomplish objectives that we regard as important.

Now, in the last decade, our status as the U.N.'s biggest debtor has affected our credibility and undermined our leadership with our allies and within the international community. The United States owes over $1 billion to the U.N. for regular activities and peacekeeping, more by far than any other country. Our arrearages are nearly two-thirds of the total amount owed by all countries to the United Nations.

There has been a misperception that the U.N. can somehow dictate policies to the United States and force us to undertake actions that do not serve American interests.

This is simply not the case. Nothing could be further from the truth. U.N. peacekeeping operations cannot be established without the concurrence of the United States. Of all of these various peacekeeping operations, none of them could have happened without American concurrence in their going forward.

As a key member of the Security Council, we are one of five countries with veto power over all resolutions that are considered by the council. We have a veto power that, in effect, can prevent any action of which we disapprove from taking place.

As a country, we pride ourselves for following the rule of law and holding our citizens responsible for meeting various legal obligations. In fact, we try to get other countries to follow our example and live up to those standards, both domestically and internationally. It is frequently a tremendous challenge to get countries to respect the basic rights of their citizens and to act in accordance with international law.

We ourselves are not now meeting those high standards, as they relate to the United Nations. We undertook commitments under the U.N. Charter, and we have a responsibility to make good on them. The starting point here must be a recognition that this is an obligation that we freely undertook, upon which we have defaulted. We have not met our responsibilities.

Now, this legislation, first of all, does not provide money to meet all of our arrears. There has been a negotiating process between Members of the Congress and the administration. The United Nations says, well, this is what we think the United States owes—$1.3 billion and some. The administration says, no, we think we owe just over $1.0 billion. This legislation has in it just over $800 million. It does not even have the figure which the administration states is what we owe to the United Nations, let alone the figure which the United Nations asserts that we owe.

The gap between the United Nation's assertion and the administration's position is largely the consequence of a unilateral action by the United States lowering its peacekeeping assessment from 31 percent to 25 percent. We just came along and said to the organization, well, we are going to cut it, just like we are doing here now on regular assessments. This is an organization with clear procedures for working out these responsibilities, and we are simply telling them what the situation is going to be.

Now, I have no doubt that if some other country, delinquent in meeting its obligations, showed up with the demands that we have put in this legislation, we would be absolutely outraged. We would say, who do they think they are and what do they think they are doing? They had these obligations and now they are coming in and rewriting

them unilaterally and imposing these conditions.

These are conditions on past obligations. This is not looking to the future. This isn't saying, well, we rethought the matter and we don't really want to be part of this organization, unless it does such and such and so and so in the future.

These are past obligations. These are instances in which many countries have gone out and have put their people at risk, at our encouragement as a matter of fact, and now we come along and we refuse to pay the bill. We are refusing, in effect, to reimburse other countries for sending their troops on peacekeeping missions that we have voted for. Many countries have done that. They have gone and sent their troops, put their troops' lives on the line in order to accomplish these objectives. Our responsibility in most of those instances was to provide the money to cover the activities, activities they were performing for us and for the entire world. Those missions have been accomplished. The bill has not been paid.

The approach taken by Senator LUGAR would seek to address our previous obligations in a very straightforward manner, and he also, as I understand it, has a proposal to fully meet current obligations, thereby enabling us to break out of the cycle of growing debts and waning influence.

Now, it is asserted here that we are not trying to micromanage the United Nations. We just went through this tremendous struggle at the United Nations to get a new Secretary General. The United States was a moving force in that effort and, from all indications, was happy with the change that took place. Now we are throwing a burden on the new Secretary General which I have serious concerns that he can sustain.

I want to go through just a few of the kinds of conditions that are going to be imposed here. I urge my colleagues to take a copy of S. 903 and go through it to see the kind of regime it establishes. Ask yourselves whether this is consistent with our Nation's participation in the U.N. for over 50 years now, as governed by the charter.

First of all, we say that $80 million can only be made available semiannually every year on a certification that the United Nations hasn't taken any actions that raise their budget over what had been projected. What happens if we get a new peacekeeping responsibility? What happens if there is an outbreak of hostilities somewhere, and finally to help bring it under control the United Nations takes action, as it has done in other places, and there are costs associated with that action? Well, I take it, if they do that without finding an offset—even with our support—we must withhold the money.

Twenty percent of the funds made available each fiscal year are going to be withheld to comply with a certification that is contained on pages 158 and 159; $50 million is going to be withheld from disbursement until the Secretary of State certifies that they have cut a thousand posts from the United Nations—995 won't do it; you have to have 1,000. Then the following fiscal year we will withhold $50 million from disbursement until there is a certification that the United Nations is running a vacancy rate of not less than 5 percent.

Now, this isn't negotiated with the United Nations. This is not the outcome of extended discussions as to what the United Nations is going to do. This is the Congress telling the United Nations that this is what it must do. So, in effect, we are saying that we are going to run your organization and all you other countries who pay the bulk of the cost will have to live with it. I would note that even with our large assessments, we are still a minority payor in the U.N. overall.

Then there is a provision, which I hope to address later, that provides for our withdrawal from the United Nations. We have finally come to the point in this legislation where there is a serious proposition for withdrawal of the United States from the United Nations—not an argument about how much we ought to pay, not an argument about how fast we pay the arrearages, but provisions that set out a process for withdrawal. I am frank to tell you that I never thought I would see the day we would be facing this. We ought to confront this challenge head on. If that is the agenda that is behind all of this, we ought to fight it out on the floor of the U.S. Senate.

There are additional conditions that appear in different places throughout this legislation. It is not until you identify them all and look at them all—they are not all in one place—and go through them that you begin to appreciate how heavy a burden is being created here. This bill provides, as the newspaper stories explain today, that if the U.N. does not meet all the benchmarks, they don't get the money.

There was a press conference up in New York where some suggested that these ''benchmarks'' were only guidelines. But, clearly, they are not simply guidelines. In fact, they are written as binding conditions which, if adopted by the full Congress, will become U.S. law. So this legislation moves beyond suggestions, recommendations, or proposals. These conditions would be mandatory elements of U.S. law, and would have to be carried out.

Now, there is another provision here that, in the next fiscal year, in order to release the money, there has to be a certification by the Secretary of State that the assessed contributions of the United States for the regular budget of the United Nations have been cut from 25 to 22 percent and the following year from 22 to 20 percent. Now, I think trying to negotiate such a reduction is acceptable as a goal or an objective of U.S. policy. But this isn't negotiating a reduction, this is a unilateral condition on which the payment of our arrearages depends.

Here is what we are doing. We are coming along and we are saying we are not going to pay all of our arrearages. We are not even going to pay the amount that our own Government has said we owe. We are going to fall short on that score. Moreover, we are going to create new arrearages. So it is not as though we come in and say, yes, we are going to pay all of our arrearages, we will pay our current assessment in full. We do neither of those two things.

Then we provide those partial repayments under a whole set of conditions, including that the United Nations reduces our assessment—a matter which, under the U.N. process, needs to be negotiated and arrived at by consensus.

I ask Members again to stop and think what their reaction would be if another country showed up in this heavy-handed way and started insisting that this is what would have to be done in order for them to pay up the obligations which they owe. I daresay we would not give them the time of day. So we fall short on meeting the arrearages, we fall short on the current payment, and then we tie these payments to a whole set of conditions. In effect, we say to the United Nations: Well, if you want to get any of this money, you have to do all of this.

Now, I think we must proceed on the basis of careful consideration of the United Nations and its role and its importance. If there are those who don't think we ought to stay in the United Nations, we ought to have that debate. As I have indicated, I think the United Nations overall has served our interests. That doesn't mean we agree with every single thing they have done or we necessarily think that it has been run in an exemplary fashion. It has had its ups and downs, no question about it.

But the real question is: How did the United States approach the U.N.? How is the United States going to exercise its international leadership in the post-cold war-period? Is the United States simply going to dictate, to simply throw its weight around, and say, ''Well, we are going to make these unilateral judgments. Congress discussed this; now we are going to bring it to the United Nations, and you had better take it, or else?''

They held a press conference in New York the other day. Our Ambassador and one of our colleagues at the outset of this press conference tried in effect to portray the benchmarks as mere suggestions. But that portrayal comes at odds with what Senator HELMS said in introducing the bill. He said, and I quote from his statement, ''Most importantly, this bill would prohibit the payment by the American taxpayers of any so-called U.N. arrears until''—with the ''until'' underlined—''these congressionally mandated benchmarks have been met by the U.N.''

He continues, ''The message to the United Nations is simple but clear: no reform, no American taxpayer money

for arrears.'' That doesn't sound like a suggestion.

So that is where we find ourselves. I mean we are now at the point where we are going to dictate these conditions. I think it is going to cause us great difficulty at the United Nations. In fact, I think the committee's approach of seeking unilaterally to impose an American position on the United Nations may well alter the very nature of our relationship with the U.N. to our own detriment, let alone to our relationship with some of the major actors at the U.N. Many of them are our closest allies over the years and are very much interested in how the United States revolves this matter.

So I commend the Senator from Indiana for bringing this issue forward.

The U.N. has been a favorite target of criticism and abuse. But it has done good work over the years, and I think we certainly need it. We need it to continue to function, hopefully in a strengthened position. The benchmarks or preconditions in this legislation—there are close to 40 of them of one sort or another in this legislation, not all in the same place—will not accomplish that.

The decision to join the United Nations made at the end of World War II was one of the most significant and momentous decisions made in this century. It came on the basis of a great deal of history which had concluded that the American failure to participate in the League of Nations was a very serious error, and that World War II might have been prevented had the United States undertaken an active international role.

The effective workings of the United Nations, as it was envisioned by those who planned it during World War II and in the immediate aftermath, were in effect brought to a standstill by the cold war and the consistent exercise by the Soviet Union of its veto at the security council. The veto, of course, as I have indicated, the United States also has, and has had from the very inception of the United Nations.

With the implosion of the Soviet Union and a change in the whole nature of the international arena, the opportunities for the United Nations to carry forward and carry out many of the responsibilities which had been envisioned for it at the time of its founding reemerged in this decade.

It is difficult because many of the problems they try to contend with are extremely complex involving enmities and hostilities of long standing. Neither the U.N. nor anyone else has a magic wand they can wave over those conflicts. But there is an opportunity for the United States, working through the United Nations and with the United Nations, to make a major contribution to world peace and to world prosperity. But to do that we need to be full members of the organization. And we need to step up and assume our responsibilities. We are not doing that in this legislation.

I am very concerned at what the reaction will be over time. Will they simply swallow it with great resentment? Will they feel when all the certifications can't be made that they really have not been dealt with fairly? Will we be up there managing it in a very detailed way because condition 21 or condition 32 has not been complied with? What do we do when we try to get nations to work with us in a particular direction? We can't compel them to do it.

We exercise our leadership in a sense by developing a consensus to support our position because we think it is the right position. And here we are taking a position which is the wrong position because we are failing to do a very basic thing, and that is simply meet our obligations. These are past responsibilities—not future responsibilities. We are using the fact that we failed to meet past responsibilities, and now are talking about meeting some but not all of them to impose a whole string of conditions and requirements on the United Nations. Otherwise you say, ''Well, we simply won't abide by what our obligations were.''

I am frank to tell you that I don't think that is the way a great power ought to behave. The United States is a great power. The United States is the great power in the world today. And with that role come important responsibilities in how we exercise that power. In my judgment, we are failing here to exercise those responsibilities in a manner that will strengthen our posture in the international community. I hope but I fear we may find that this effort has in the end altered the nature of our relationship with the U.N. to the detriment of the United States.

Mr. President, I yield the the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I have had several inquiries about how late we are going. My response has been, of course, that that is up to the leadership of the Senate. For the time being, I hope that the distinguished Senator from Ohio would be recognized to offer an amendment, and that the pending amendments be laid aside temporarily, at the conclusion of which I would appreciate the Chair recognizing me for any further comment that I may have received from the majority leader in regard to how late we will stay here tonight.

The PRESIDING OFFICER. Is there objection?

Mr. LUGAR. Reserving the right to object, Mr. President, is it the intent of the distinguished chairman to continue debate on my amendment? The request has been made to lay the amendment aside.

Mr. HELMS. Certainly, as long as the Senator from Indiana wishes to stay. But I did not recognize the very distinguished remarks of the Senator to be pro or con on his amendment, at least as they were written. But to respond to the Senator's question, I will stay here as long as he will.

Mr. LUGAR. I thank the Senator. I would like to be heard again on my amendment.

Mr. HELMS. Very well.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I thank my colleague from North Carolina, and I thank the Chair.

AMENDMENT NO. 383

(Purpose: To exclude from the United States aliens who have been involved in extrajudicial and political killings in Haiti)

Mr. DEWINE. Mr. President, on behalf of myself and my distinguished colleague from Florida, Senator GRAHAM, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. DEWINE), for himself, and Mr. GRAHAM, proposes an amendment numbered 383.

Mr. DEWINE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title XVI of division B of the bill, insert the following new section:

SEC. . EXCLUSION FROM THE UNITED STATES OF ALIENS WHO HAVE BEEN INVOLVED IN EXTRAJUDICIAL AND POLITICAL KILLINGS IN HAITI.

(a) FINDINGS.—Congress makes the following findings:

(1) At the time of the enactment of this Act, there have been over eighty extrajudicial and political killing cases assigned to the Haitian Special Investigative Unit (SIU) by the Government of Haiti. Furthermore, the government has requested that the SIU investigate on a ''priority basis'' close to two dozen cases relating to extrajudicial and political killings.

(2) President Jean-Bertrand Aristide lived in exile in the United States after he was overthrown by a military coup on September 30, 1991. During his exile, political and extrajudicial killings occurred in Haiti including Aristide financial supporter Antoine Izmery, who was killed on September 11, 1993; Guy Malary, Aristide's Minister of Justice, who was killed on October 14, 1993; and Father Jean-Marie Vincent, a supporter of Aristide, was killed on August 28, 1992.

(3) President Aristide returned to Haiti on October 15, 1994, after some 20,000 United States troops, under the code name Operation Uphold Democracy, entered Haiti as the lead force in a multi-national force with the objective of restoring democratic rule.

(4) From June 25, 1995, through October 1995, elections were held where pro-Aristide candidates won a large share of the parliamentary and local government seats.

(5) On March 28, 1995, a leading opposition leader to Aristide, Attorney Mireille Durocher Bertin, and a client, Eugene Baillergeau, were gunned down in Ms. Bertin's car.

(6) On May 22, 1995, Michel Gonzalez, Haitian businessman and Aristide's next door neighbor, was killed in a drive-by shooting after alleged attempts by Aristide to acquire his property.

(7) After Aristide regained power, three former top Army officers were assassinated: Colonel Max Mayard on March 10, 1995; Colonel Michelange Hermann on May 24, 1995; and Brigadier General Romulus Dumarsais was killed on June 27, 1995.

(8) Presidential elections were held on December 17, 1995. Rene Preval, an Aristide supporter, won, with 89 percent of the votes cast, but with a low voter turnout of only 28 percent, and with many parties allegedly boycotting the election. Preval took office on February 7, 1996.

(9) On March 6, 1996, police and ministerial security guards killed at least six men during a raid in Cite Soleil, a Port-au-Prince slum.

(10) On August 20, 1996, two opposition politicians, Jacques Fleurival and Baptist Pastor Antoine Leroy were gunned down outside Fleurival's home.

(11) Other alleged extrajudicial and political killings include the deaths of Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, and Jean-Hubert Feuille.

(12) Although the Haitian Government claims to have terminated from employment several suspects in the killings, some whom have received training from United States advisors, there has been no substantial progress made in the investigation that has led to the prosecution of any of the above-referenced extrajudicial and political killings.

(13) The expiration of the mandate of the United Nations Support Mission in Haiti has been extended three times, the last to July 31, 1997. The Administration has indicated that a fourth extension through November 1997, may be necessary to ensure the transition to a democratic government.

(b) GROUNDS FOR EXCLUSION.—The Secretary of State shall deny a visa to, and the Attorney General shall exclude from the United States, any alien who the Secretary of State has reason to believe is a person who—

(1) has been credibly alleged to have ordered, carried out, or materially assisted, in the extrajudicial and political killings of Antoine Izmery, Guy Malary, Father Jean-Marie Vincent, Pastor Antoine Leroy, Jacques Fleurival, Mireille Durocher Bertin, Eugene Baillergeau, Michelange Hermann, Max Mayard, Romulus Dumarsais, Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, Michel Gonzalez, and Jean-Hubert Feuille;

(2) has been included in the list presented to former president Jean-Bertrand Aristide by former National Security Council Advisor Anthony Lake in December 1995, and acted upon by President Rene Preval;

(3) was a member of the Haitian presidential security unit who has been credibly alleged to have ordered, carried out, or materially assisted, in the extrajudicial and political killings of Pastor Antoine Leroy and Jacques Fleurival, or who was suspended by President Preval for his involvement in or knowledge of the Leroy and Fleurival killings on August 20, 1996; or

(4) was sought for an interview by the Federal Bureau of Investigation as part of its inquiry into the March 28, 1995, murder of Mireille Durocher Bertin and Eugene Baillergeau, Jr., and were credibly alleged to have ordered, carried out, or materially assisted, in those murders, per a June 28, 1995, letter to the then Minister of Justice of the Government of Haiti, Jean-Joseph Exume.

(c) EXEMPTION.—This section shall not apply where the Secretary of State finds, on a case by case basis, that the entry into the United States of the person who would otherwise be excluded under this section is necessary for medical reasons, or such person has cooperated fully with the investigation of these political murders. If the Secretary of State exempts such a person, the Secretary shall notify the appropriate congressional committees in writing.

(d) REPORTING REQUIREMENT.—(1) The United States chief of mission in Haiti shall provide the Secretary of State a list of those who have been credibly alleged to have ordered or carried out the extrajudicial and political killings mentioned in paragraph (1) of subsection (b).

(2) The Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees not later than three months after the date of enactment of this Act.

(3) The Secretary of State shall submit to the appropriate congressional committees a list of aliens denied visas, and the Attorney General shall submit to the appropriate congressional committees a list of aliens refused entry to the United States as a result of this provision.

(4) The Secretary shall submit a report under this subsection not later than six months after the date of enactment of this Act and not later than March 1 of each year thereafter as long as the Government of Haiti has not completed the investigation of the extrajudicial and political killings and has not prosecuted those implicated for the killings specified in paragraph (1) of subsection (b).

(e) DEFINITION.—In this section, the term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

Mr. DEWINE. Mr. President, my amendment really is a very simple amendment. The amendment that Senator GRAHAM and I have offered would deny entry into the United States to anyone who has been credibly alleged to have ordered or carried out extrajudicial and political killings in the country of Haiti.

Mr. President, to an extent almost unimaginable to us who live in the United States, the history of Haiti has been a sad chronicle of brutal and repeated acts of political violence. Some of these extrajudicial killings occurred while former President Aristide was in exile. Some of these killings occurred after he returned to power. And tragically they have continued to occur after Mr. Aristide left office and President Preval became President.

During Mr. Aristide's exile, the victims included Mr. Aristide's financial support, Antoine Izmery, who was killed on September 11, 1993; Guy Malary, Mr. Aristide's Minister of Justice, who was killed on October 14, 1993, and Father Jean-Marie Vincent, an Aristide supporter who was killed on August 28, 1992.

Mr. President, after President Aristide regained power, it was the other side's turn.

On March 28, 1995, a leader of the opposition to Mr. Aristide, attorney Mireille Durocher Bertin, was gunned down in her car. One of her clients, Eugene Baillergeau, was also killed in the shooting.

On May 22, 1995, Michel Gonzalez was killed in a drive-by shooting—after alleged attempts by Mr. Aristide to acquire his property.

Three former top army officers were assassinated: Col. Max Mayard, killed on October 3, 1995. Col. Michelange Hermann, killed on May 24, 1995. And Brig. Gen. Romulus Dumarsais, killed on June 27, 1995.

Since the inauguration of President Preval, further killings have taken place.

On March 6, 1996, police and ministerial security guards killed at least six men during a raid in Cite Soleil in Port-au-Prince.

On August 20, 1996, two opposition politicians—Jacques Fleurival and Pastor Antoine Leroy—were gunned down outside Mr. Fleurival's home. And the death toll goes on and on: Claude Yves Marie. Mario Beaubrun. Leslie Grimar. Joseph Chilove. Jean-Hurbert Feuille.

The Haitian Government has assigned over 80 extrajudicial and political killing cases to the so-called Special Investigative Unit, the SIU. The Haitian Government says that they have fired several government employees who are suspects in these killings. But the sad fact remains that there has been no substantial progress made in these investigations. With the exception of one case that did go to trial where there was an acquittal, no one else has been tried. No one else has been convicted and no one has been punished for any of these assassinations.

Clearly, Mr. President, we need to do everything in our power to encourage the Haitians to bring the killers to justice. We as a nation have made a substantial investment in the building of Haitian democracy. And the plight of Haitian boat people demonstrates very clearly and dramatically that moving Haiti into some level of stability is clearly in our national interest.

But peace, democracy, and stability will not set down firm roots in Haiti unless and until the Haitian people themselves finally believe that power in their country can no longer be won at gunpoint.

The days when political murders can be carried out with impunity must be brought to an end. This amendment that my colleague, Senator GRAHAM, and I are now offering tells the Haitian people that political murder is no longer business as usual as far as the U.S. Government is concerned. In our view, it is time to stop adding names to the death toll of Haitian politics.

The premise behind this amendment is that visiting the United States is a privilege, one that should not be taken for granted. By not allowing these Haitian political murderers into our country, we send a strong message to them and to all people that political violence in Haiti will not be ignored by the United States.

This amendment does exempt persons on a case-by-case basis for medical reasons and cases in which the person has cooperated fully with the investigation of these political murders. This amendment also includes a reporting requirement. Our administration would be directed to submit to the appropriate

congressional committees:) a list of those who have been credibly alleged to have ordered or carried out the extrajudicial and political killings;) a list of those who have been refused entry to the United States as a result of this provision; and a report on this matter to be submitted once each year until such time as the Government of Haiti has completed the investigation of the extrajudicial and political killings and has prosecuted those implicated in the killings.

This amendment really is a very practical expression of our solidarity with the Haitian people, our solidarity with the Haitian people, as they aspire to real and true democracy and as they aspire to a peaceful civil society based on the rule of law instead of brutal violence.

For too long, for tragically too long, violence, political violence has been the way of life in Haiti. Whether the government is led by General Cedras or President Aristide or President Preval, one sad truth remains: Too many Haitians die, too many Haitians die due to political violence.

In past remarks on this Senate floor, I have outlined some of the measures the United States has taken and is taking to help the Haitian people break the cycle of violence. We are helping to train and provide resources for the SIU detectives who I talked about a moment ago, and we have sent experienced U.S. police officers to help mentor the young civilian police.

As I have said on this floor on several occasions, one of most heartening things as I have visited Haiti now four times in the last several years is to see the young American, big-city police officers, Creole-speaking, Haitian born but United States citizens who are down there, trying to make a difference with this young police force. So there are things that are happening. Progress is being made. There is some good news. Haitians are making progress in a very tough, uphill battle.

The adoption of this amendment will not solve their problems. It certainly will not solve their problems overnight, but I believe it will help. It will tell the Haitian people that we in the United States are on the side of everyone in that country who wants to create jobs, who wants to create hope; we are on the side of everyone in Haiti who wants a peaceful life, and we are on the side of everyone in Haiti who wants justice.

When a country tries to move to democracy, we always look to see whether there is peaceful transition of power. We look to see whether or not there are elections and whether they are free and fair elections. We sometimes forget that that is not the only indicator of democracy and certainly is not the only indicator of whether or not that country will be able to preserve a fragile democracy.

The other thing we have to look at is whether or not people feel they can have redress in the courts and whether or not, if someone, tragically, is murdered, or someone is injured, they have the opportunity or there will be the opportunity for their assailants to be brought to justice. This amendment deals with that and I believe will help the Government of Haiti and help the people of Haiti continue to progress towards the democracy that we want them to have and that they want. And the understanding must be that democracy is not just about elections, however important they are, but it is also about redress in courts. It is also about justice. It is also about a judicial system in which the general population can have confidence and faith. The solving of some of these high-profile political murders will go a long way to bringing about that type of confidence for the people of Haiti and will go a long way to creating the climate that we know must exist in Haiti if democracy is, in fact, to flourish and to survive.

I ask, as I conclude my remarks, unanimous consent to insert at this point in the RECORD a letter which is referenced in this amendment. It is a letter bearing the date of June 28, 1995, from the Justice Department of the United States to the Minister of Justice of Haiti. I ask unanimous consent this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Industrial Park, Haiti, June 28, 1995.

JEAN JOSEPH EXUME,
Minister of Justice, Government of Haiti,
Port-Au-Prince, Haiti.

DEAR MINISTER EXUME: Following is a list of individuals the Federal Bureau of Investigation (FBI) intends to interview in the immediate future as part of its ongoing investigation of the assassination of Mireille Durocher Bertin and Eugene Baillergeau, Jr., on 3/28/95.

A. From the IPSF:
Maj. Dany Toussaint
Capt. Mendes Lesly Petion
Lt. Youri Latortue
Lt. Mignard Jean-Pierre
Lt. Ruguins Andre
Sgt. Fabien Lucien
Joel Jean (GTMO)
Leslie Sainton (GTMO)
B. From the National Palace:
Maj. Joseph Medard
Cpt. Richard Salomon
Col. Pierre Cherubin II
Lt. Col. Jean Marie Celestin

In addition to the interviews stated above, the following officers have agreed to take a polygraph examination as indicated below:

Lt. Pierre-Onil Lubin, 7/4/95, 1000 HRS.
Lt. Richard Cadet, 7/5/95, 1000 HRS.
Lt. Raynald St. Pierre 7/6/95, 1000 HRS.

The polygraph examinations will be conducted at the Light Industrial Couplex (LIC).

All appointments will be made by interviewing agents with Maj. James Jean-Baptiste for IPSF personnel and with Me. Francois Dormevil for those working at the palace. Thank you for your cooperation in this matter.

Sincerely,
RICHARD J. GIANNOTTI,
Supervisory Special Agent
Federal Bureau of Investigation.

Mr. DEWINE. I thank the Chair. I thank again my distinguished colleague, the chairman of the committee, Mr. HELMS from North Carolina.

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I support this amendment and I have a hunch that most Senators will. I will be surprised if there are many Senators who will not support the amendment.

Since the United States returned Aristide to power in Haiti, there have been dozens upon dozens of politically motivated assassinations carried out by Haitian security forces trained by the United States. These people who have been assassinated in almost all cases, as I understand it, have been opponents of Mr. Aristide. Does the Senator agree with that?

Mr. DEWINE. If I could respond to my colleague, tragically, political murders have continued. We saw them before Aristide came to power, we saw them during the time he was in power, and we have continued to see them with the current President, President Preval. I believe it is very important that the people of Haiti must see that no matter who is in power, no one is above the law and supporters of someone in power are not above the law.

Mr. HELMS. Right. In any case, Mr. President, despite the American taxpayers being required to put up the money to prop up the Haitian Government with U.S. troops, and the expenditure of something like $2 billion, the Haitian Government has rebuffed all of the attempts by our Government to investigate these murders. The human rights situation has disintegrated to such a point that last year President Clinton had to rush diplomatic security officers to Haiti to protect Aristide's replacement, President Preval, from his own palace security guards whom the United States had trained and equipped.

Here is one example of so-called justice in Haiti today. Michel Gonzalez lived next door to Mr. Aristide. Mr. Gonzalez was gunned down in May of 1995 outside of his home after refusing to sell his property to Mr. Aristide. The Haitian Government claims that the autopsy report was lost and the Haitian Government refuses to turn over critical evidence to the U.S. Government.

One of those implicated in orchestrating the assassination is Dany Toussaint, who got a U.S. green card as an ''agricultural worker''—and I wish I knew how to put oral quotation marks around agricultural worker. In any case, he has been allowed to roam free in the United States, and in Haiti. It seems to me that spending $2 billion on a regime that protects murderers is bad enough, but allowing these assassins to come into the United States is quite another thing. It is not only asinine; it is breathtaking in its stupidity.

In 1993 and 1994, I took some flak as a Senator because I warned that when Aristide and his cronies were fully disclosed, the record would be clear that

they are or were anti-American thugs. There is no other way to put it. Aristide himself rose to prominence making hate-filled diatribes against the United States of America. He accused the United States of having some strange diabolic design on Haiti.

Now, I noticed in yesterday's Washington Post a report that Mr. Aristide is engineering a bid to resume power in Haiti even though it is against Haiti's Constitution for him to be President again.

According to this article, and I quote from the Washington Post: ''Arrested is rallying his militants by blaming U.S. imperialism for the woes of Haiti's poor.'' That is some thanks, I guess, for the billions of dollars of American taxpayers' money spent in Haiti or on behalf of Haiti.

There is no getting around the fact that the lives of American servicemen and women were put at risk and billions of taxpayer dollars have been wasted to prop up a government run by corrupt cronies of Arrested—people who hate America and who sanction assassinations against political opponents.

Mr. President, it boils down to this: If the Haitian Government will not prosecute these assassins, the least we can do is deny them U.S. visas.

I wonder if Senator BIDEN is available. I would like to get the yeas and nays. I presume the Senator wants the yeas and nays?

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. I would like a rollcall vote, if we could.

Mr. HELMS. The distinguished Senator from Delaware will have to be on the floor in order to get them, but we will get the yeas and nays and have a rollcall vote, probably an early vote tomorrow morning.

I thank the Senator. I have received no further information from the leaders about how late we should go, so I think it is time to hear from the distinguished Senator from Indiana again, Mr. LUGAR.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

AMENDMENT NO. 382

Mr. LUGAR. Mr. President, I thank the Chairman and the Chair. Let me summarize. Earlier in the afternoon I offered an amendment to strike Title XXII from the legislation dealing with the United Nations. Essentially, I call for payment of our debt in 2 years, without conditions.

Title XXII, as we observe, contains 18 pages of conditions. That is the issue. Senator BIDEN, the distinguished ranking member of the committee, argued that he believed in principle that my arguments were correct. He argued that pragmatically, in the negotiation that he had encountered with the distinguished Senator from North Carolina, the chairman led him to believe that the amounts of money, $819 million, and the conditions that are imposed by Title XXII were the best arrangement that was possible under these circumstances.

The distinguished Chairman, Senator HELMS, has argued that the Foreign Relations Committee ought to take action, as opposed to allowing the appropriators to take action, as so often has been the case with matters before our committee in recent years. I certainly subscribe to that thought, that we ought to take action. Clearly this bill as a whole is an attempt to do so in a very comprehensive and positive way. But it is important that Members realize the gravity of the debate that we are having on the United Nations.

Senator SARBANES, I think correctly, in his remarks, mentioned that the very thought of withdrawal, which appears in this bill, is a very serious business. Earlier I suggested that it is not at all beyond conjecture that there will be no money paid to the United Nations given the severity and the number of conditions that are required; that Members, in casting a vote on this, have to consider that casting that vote imperils the United Nations, quite apart from our reputation for paying our debts to our allies who have been involved in peacekeeping operations which we supported.

These are serious matters. A basic dilemma is that the language is very complex. Many Senators may not have had an opportunity to read what the conditions are and all the reasons why this Senator argues it will be very difficult for the payments to be made. Senators may not have realized the implications of nonpayment, noncooperation, and nonleadership on our part could imperil the United Nations. If Senators are, in fact, of a mind that they really do not care or if they believe the United Nations has served its time and that this is an unusual backdoor way of finalizing the problem, that is one point. But if Senators believe, as do two-thirds of the American people, that the United Nations is important, that we ought to be taking leadership, that we ought to be paying our debts, then Senators will vote to do so. They will support my amendment.

It is not inconceivable that my amendment should pass and that we should proceed along this course of action. What has been argued this afternoon by the distinguished Ranking Member of the committee is that the distinguished Chairman disagreed with payment of very much money, and the distinguished Chairman insisted upon a large number of conditions. Apparently, he acquiesced and finally allowed some of the funds to be stricken from the legislation. That is the argument we are having. I would simply say that Senators must consider this, I believe quickly, because the timeframe of all this debate is very rapid. If there were more time, my guess is that around the Nation, members of the general public, editorial writers in newspapers, opinion leaders in foreign policy would agree, this is very serious. This is a moment of truth for the Senate with regard to the United Nations. There would be time for many people to reflect upon this, including Senators who must vote. And it is very possible that Senators would decide we really want to take leadership and we want to affirm the ties that we have with our allies to whom we owe the money.

As we have pointed out again and again, $658 million is owed to countries such as Great Britain, France, Germany, Italy and other friends and allies—not to the Secretariat of the United Nations or the structure that has been described as overblown. That is a red herring; just 5 percent of the money is owed to the United Nations per se. The real issue is whether we will meet our obligations to our friends, whether we will take leadership at the United Nations, whether we will assert that the United Nations should continue as an important part of our foreign policy.

Mr. SARBANES. Will the Senator yield for a question?

Mr. LUGAR. Yes, I will be pleased to respond.

Mr. SARBANES. Are these obligations to our friends, to which the Senator has referred, those instances in which our allies undertook actions under the umbrella authority of the United Nations, often with the use of their own troops, to carry out activities which the United States supported, which the United States made the judgment served our own national security interests? Would that be correct?

Mr. LUGAR. The Senator is absolutely correct, that our interests were served. We voted for peacekeeping operations. Other nations stepped forward, and we agreed to pay our fair share of the money and not to send our troops.

Mr. SARBANES. If the Senator will yield further, in fact, in some of those instances, while we wanted the activity done, we were unwilling to commit our own forces directly in order to do it, and the problem was then resolved by the willingness of other countries to commit their forces in order to carry out these important activities; was that not the case?

Mr. LUGAR. The Senator is correct. Of course, one of the most vivid and recent experiences was that in Bosnia, to which our country for some time did not wish to commit forces, did not wish to commit NATO or get a vote of our NATO allies. So, as a result, other nations attempted to bring about peace in Bosnia largely because our Nation stood aside but indicated to them they ought to carry on.

Mr. SARBANES. If the Senator will yield further, in fact, if we cannot continue to work this way, I take it that if confronted with a crisis abroad, our choices would either be to do nothing or to become involved unilaterally and directly, by ourselves. We would lose what, it seems to me, has been a very

effective weapon for serving U.S. interests without necessarily committing the United States directly in the activity. Would that be correct?

Mr. LUGAR. The Senator has stated the options all too vividly; namely, we respond to security crises by ourselves or we say nothing is going to happen in the world. And worse still, we lose the option, if we do not have the United Nations, of going as we did to the Security Council, at the time the United States presided, during Desert Storm when we obtained a Security Council resolution that brought a number of nations to our side in a very, very important endeavor.

Mr. SARBANES. If the Senator will yield on that very point, it was my very strongly held impression that obtaining the resolution of the Security Council, in effect, gave legitimacy to the strongly driven U.S. action, in terms of international approval that otherwise would have been lacking or missing in the situation.

We treat these U.N. participations as though they don't count for very much. Yet, around the world, the fact that the United States has gone to the United Nations and gotten the United Nations to approve it, gives a legitimacy to the activity that might not be there, at least in the eyes of some countries, if the United States were simply to undertake it directly, without this approbation from the international community.

Mr. LUGAR. The Senator is correct. As the Senator will recall, we took this international legitimacy as a basis for our literally asking other nations all around the globe to pay the bulk of the moneys for Desert Storm. As I recall, over $50 billion was collected from Japan, from Germany, and from many of the nations that are being cited now as countries to whom we owe money in other peacekeeping endeavors.

Mr. SARBANES. I thank the Senator.

Mr. LUGAR. I thank the Senator for his questions.

Mr. President, during this debate, strangely enough, we have really not argued about the text of the 18 pages that I wish to eliminate with my substitute amendment. No Senator has risen to defend that language and the labyrinth of the conditions that are involved in it. Rather, we have had a suggestion that this was the best that could occur, given the players in the legislative drama. I say it is not good enough. As a matter of fact, I believe that very drastic circumstances not in our interest are liable to arise from this language. This is why I make a point of it.

I have not generally not offered amendments to this legislation. I believe the reorganization efforts and a good number of reforms that the committee has brought about in this legislation are important. But I believe the particular item we are talking about now with regard to continuation of the United Nations is a critical item and deserves underlining. It deserves attention, it deserves careful reading by all Senators prior to vote on my amendment or on final passage of legislation that will contain this arrears provision.

I conclude simply by saying that I believe the United Nations is important for our foreign policy. I believe we ought to be vigorous in taking international leadership, in making certain that the United Nations fulfills our aspirations in working constructively with other nations. I believe we ought to pay our obligations to other nations. I believe, as a matter of fact, if we do so, we are likely to be more effective in our negotiation with many of the same nations in other vital international negotiations that will continue on the expansion of NATO, on freer and fairer trade around the globe, and on a number of things that are very important to our security and bread-and-butter interests.

Mr. President, at the appropriate time, I will ask for the yeas and nays. As neither the Chairman nor Ranking Member are on the floor, I suspect the Chair may or may not be in a position to grant that.

I will ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. There is not a sufficient second.

Mr. LUGAR. I thank the Chair.

Mr. HELMS. Mr. President, what does constitute a sufficient second? I am carrying Senator BIDEN's proxy. Could we just have a gentleman's agreement on that?

Mr. LUGAR. I renew my request.

The PRESIDING OFFICER. There now appears to be a sufficient second.

The yeas and nays are ordered.

The yeas and nays were ordered.

Mr. HELMS. Thank you, Mr. President.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. Will the Senator from Maryland yield to the Senator from North Carolina?

Mr. HELMS. We have just one thing we would like to do——

Mr. SARBANES. Can I make a 30-second statement, and then I will yield the floor.

Mr. President, I simply commend the Senator from Indiana for sounding the alarm in the night, and I very much hope that Members will carefully read through the actual provisions of this legislation. It is very important that they do that. This is a very important issue. I thank the chairman.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 383

Mr. HELMS. Mr. President, on the same basis that we granted the yeas and nays on the question on Senator LUGAR's amendment, I ask for the yeas and nays on Senator DEWINE's amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Senator. We have one more thing that we need to do on Senator GORTON's amendment, which we will approve on a voice vote.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NOS. 378 AND 379, WITHDRAWN

Mr. GORTON. Mr. President, I ask unanimous consent, on behalf of myself, Senator DURBIN and Senator BIDEN, that amendments Nos. 378 and 379 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 378 and 379) were withdrawn.

AMENDMENT NO. 384

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator DURBIN, myself, Senator HELMS, Senator ROTH, Senator BROWNBACK, and Senator BIDEN.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself, Mr. DURBIN, Mr. HELMS, Mr. BIDEN, Mr. ROTH, and Mr. BROWNBACK, proposes an amendment numbered 384.

Mr. GORTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title XVI, add the following:

SEC. . DESIGNATION OF ADDITIONAL COUNTRIES ELIGIBLE FOR NATO ENLARGEMENT ASSISTANCE.

(1) DESIGNATION OF ADDITIONAL COUNTRIES.—Effective 180 days after the date of the enactment of this Act, Romania, Estonia, Latvia, Lithuania, and Bulgaria are each designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act, except that any such country shall not be so designated if, prior to such effective date, the President certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that the country fails to meet the criteria under section 203(d)(3) of the NATO Participation Act of 1994.

(2) RULE OF CONSTRUCTION.—The designation of countries pursuant to paragraph (1) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(A) is in addition to the designation of other countries by law or pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act; and

(B) shall not preclude the designation by the President of other emerging democracies in Central and Eastern Europe pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act.

(3) SENSE OF THE SENATE.—It is the sense of the Senate that Romania, Estonia, Latvia, Lithuania, and Bulgaria—

(A) are to be commended for their progress toward political and economic reform and

meeting the guidelines for prospective NATO members;

(B) would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members; and

(C) upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date.

Mr. GORTON. This amendment, Mr. President, merges together two amendments related to NATO enlargement offered earlier by Senator DURBIN in the case of amendment No. 378, and myself and others in connection with amendment No. 379.

I understand, through the graciousness and thoughtfulness of the senior Senator from North Carolina and Senator BIDEN from Delaware, that this amendment has now been agreed to. It does express United States support for working toward the qualification of five nations for NATO—the three Baltic States, Lithuania, Latvia and Estonia, together with Romania and Bulgaria. The latter was suggested by Senator BIDEN and expresses the view of the Senate that when each of those nations has become qualified for that membership, that that membership ought to be granted.

I spoke earlier about my strong feelings, strong feelings with which I know Senator DURBIN particularly concurs, in favor of the Baltics after their long struggle through half a century of darkness to their independence and their growing democracies.

Romania, of course, has been suggested by a number of European countries for membership at the current time. It has had dramatic changes toward democracy and responsibility in recent years. Bulgaria, just in the last few months, now seems to be moving in that direction.

We all feel that as they qualify, they ought to be welcomed into this united group of Western European and North Atlantic nations into the North Atlantic Treaty Organization. Each of them will contribute to it, each of them will be strengthened by it, not just from the point of view of their physical security, but I might put it their moral security as well, their desire to be a part of the world from which they were excluded for so long by the Soviet Union.

This amendment is identical, with one exception, to an amendment already passed in the House of Representatives. The wording is precisely the same. Bulgaria, at the suggestion of Senator BIDEN, has been added.

With that, Mr. President, I think I speak for each of the sponsors and I thank Senator HELMS for his understanding and support.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 384) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent that Senator D'AMATO be added as a cosponsor to the amendment which was just approved.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, may I inquire, is Senator DURBIN's amendment No. 377 still pending?

The PRESIDING OFFICER. It is.

AMENDMENT NO. 377, WITHDRAWN

Mr. HELMS. Mr. President, I send an amendment to the desk on behalf of Senator DURBIN. This amendment modifies the amendment relating to the one filed earlier by him.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

Mr. HELMS. Did the Chair understand that the Durbin amendment is being withdrawn? Perhaps I didn't make it clear.

I ask unanimous consent that the Durbin amendment No. 377 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 377) was withdrawn.

AMENDMENT NO. 385

Mr. HELMS. Mr. President, now I send to the desk on behalf of Senator DURBIN an amendment on the same subject.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for Mr. DURBIN, proposes an amendment numbered 385.

The amendment is as follows:

At the end of title XVI, add the following (and conform the table of contents accordingly):

SEC. . SENSE OF SENATE REGARDING UNITED STATES CITIZENS HELD IN PRISONS IN PERU.

It is the sense of the Senate that—

(1) as a signatory of the International Covenant on Civil and Political Rights, the Government of Peru is obligated to grant prisoners timely legal proceedings pursuant to Article 9 of the International Covenant on civil and Political Rights which requires that ''anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release;'' and that ''anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful;'' and

(2) the Government of Peru should take all necessary steps to ensure that any U.S. citizen charged with committing a crime in that country is accorded open and fair proceedings in a civilian court.

Mr. DODD. Mr. President, I want to commend Senator DURBIN for calling attention to the problems with the judicial system in Peru. He has laid out some very specific cases of two United States citizens who are residents of his State of Illinois.

I would also like to call to the attention of my colleagues the case of Ms. Lori Berenson of New York. Ms. Berenson was convicted of treason by a secret military tribunal in January 1996. Since then she has been serving a very tough sentence under exceeding harsh conditions in the Yamamayo prison.

Mr. President, I do not know about the innocence or guilt of Ms. Berenson with respect to the crimes with which she has been charged. What I do know is that she was not accorded a fair and open trial which is a hallmark of any democratic legal system. On August 6, 1996, I joined with 19 other Senators in a letter to the President of Peru calling upon him to take all necessary steps to provide an open and fair proceeding in civilian court to Ms. Berenson. I ask unanimous consent that a copy of that letter be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DODD. Mr. President, the President of Peru, Alberto Fujimori never responded to that letter.

The pending amendment would once again call upon the Government of Peru to take all necessary steps to provide her with such a trial. I would hope that President Fujimori would take note of this amendment and act in this case and the others that Senator DURBIN has mentioned.

I commend the Senator from Illinois for his very thoughtful and timely amendment. I urge my colleagues to support this amendment.

EXHIBIT 1

U.S. SENATE,
Washington, DC, August 6, 1996.

President ALBERTO KENYO FUJIMORI FUGIMORI,
Palacio de Gobierno, Plaza de Armas s/n, Lima 1–Peru.

DEAR PRESIDENT FUJIMORI: We write to express our deep concern that Ms. Lori H. Berenson, a United States citizen, has not been afforded her rights of due process of

law. Ms. Berenson was recently convicted of treason by a military tribunal in Peru and is currently imprisoned in Yanamayo prison. The lack of due process at her trial leaves the question of her involvement in illegal activity unanswered.

We are particularly concerned that Ms. Berenson did not have an open trial; was not allowed to cross-examine witnesses or challenge evidence; and was tried in a military court by judges whose identities were concealed. Such practices preclude a fair trial. We urge you to take steps to ensure that she is retried before a civilian court which upholds internationally recognized rights of due process.

We note that Article 14 of the International Covenant on Civil and Political Rights, ratified by Peru on April 28, 1978, stipulates that:

''Everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. . . .

''[and is entitled] to examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him.''

In addition, it appears inappropriate to try civilians in a military court. We are aware that the Peruvian Government gave assurances to Assistant Secretary of State Alexander Watson over two years ago that civilians would no longer be tried in military courts.

We find it troubling that during the trial of Ms. Berenson, the Peruvian judicial system failed to uphold these and other international standards. The Constitution of the Republic of Peru states that:

''It is the duty of the President of the Republic to obey and ensure obedience to the Constitution and all treaties, laws, and other legal provisions. (Article 118)''

While we make no claims concerning Ms. Berenson's alleged guilt, we ask that you take the necessary steps to provide an open and fair proceeding in a civilian court. Indeed, the entire Peruvian judicial system should be brought in line with the solemn international commitments made by the Peruvian Government.

We thank you for your attention to our request.

Sincerely,

James M. Jeffords, Alfonse M. D'Amato, Daniel Patrick Moynihan, Christopher J. Dodd, Ben Nighthorse Campbell, Carl Levin, Paul Simon, John D. Rockefeller IV, Claiborne Pell, Carol Moseley-Braun, Dianne Feinsein, Patty Murray, Barbara Boxer, Patrick J. Leahy, Dale Bumpers, Daniel K. Inouye, Barbara A. Mikulski, David Pryor, Wendell H. Ford, John F. Kerry.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, inasmuch as the amendment now pending by Senator DURBIN has been approved by both sides, the pending amendment modifies the amendment relating to Peru. There being no objection to that amendment, I propose that it be accepted.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 385) was agreed to.

Mr. HELMS. I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. HELMS. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, June 13, 1997, the Federal debt stood at $5,354,082,862,951.39. (Five trillion, three hundred fifty-four billion, eighty-two million, eight hundred sixty-two thousand, nine hundred fifty-one dollars and thirty-nine cents)

Twenty-five years ago, June 13, 1972, the Federal debt stood at $428,345,000,000 (Four hundred twenty-eight billion, three hundred forty-five million) which reflects a debt increase of nearly $5 trillion—$4,925,737,862,951.39 (Four trillion, nine hundred twenty-five billion, seven hundred thirty-seven million, eight hundred sixty-two thousand, nine hundred fifty-one dollars and thirty-nine cents) during the past 25 years.

HONORING THE UTAH JAZZ

Mr. HATCH. Mr. President, I rise today to recognize the Utah Jazz, who just completed their most successful season in franchise history. After clinching the Western Conference Championship with a last-second, heart-stopping shot at the buzzer, they competed for the NBA title against the talented Chicago Bulls with grit and sheer determination. Throughout this season, our Utah Jazz have displayed tremendous skill, determination, strength, and character to forge ahead and accomplish what very few thought they could do. This team captured the hearts of basketball fans from coast to coast with their hard work, down-to-earth personalities, and belief in themselves.

The Utah Jazz story has been filled with many years of strength building and even some challenges. In 1979, a struggling NBA basketball franchise pulled up its stakes and moved from New Orleans to what is the smallest market in the National Basketball Association, Salt Lake City, UT. The Jazz have built their program slowly but surely thanks to the big shoulders of some very good people.

Jazz owner Larry H. Miller had the determination and the vision to know what it could mean for Utah to have its own NBA basketball team. Larry is more than an owner. His players are his family. His love and enthusiasm for his Utah Jazz team is infectious. Utah has been greatly rewarded through Larry's leadership and commitment.

Former coach and current team president, Frank Laydenn has been the Utah Jazz' all-time best cheerleader. Frank has always believed in his team. He has won over many fans through his enthusiasm, humor, and love for the game.

Coach Jerry Sloan is an example of leadership and fortitude. His motto to ''never give up,'' is evident in the guts and determination his players show on the basketball court. Jerry not only teaches his players good basketball skills, he also builds character. He has instilled his own hardwork ethic into every aspect of the Utah Jazz.

John Stockton, the all-time NBA assist and steals leader, has displayed time and time again courage under pressure, and an absolute belief that ''we could win.'' The success he has enjoyed has not detracted from his thoughtful, unassuming manner. He is indeed a worthy role model for many young people today.

And who else has displayed more utter conviction than league MVP, Karl Malone. Karl has provided the Utah Jazz with leadership and valor. Anyone who has followed the Utah Jazz knows how valuable Karl is to the team's overall scoring and rebounding capabilities. Aside from his on-court presence, Karl has been an outstanding ambassador for the NBA. His reputation of honesty and hard work has made him one of the greatest role models in professional sports.

Not only am I proud of the Utah Jazz for winning the Western Conference Championship, I am even more proud of the high caliber of individuals that make up the Utah Jazz. Our team is willing to work hard, to believe in themselves, to reflect the values of the community in which they play, and to never give up. I am proud of the way they represent our State and its fans.

I am sure that all Utahns would be happy to join with me in saying a big thank you to all of the players on the Jazz, as well as the coaches and management staff for all you have done for Utah—both on and off the court. The Utah Jazz united the people of our great State in a way that has not been equaled since Brigham Young led the covered wagons into the Salt Lake Valley. Citizens from all over our State, and from all walks of life, have united together behind one single entity—the Utah Jazz. This is an accomplishment all its own. The enthusiasm Utahns felt for their team was electric and awe-inspiring. Everyone who has ever felt like an underdog has embraced this team and gloried in its success.

Mr. President, although we didn't bring home the ultimate trophy, our Utah Jazz gave us a season to remember. This team has done us all proud, and we are proud of them. So, here's

thanks and best wishes to Karl, and John, Jeff, Greg, Bryon, Shandon, Howard, Greg, Antoine, Adams, Chris, Stephen, and Coach Sloan and his staff. And, as a word of warning to all the teams in the NBA—David slew plenty of Goliaths this year; watch out, we'll be back next year with a hand full of stones.

Go, Jazz!

THE LANDMINE ELIMINATION ACT OF 1977

Mr. BIDEN. Mr. President, last Thursday, 55 of us joined Senators LEAHY of Vermont and HAGEL of Nebraska in cosponsoring the Landmine Elimination Act of 1977. This landmark legislation will bar, as of January 1, 2000, the use of any U.S. funds for new deployments of antipersonnel landmines.

I am proud to be one of the cosponsors of this legislation, which addresses a subject of terrible urgency. Every hour, more innocent civilians are killed or wounded by landmines in Angola, Afghanistan, Bosnia, Cambodia, Ecuador, and elsewhere. The scourge of landmines is so great that the United States and other governments have special aid programs to help locate and destroy landmines left over from the wars of the past.

The United States is pursuing many avenues to battle this plague. We are a signatory of the antipersonnel landmine protocol to the Convention on Conventional Weapons, which I would hope the Senate will give its advice and consent to ratification of that protocol sometime this year. That protocol bans undetectable mines, such as the toy-like plastic butterfly mines that maim so many children. The United States is well on its way toward converting all its nondetectable mines, so there will be very few costs associated with ratification of this protocol.

We are also engaged in negotiations in Geneva and working with the Government of Canada on the projected Ottawa convention in hopes of obtaining a worldwide ban on antipersonnel landmines. But those negotiations have left the United States in a quandary. Russia and China—the world's major suppliers of antipersonnel landmines—have refused to participate in the Ottawa process to achieve an immediate ban on these mines. And Mexico has blocked the U.N. Conference on Disarmament from opening the formal negotiations in which Russia and China are willing to participate.

Nobody is clear on whether Mexico's step reflects frustration with the idea of gradualism in eliminating antipersonnel landmines, or a desire to continue using such mines in Mexico's own war against the domestic guerrilla movements. What is clear, however, is that bold steps are needed to regain momentum in the crusade to end this most horrendous aspect of modern warfare.

Two years ago, two-thirds of this body voted for a moratorium on new antipersonnel landmine deployments, beginning in February 1999. The Landmine Elimination Act of 1977 will go a giant step further, by committing the United States to just say no to these mines on January 1, 2000. This action will put the United States on a higher moral plane than ever before on this issue. With a legally binding commitment to end our own role in sowing needless destruction, perhaps we can more effectively influence Russia and China and Mexico to step up to the responsibility of protecting the innocents even when we make war on our enemies.

S. 896 is a carefully constructed bill, Mr. President, and that is a sign of the seriousness with which this body approaches the topic of landmines. Subsection 2(d) of the bill permits the President to delay application of the ban with respect to the Korean peninsula on a yearly basis if he determines that new deployments would be indispensable to the defense of the Republic of Korea if war should occur there. This is a broader exemption than that in the moratorium we passed 2 years ago, which allows such mining only along international borders and in the DMZ. Given the risk that a dying Stalinist regime in North Korea might throw all its forces into a last-gasp effort to conquer the South, this broader exemption is sensible indeed.

S. 896 also is clearly limited to the most heinous landmines: Mines delivered by artillery, rocket, mortar, or similar means, or dropped from an aircraft. The bill goes to state, at subsection 4(b): ''The term 'anti-personnel landmines' does not include command-detonated Claymore munitions.''

Command-detonated landmines do not cause the many civilian casualties that have prompted work action. They are generally set off either by a nearby soldier, who waits for the enemy to approach, or by a tripwire in an ambush. They are used often to blow up tanks, and do not leave the indiscriminate killing fields that so plague farmers and travelers and children today.

Nobody is comfortable manufacturing any instrument of death. But at least Claymore munitions are targeted munitions, designed to kill the enemy rather than his neighbors and his children.

The care with which S. 896 has been drafted makes this a bill that all of us can support. I am happy to cosponsor it and I am confident that it will be enacted into law.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE—H.R. 363

Mr. NICKLES. Mr. President, when the Subcommittee on Energy Research, Development, Production, and Regulation of the Energy and Natural Resources Committee filed its report on H.R. 363, to amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Fields Research and Public Information Dissemination program, the estimates from the Congressional Budget Office were not available. The report has now been received and I ask unanimous consent that it be printed in the RECORD for the information of the Senate and the public.

There being no objection, the material was ordered to be printed in the RECORD as follows:

H.R. 363—An act to amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Fields Research and Public Information Dissemination program

Summary: H.R. 363 would extend and modify the authorization for a multiyear initiative focused on the health effects of electric and magnetic fields. This interagency research effort, which is funded jointly with the private sector, is administered by the Department of Energy (DOE). The current authorization allows the appropriation of up to $65 million over a multiyear period ending in 1997, provided that nonfederal sources match the federal funds. Since the program's inception in 1993, appropriations have totaled $20 million and have been matched by a corresponding amount of nonfederal support. Enacting this legislation would enable the program to receive funding through 1998, and would reduce the multiyear authorization ceiling to $46 million.

Assuming funds are appropriated for these activities in 1998, CBO estimates that enacting H.R. 363 would result in additional discretionary spending of $4 million over the 1998–2002 period. The legislation would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The legislation does not contain any intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995.

Estimated cost to the federal government: The estimated budgetary impact of H.R. 363 is shown in the table on the following page. For purposes of this estimate, CBO assumes that appropriations for this program would total $4 million in 1998, the amount provided under current law for 1997, and that this amount would be matched by nonfederal sources. Although the amount authorized to be appropriated in 1998 could total up to $26 million (the balance between the $46 million cap and the $20 million appropriated to date), CBO estimates that the program only needs about $4 million to complete it mission. We assume outlays would follow historical spending patterns for such research and assessment activities at DOE.

SPENDING SUBJECT TO APPROPRIATION

[By fiscal year, in millions of dollars]

	1997	1998	1999	2000	2001	2002
Spending under current law:						
Budget authority[1]	4	0	0	0	0	0
Estimated outlays	5	2	1	0	0	0
Proposed changes:						
Authorized level	0	4	0	0	0	0
Estimated outlays	0	2	1	1	0	0
Spending under H.R. 363:						
Authorization level[1]	4	4	0	0	0	0
Estimated outlays	5	4	2	1	0	0

[1] The 1997 level is the amount appropriated for that year.

The costs of this legislation fall within budget function 270 (energy).

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 363 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995, and would not impose any costs on state, local, or tribal governments.

Previous CBO estimate: CBO has prepared cost estimates for two other versions of H.R. 363. On March 6, 1997, CBO transmitted a cost

estimate for H.R. 363 as ordered reported by the House Committee on Commerce on March 5, 1997. On April 17, 1997, CBO prepared an estimate for the version ordered reported by the House Committee on Science on April 16, 1997. The three estimates for H.R. 363 are identical.

Estimate prepared by: Kathleen Gramp.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

TRIBUTE TO THE U.S. ARMY ON THE OCCASION OF ITS 222d BIRTHDAY

Mr. THURMOND. Mr. President, the primary mission of any army is to fight and win the wars of the nation which it protects. For the past 222 years, since June 14, 1776, the soldiers of the United States Army have valiantly and successfully defended the interests, ideals, and people of our Nation.

The American Army that was born on that June day a little more than two centuries ago is very different from the military force that meets our Nation's security needs as we prepare to enter the new millenium. The soldiers of our first Army were largely untrained, were poorly and infrequently paid, and faced tremendous logistical burdens. It is truly testament to the leadership abilities of General Washington that he was able to hold his troops together in the face of such odds. Of course, the men and women who serve in today's Army receive months of intensive and excellent training before they join their units, are paid fair wages on a regular basis, and benefit from a commitment to creating a professional, career oriented force. Despite these differences, one thing that has remained constant about those who have served in the United States Army over the past 222 years is that these are largely men and women who are selfless individuals and who are motivated by a patriotic desire to make a difference. From Valley Forge to Sierra Leone, no nation's army has benefitted more from the efforts of a finer array of people than our's.

Throughout its history, the American Army and its soldiers have served with distinction on literally every continent of the world. Minutemen, Johnny Reb & Billy Yank, Rough Riders, Doughboys, Dogfaces, and GI Joes have stood up to dictators, deposed tyrants, beaten back communism, defended freedom, and protected all that we hold dear. Additionally, our soldiers have served as a grassroots diplomatic corps in combat boots, spreading to people around the globe the knowledge that Americans are peaceful, that there is no finer form of government than democracy, and that we prefer building friendships with the citizens of other nations to fighting them in wars. There is no question that in many ways, a candy bar given to a small child from a smiling GI is the best form of foreign aid and diplomatic relations that can be undertaken by the United States.

While the battlefield accomplishments of the United States Army are impressive and unequalled in history, the missions of today's Army go far beyond that of warfighting. In addition to being able to act and react decisively to threats to our Nation no matter where they might arise, our Army is now tasked with a number of nontraditional missions which range from providing fresh water to refugees in Rwanda to keeping the peace in Bosnia. Though these missions are more varied and decidedly different from simply containing or destroying our enemies, our soldiers have characteristically embraced their new responsibilities without complaint and are carrying out their duties professionally.

As we approach the new century and look to the future, Americans have good cause to be optimistic. Our Nation is enjoying a period of prosperiety, the world is in a relativly peaceful state, and we no longer are in a Cold War contest with another superpower, however, we must not allow ourselves to be lulled into a state of complacency. While things are calm now, we must remember that threats to our security and interest can crop up suddenly and we must remain vigiliant for such developments. We cannot ignore our military and those who serve in them, to do so would undermine years of hard work and the significant investment we have made in building the finest and most technologically advanced fighting forces ever known to man. Clearly the Army will continue to have a critical role in assuring that the United States remains secure and that the world remains a stable place where disputes are resolved in manners short of warfare.

Mr. President, as the Army celebrates its 222nd birthday, it is important that we pause from our duties to remember the men and women who have served in the ranks of this service throughout its history. It is easy to forget that those who protect us and who carryout the policies we develop in this Chamber are individuals who are young, making many sacrifices, and have volunteered to protect the Nation. Their service is invaluable and they should be commended for their efforts. On this occasion I say to each of these soldiers, from the newest graduate of Fort Jackson to Chief of Staff Reimer, a happy 222nd birthday and thank you for all you do to keep the United States free and safe.

OBSERVATIONS REGARDING A TRIP TO LEBANON

Mr. LEVIN. Mr. President, I visited Lebanon over the Memorial Day recess in order to assess the security situation there. A number of my Lebanese-American constituents have contacted me to request that the State Department's travel policy for Lebanon be changed, and I also decided to see firsthand the situation there.

Pursuant to United States law, the Secretary of State may restrict the use of United States passports for the travel of U.S. citizens to countries with which the United States is at war, where armed hostilities are in progress, or where there is imminent danger to the health or the physical safety of United States travelers. The Secretary of State has exercised that authority in the case of Lebanon and consequently U.S. passports are not valid for travel to, in or through Lebanon unless special validation has been obtained. The passport restriction includes landing at the Beirut airport en route to another destination.

Special validation is possible for professional reporters; representatives of the American Red Cross traveling pursuant to an officially-sponsored Red Cross mission; compelling humanitarian considerations such as a critical illness of an immediate family member; family reunification such as a situation where a spouse or minor child is residing in Lebanon, with and dependent on, a Lebanese spouse or parent for his or her support; or where the travel is found to be in the national interest.

In view of the limited exceptions to the travel restriction, a number of Americans have resorted to the practice of acquiring a Lebanese visa on a piece of paper separate from their American passports so that they will not encounter any difficulty from U.S. authorities upon returning to the United States. I have been advised that forty to fifty thousand Americans travel to Lebanon by this means each year. In doing so, they may be violating U.S. law. Countless other Americans, despite their earnest desire to visit relatives or friends in Lebanon, await a change in U.S. policy.

I traveled to Lebanon with the approval and support of the State Department. I arrived at the U.S. Embassy compound via U.S. Army helicopter from Cyprus in mid-afternoon on May 29th, spent the night on the embassy compound, and returned to Cyprus by the same means in mid-morning on May 30th.

While in Lebanon, I had a busy schedule. I met at length with our Ambassador Richard Jones. I also met with Nasrallah Sfeir, 76th Maronite Patriarch of Antioch and all of the East; Mohamed Rashid Qabbani, Grand Mufti of the Republic; IMAM Mohamed Mahdi Shamseddine, President, Higher Islamic Shi'a Council; Prime Minister Rafiq Hariri; President Elias Hrawi; and General Emile Lahoud, Commander of the Lebanese Armed Force. In each instance, the meeting was held at the place where the religious figure or government official was located, requiring travel throughout the city of Beirut and its environs. Additionally, I met with a number of government officials, members of the Lebanese Parliament, and Lebanese businessmen at a dinner at the American Embassy hosted by Ambassador Jones.

I made it a point to ask each individual with whom I met about the United

States travel policy. I was advised that there are large numbers of Americans in Lebanon at all times and that they are safe. Frequent reference was made to the recent visit of the Pope to Lebanon. Finally, I was told that the U.S. travel policy was keeping relatives apart and was preventing needed U.S. private investment in Lebanon. General Lahoud pointed out that members of the Hizballah Party, which is the primary security concern of the United States, were elected to and participating in the Lebanese parliament and that there had not been an incident against an American in five years.

Significantly, our representatives in Beirut favored a lifting of the travel restriction.

Based upon my personal observations during my visit, it is clear to me that perceptions about the security situation in Lebanon are outdated. There is no substitute for an on-the-scene assessment.

Later on the trip I visited Bosnia and I had an opportunity in Sarajevo to meet with Secretary of State Madeleine Albright. I urged her to send a team to Lebanon to assess the security situation there and was pleased when she advised me that she was doing so. I am confident that such an assessment will provide a sound basis for the revision of the current policy and I have written to Secretary Albright urging her to change the current U.S. policy. Senator ABRAHAM has joined me in writing to Secretary Albright.

While I strongly favor a lifting of the travel restriction, I realize that the situation in Lebanon is not normal. Accordingly, in our letter to Secretary Albright, we also urged that a travel warning for Lebanon be issued in lieu of the current travel restriction. In addition to citing the always possible Hizballah terrorist attacks, I believe that the travel warning should note that as long as foreign military forces are present in Lebanon, the situation there is not normalized.

I ask unanimous consent that our letter to Secretary Albright be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. Mr. President, the Secretary of State bears a heavy responsibility when assessing the security situation in a country to determine if travel restrictions should be applied. The imposition of a travel restriction is rare, as it should be. For example, in the case of travel to Somalia, the State Department issued a travel warning on June 28, 1996, which is still in effect, that states that:

The Department of State warns U.S. citizens against all travel to Somalia. Sporadic fighting among local militias continues in parts of the country. Kidnappings and other threats to foreigners occur unpredictably in virtually all regions. There is no national government in Somalia to offer security or police protection for travelers. There is no U.S. diplomatic presence in Somalia to provide consular assistance to U.S. citizens. United Nations peacekeeping forces were withdrawn from Somalia in March 1995 and all U.S. citizens were advised to depart the country.

In another example, the Department of State travel warning that was issued on September 2, 1996 regarding Iraq, states:

The U.S. Government views with grave concern the latest reports of spreading violence in northern Iraq. Given the government of Iraq's renewed repression, we are strongly recommending that all U.S., citizens leave Iraq.

Mr. President, based upon my visit to Lebanon, I see no reason to treat Lebanon more restrictively than countries like Somalia and Iraq. I strongly believe that the time has come to substitute a travel warning for the current travel restriction with regard to Lebanon.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, June 9, 1997.

Hon. MADELEINE K. ALBRIGHT,
Secretary of State, Department of State, Washington, DC

DEAR MADAM SECRETARY: I am writing to you to request a change in the State Department's policy prohibiting the use of a U.S. passport for travel to, in or through Lebanon.

My colleague, Senator Spencer Abraham, who is very familiar with these matters and who has received numerous briefings from Administration officials on this policy, joins me in this request.

As you know, I visited Beirut, Lebanon from May 29 to May 30 via the Beirut Air Bridge that operates out of Cyprus. During my visit to Beirut, I met at length with Ambassador Richard Jones. I also met with Nasrallah Sfeir, 76th Maronite Patriarch of Antioch and all of the East, Mohamed Rashid Qabbani, Grand Mufti of the Republic, IMAM Mohamed Mahdi Shamseddine, President, Higher Islamic Shi'a Council, Prime Minister Rafig Hariri, President Elias Hrawi, and General Emile Lahoud, Commander of the Lebanese Armed Force. In each instance, the meeting was held at the place where the religious figure or government official was located, requiring travel throughout the city of Beirut and its environs. Additionally, I met with a number of government officials, members of the Lebanese Parliament, and Lebanese businessmen at a dinner at the American Embassy hosted by Ambassador Jones.

I made it a point to ask each individual with whom I met about the United States travel policy. I was advised that there are large numbers of Americans in Lebanon at all times and that they are safe. Frequent reference was made to the recent visit of the Pope to Lebanon. Finally, I was told that the U.S. travel policy was preventing needed U.S. private investment in Lebanon and was keeping relatives apart. General Lahoud pointed out that members of the Hizballah Party, which is the primary security concern of the United States, were elected to and are participating in the Lebanese parliament and that there had not been an incident against an American in five years.

Significantly, Ambassador Jones, the Embassy staff, and the representatives of other U.S. government agencies in Beirut favored a lifting of the travel restriction.

During the course of my visit, I learned that a number of U.S. businessmen and, to a lesser extent, U.S. citizens with relatives in Lebanon travel there by obtaining a Lebanese visa which is issued on a piece of paper separate from the visitor's U.S. passport. Unfortunately, as I understand it, that practice avoids problems when the traveler returns to the United States but they still may be violating U.S. law. I have been contacted by a number of my constituents who want to visit their relatives in Lebanon, but are unwilling to violate U.S. policy.

Prior to my departure from Washington, I was urged by a high-level U.S. official not to travel to Lebanon because I would not be safe there. Based upon my personal observations during my visit, it is clear to me that perceptions about the security situation in Lebanon are outdated. I was pleased to learn during our meeting in Sarajevo that you are sending people to Lebanon to assess the security situation there. There is no substitute for an on-the-scene assessment. I am confident that such an assessment will provide a sound basis for the revision of the current policy.

Finally, we would urge that a travel warning for Lebanon be issued in lieu of the current travel restriction. In addition to citing the threat from Hizballah terrorists, the travel warning should note that as long as foreign military forces are present in Lebanon, that the situation there is not normalized.

Sincerely,

SPENCER ABRAHAM.
CARL LEVIN.

MESSAGES FROM THE HOUSE

At 11:39 a.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 joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 54. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

MEASURES REFERRED

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

H.J. Res. 54. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

Mr. THURMOND. Mr. President, pursuant to section 3(b) of Senate Resolution 400 of the 94th Congress, I request that the bill, S. 858, to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, reported by the Select Committee on Intelligence on June 9, be referred to the Committee on Armed Services for a period not to exceed 30 days.

S. 858. An original bill to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability

System, and for other purposes; to the Committee on Armed Services.

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–2180. A communication from the General Counsel, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report under the Freeedom of Information Act from March 1, 1996 to February 28, 1997; to the Committee on the Judiciary.

EC–2181. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a notice of a proposed export license; to the Committee on Foreign Relations.

EC–2182. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, certification of a proposed export license; to the Committee on Foreign Relations.

EC–2183. A communication from the Director of Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, a rule entitled ''Revitalizing Base Closure Communities and Community Assistance—Community Redevelopment and Homeless Assistance'', received on June 10, 1997; to the Committee on Armed Services.

EC–2184. A communication from the Secretary of Defense, transmitting, pursuant to law, the Cooperative Threat Reduction Multi-Year Program Plan; to the Committee on Armed Services.

EC–2185. A communication from the Director, Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, three rules entitled ''Approval and Promulagtion of Implementation Plans; California State Implementation Plan Revision; San Diego County Air Pollution Control District; Yolo-Solano Air Quality Management District'', received on June 12, 1997; to the Committee on Environment and Public Works.

EC–2186. A communication from the Director, Fish and Wildlife Service, U.S. Department of the Interior, transmitting, pursuant to law, a rule entitled ''Endangered and Threatened Wildlife and Plants; Threatened Status for the Southern Oregon/Northern California Coast Evolutionarily Significant Unit of Coho Salmon'' (RIN1018–AE28), received on June 13, 1997; to the Committee on Environment and Public Works.

EC–2187. A communication from the Acting Director, Fish and Wildlife Service, U.S. Department of the Interior, transmitting, pursuant to law, a rule entitled ''Endangered Status for Four Plants From Vernal Pools and Mesic Areas in California'' (RIN1018–AC96), received on June 13, 1997; to the Committee on Environment and Public Works.

EC–2188. A communication from the Acting Director, Fish and Wildlife Service, U.S. Department of the Interior, transmitting, pursuant to law, a rule entitled ''Endangered Status for the Plant Lessingia germanorum'' (RIN1018–AC96), received on June 13, 1997; to the Committee on Environment and Public Works.

EC–2189. A communication from the Director, Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, seven rules entitled ''Approval and Promulgation of State Implementation Plan, South Carolina: Adoption of General Conformity Regulations'', received on June 11, 1997; to the Committee on Environment and Public Works.

EC–2190. A communication from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting, pursuant to law, a report relative to a navigation project at Cook Inlet, Alaska; to the Committee on Environment and Public Works.

EC–2191. A communication from the Comptroller of the Currency of the Administrator of National Banks, transmitting, pursuant to law, the annual report for the calendar year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–2192. A communication from the Secretary, U.S. Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to the Portfolio Reengineering Demonstration Program for fiscal years 1996 and 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–2193. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''Federal Energy Efficiency and Water Conservation Funding Study''; to the Committee on Energy and Natural Resources.

EC–2194. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Office of the Secretary, U.S. Department of the Interior, transmitting, pursuant to law, a rule entitled ''General Provisions, Definitions: Change in Organizational Title from Field Director and Field Area to Regional Director and Region'' (RIN1024–AC60), received on June 11, 1997; to the Committee on Energy and Natural Resources.

EC–2195. A communication from the Chair, Federal Energy Regulatory Commission, transmitting, pursuant to law, a rule relative to the Federal Energy Regulatory Commission's program to review its filing and reporting requirements and reduce unnecessary burdens, received on June 9, 1997; to the Committee on Energy and Natural Resources.

EC–2196. A communication from the Director of Regulations Policy Management Staff, Office of Policy Food and Drug Administration, transmitting, pursuant to law, a report of rule entitled ''Neurological Devices; Effective Date of Requirement for PreMarket Approval of Cranial Electrotherapy Stimulators, received on June 11, 1997; to the Committee on Labor and Human Resources.

EC–2197. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, a rule relative to the Corporation's regulation on Allocation of Assets in Single-Employer Plans, received on June 10, 1997; to the Committee on Labor and Human Resources.

EC–2198. A communication from the Secretary of Labor, transmitting, a draft of proposed legislation entitled ''Pension Security Act of 1997''; to the Committee on Labor and Human Resources.

EC–2199. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report for fiscal years 1993 through 1994; to the Committee on Labor and Human Resources.

EC–2200. A communication from the Deputy Director, Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a report of a rule entitled ''Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers'', received on June 11, 1997; to the Committee on Labor and Human Resources.

EC–2201. A communication from the Chair of the Social Security Advisory Board, transmitting, pursuant to law, the report of the Supplemental Security Income Program for 1997; to the Committee on Finance.

EC–2202. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, a rule entitled ''Archaeological and Ethnological Material from Peru'' (RIN1515–AC17) received on June 9, 1997; to the Committee on Finance.

EC–2203. A communication from the Chairman of the Prospective Payment Assessment Commission, transmitting, pursuant to law, the report entitled ''Medicare and the American Health Care System''; to the Committee on Finance.

EC–2204. A communication from the Chair of the Physician Payment Review Commission, transmitting, pursuant to law, four reports; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–140. A resolution adopted by the Mayor and Council of the Borough of Spring Lake Heights, County of Monmouth, New Jersey relative the Mud Dump Site; to the Committee on Environment and Public Works.

POM–141. A resolution adopted by the New Jersey State Federation of Women's Clubs relative to the Violence Against Women Act; to the Committee on Finance.

POM–142. A resolution adopted by the New Jersey State Federation of Women's Clubs relative to the proposed Child Labor Deterrence Act; to the Committee on Finance.

POM–143. A resolution adopted by the Legislature of the State of Alaska; to the Committee on Armed Services.

RESOLUTION

Whereas the nation's military strategy has shifted from its focus during the Cold War on deterrence and containment to support for the nation's new policies of global leadership in preventive diplomacy and promotion of democratic values; and

Whereas our armed forces, in the face of budget and force reductions and increasingly limited resources, are now called upon to conduct operations ranging from enforcing peace to preventing conflict and providing humanitarian assistance, while at all times remaining fully trained and prepared to accomplish their ultimate mission: to fight our nation's wars and win; and

Whereas the United States Department of Defense is now conducting its quadrennial review to evaluate the roles, missions, force structure, and base structure required to meet the challenges of the changing world situation; and

Whereas Alaska's military bases offer the armed forces an unmatched military value as a global power projection platform, as well as incomparable joint training areas that combine world class airspace and air-to-surface target ranges with state-of-the-art electronic arrays and capabilities and a wide range of terrain that is similar to the terrain of many worldwide contingency operations areas; and

Whereas the State of Alaska and its citizens have always extended a warm welcome to members of the armed forces and their families and supported them with state and local programs and educational opportunities that recognize the contributions that members of the armed forces and their families have made to our nation as well as to our local communities;

Be it resolved, That the Alaska State Legislature invites the United States Department of Defense to make use of Alaska's unique

qualities and capabilities by selecting military areas of operation within the state as the site to base and train the full spectrum force our nation now requires to successfully deploy and conduct both joint and combined operations in environments around the world.

Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; to the Honorable Al Gore, Vice-President of the United States and President of the U.S. Senate; the Honorable William S. Cohen, Secretary of Defense; the Honorable Togo D. West, Jr., Secretary of the Army; the Honorable John H. Dalton, Secretary of the Navy; the Honorable Sheila E. Widnall, Secretary of the Air Force; the Honorable Strom Thurmond, Chairman of the Committee on Armed Services of the U.S. Senate; the Honorable Floyd D. Spence, Chairman of the National Security Committee of the U.S. House of Representatives; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

POM–144. A concurrent resolution adopted by the General Assembly of the State of Iowa; to the Committee on Finance.

RESOLUTION

Whereas, this nation is dependent upon the consumption of ever-diminishing domestic crude oil reserves with the United States annually importing foreign petroleum which accounts for 54 percent of the nation's petroleum consumption and contributes to the nation's serious trade deficit; and

Whereas, a significant amount of this nation's air pollution is caused by vehicles, emitting a variety of petroleum-based pollutants, including benzene and other aromatics, nitrous oxides, particulate matter in the form of smoke and soot, carbon monoxide, and carbon dioxide; and

Whereas, the state of Iowa ranks as a preeminent agricultural state, leading the nation in the production of corn; and

Whereas, the processing of corn into ethanol adds value to this nation's abundant corn crop, increasing net farm income, creating employment opportunities, increasing state and federal tax receipts, reducing this nation's dependence upon foreign nations, and reducing the federal trade deficit; and

Whereas, in 1996 ethanol production contributed $1.9 billion to Iowa's economy, affected the employment of 13,250 Iowans, and increased the value of Iowa's corn crop by $335 million; and

Whereas, ethanol provides competition in fuel markets and expands consumers' choice of motor fuels which has resulted in a 45 percent market share in the state of Iowa; and

Whereas, motor fuel that includes only a 10 percent blend of ethanol contains 3.5 percent oxygen, which enhances octane levels and provides more oxygen for fuel combustion resulting in reduced levels of hazardous emissions such as carbon monoxide and which provides Americans with healthier air to breathe; and

Whereas, the United States Congress in supporting the need to reduce this nation's dependence upon foreign petroleum, to provide additional markets for domestic corn, to protect the public health, and to preserve the nation's environment, has traditionally encouraged ethanol production and consumption; and

Whereas, long-standing bipartisan congressional support for the ethanol industry is reflected by the 5.4 cent federal tax exemption applicable to gasoline formulated using clean burning ethanol; and

Whereas, the federal tax exemption, currently scheduled to expire on December 31, 2000, is subject to attack by certain members of the current session of the 105th Congress of the United States, as manifested by H.R. 161 introduced by United States Representative Phil English and H.R. 587 introduced by United States Representative Ken Bentsen, both supported by United States Representative Bill Archer, serving as the Chairman of the House Ways and Means Committee: Now therefore

Be it resolved by the House of Representatives, the Senate concurring, That the general assembly encourage the Congress of the United States to resist all efforts to diminish its traditional support of corn growers and the ethanol industry.

Be it further resolved, That the Congress of the United States renew this nation's commitment to the ethanol industry, including by continuing its support of the federal ethanol tax exemption, increasing its commitment to this environmentally benevolent renewable fuel, and taking other actions to increase this nation's commitment to the production and use of ethanol.

Be it further resolved, That copies of this Resolution be sent by the Chief Clerk of the House of Representatives to the President of the United States.

Be it further resolved, That copies of this Resolution be sent by the Chief Clerk of the House of Representatives to the President of the Senate of the United States; the Speaker of the House of Representatives of the United States; the majority and minority leaders of the United States Senate; and the majority and minority leaders of the United States House of Representatives.

Be it further resolved, That copies of this Resolution be sent by the Chief Clerk of the House of Representatives to the chairmen and ranking members of the United States Senate Committee on Agriculture, Nutrition, and Forestry; the United States Senate Committee on Commerce, Science, and Transportation; the United States Senate Committee on Finance; the United States Senate Committee on Energy and Natural Resources; the United States House of Representatives Committee on Agriculture; the United States House of Representatives Committee on Ways and Means; the United States House of Representatives Committee on Transportation and Infrastructure; and the United States House of Representatives Committee on Resources.

Be it further resolved, That copies of this Resolution be sent by the Chief Clerk of the House of Representatives to the Iowa's congressional delegation.

POM–145. A resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Foreign Relations.

RESOLUTION

Whereas, The number of adoptions by American citizens of children born in other countries is increasing more rapidly than any other type of adoptions in the United States. According to the National Council for Adoption (NCFA), in 1991 there were 9,008 foreign adoptions in the United States. More than 60%, or 5,409, of the children adopted were under one year of age; and

Whereas, In certain countries, war, political turmoil and economic circumstances contribute to a situation in which there are very few prospective individuals interested in adopting in comparison to the vast number of children in need of home. In addition, few countries have designed laws in a way which facilitate the placement of children in permanent homes. Instead, children languish in orphanages or institutions where they suffer the effects of malnutrition, overcrowding, disease, abuse and neglect; and

Whereas, Political forces in countries where international adoptions are on the rise condemn the practice of ''giving their children away'' to foreigners, making it more difficult for individuals from outside these countries to adopt children in need of homes. In the United States, Congress has severely limited the scope of foreign adoptions by permitting entry to adoptees that fit the narrowly defined category of ''orphan;'' and

Where, Many individuals, such as single men and women and couples over the age of 40, find it difficult to adopt in this country and foreign adoptions afford them the only opportunity to create a permanent family. Certain countries have developed bilateral treaties or other agreements designed to govern adoptions between countries, but most of the cooperations which exists between the United States and other countries when dealing with international adoption issues is found on the adoption agency level; and

Whereas, In order to help individuals who are interested in adopting children from other countries, unimpeded access to orphaned and abandoned children should be guaranteed. To accomplish this goal, a legal framework should be established, through treaties or other agreements, in the United States and around the world that would maximize the potential for cooperation among the countries who have children to adopt and the countries whose citizens are interested in adopting those children and remove the barriers which hinder international adoptions: Now, therefore

Be it resolved by the General Assembly by the State of New Jersey:

1. The United States Department of State is memorialized to adopt a guarantee of unimpeded access to orphaned and abandoned children by Americans as a tenet of foreign policy when negotiating treaties.

2. Duly authenticated copies of this resolution signed by the Speaker of the General Assembly and attested by the Clerk of the General Assembly shall be transmitted to the presiding officers of the United States Senate and House of Representatives, the members of the New Jersey Congressional delegation and the Governor of the State of New Jersey.

STATEMENT

This resolution memorializes the United States Department of State to adopt a guarantee of unimpeded access to orphaned and abandoned children by Americans as a tenet of foreign policy when negotiating treaties. The purpose of the resolution is to urge the federal government to help remove the legal barriers that make it so difficult for Americans to adopt children from other countries.

Memorializes the U.S. Department of State to adopt a guarantee of unimpeded access to orphaned and abandoned children by Americans as a tenet of foreign policy when negotiating treaties.

POM–146. A resolution adopted by the General Court of the Commonwealth of Massachusetts; to the Committee on Veterans' Affairs.

RESOLUTION

Whereas, the citizens of the Commonwealth recognize the sacrifice and honorable service of thousands of local veterans; and

Whereas, the citizens of the Commonwealth support programs and services which provide needed and deserved assistance to those veterans, especially quality health care; and

Whereas, certain Members of the United States Congress have proposed the consolidation and closure of many veterans hospitals across the Nation, including hospitals in the Commonwealth, which would result in a devastating loss of medical services to the nations veterans: Now, therefore be it

Resolved, That the Massachusetts General Court respectfully requests that veterans

hospitals across the Commonwealth and across the country be protected and preserved so that continued health care will be available to veterans seeking the unique services they provide: and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

REPORT OF COMMITTEE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of June 12, 1997, the following reports of committee as submitted on June 13, 1997.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 903. An original bill to consolidate the foreign affairs agencies of the United States, to authorize appropriations for the Department of State for fiscal years 1998 and 1999, and to provide for reform of the United Nations, and for other purposes (Rept. No. 105–28).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bill was introduced, read the first and second time by unanimous consent, and referred as indicated on June 12, 1997:

By Mrs. BOXER:

S. 902. A bill to require physicians to provide certain men with information concerning prostate specific antigen tests and to provide for programs of research on prostate cancer; to the Committee on Labor and Human Resources.

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated on June 13, 1997:

By Mr. HELMS:

S. 903. An original bill to consolidate the foreign affairs agencies of the United States, to authorize appropriations for the Department of State for fiscal years 1998 and 1999, and to provide for reform of the United Nations, and for other purposes; from the Committee on Foreign Relations; placed on the calendar.

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BREAUX (for himself, Mr. MACK, and Mr. KERREY):

S. 904. A bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with choices, and for other purposes; to the Committee on Finance.

By Mr. MCCAIN (for himself and Mr. HOLLINGS):

S. 905. A bill to establish a National Physical Fitness and Sports Foundation to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. D'AMATO (for himself, Mr. MOYNIHAN, Mr. CHAFEE, Mr. BREAUX, Mr. HATCH, and Mr. GRAHAM):

S. 906. A bill to amend the Internal Revenue Code of 1986 to extend the economic activity credit for Puerto Rico, and for other purposes; to the Committee on Finance.

By Mr. D'AMATO (for himself and Mr. BAUCUS):

S. 907. A bill to amend the Revenue Act of 1987 to provide a permanent extension of the transition rule for certain publicly traded partnerships; to the Committee on Finance.

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 908. A bill to authorize the Secretary of the Interior to participate in a water conservation project with the Tumalo Irrigation District, Oregon; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself, Mr. KERREY, and Mr. HOLLINGS):

S. 909. A bill to encourage and facilitate the creation of secure public networks for communication, commerce, education, medicine, and government; to the Committee on Commerce, Science, and Transportation.

By Mr. FRIST:

S. 910. A bill to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1998 and 1999, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. TORRICELLI:

S. 911. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to individuals who are active participants in neighborhood crime watch organizations which actively involve the community in the reduction of local crime; to the Committee on Finance.

By Mr. BOND:

S. 912. A bill to provide for certain military retirees and dependents a special medicare part B enrollment period during which the late enrollment penalty is waived and a special medigap open period during which no under-writing is permitted; to the Committee on Finance.

By Mr. HATCH:

S. 913. A bill to amend title XVIII of the Social Security Act to provide for a prospective payment system for home health services, and for other purposes; to the Committee on Finance.

S. 914. A bill to establish a prospective payment system under the medicare program for skilled nursing facility services; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX (for himself, Mr. MACK and Mr. KERREY):

S. 904. A bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with choices, and for other purposes; to the Committee on Finance.

THE COMPREHENSIVE MEDICARE REFORM AND IMPROVEMENT ACT OF 1997

Mr. BREAUX. Mr. President, I rise for a moment or two to speak to a bill which Senator MACK and I are introducing today on the entire question of Medicare. So many people around the country have heard Congress and elected officials for a long period of time talk about how we need to reform the Medicare Program. The Medicare Program has been a wonderful program since 1965. It has assured our senior citizens they will have adequate health care in a period in their lives when health care is vitally important.

We have all seen the studies and the reports which clearly point out that unless Congress fundamentally reforms this program, it is not going to be around for much longer. We clearly see a program that will be bankrupt, which is running out of money, and that has to be a tremendous concern not only to our Nation's seniors but also to their children and their grandchildren and to society at large. Unfortunately, every time Congress moves toward trying to reform Medicare, we do not do it. We have taken the same approach year in and year out with the thought of fixing Medicare with a Band-Aid type of approach instead of addressing the fundamental defects in the program. We have every year said we are going to fix it this year by reducing the reimbursement fees that doctors and hospitals get for treating Medicare patients.

I said the other day, and others have made this comment, that before too long doctors and hospitals will refuse to take Medicare patients because their reimbursement rate from the Government will be less than it costs them to do business, that they will simply refuse to take Medicare patients any longer.

That is already happening in my own family. My mother-in-law just a week ago informed us that after being diagnosed with an ailment of diabetes, in trying to go to a local physician in our State of Louisiana, they promptly informed her they do not take Medicare patients. I think that is something we all need to be very concerned about. We cannot continue to try to fix Medicare with a proposal that truly does not fix it.

What we introduce today is a proposal to make an option available to Medicare recipients which is patterned on the Federal Employees Health Benefit Plan that every Member of the Senate and every Member of the House and all 9 million Federal employees have.

It is a program which is fundamentally different than Medicare because, unlike Medicare, it is based on competition in the marketplace as opposed to arbitrary price fixing of Medicare services, which is the current system under Medicare based here in Washington.

There was an interesting story in the Washington Post this morning which talked about how House and Senate committees are looking at bringing about reform to Medicare and Medicaid and basing that reform on the Federal health plan available to Members of Congress and other Federal employees. Unfortunately, while the Medicare proposals which are now pending in the House and the Senate will increase the range of options available to seniors, they lack the most important feature of the Federal Employees Health Benefit Plan. That is competition. Medicare is the only program that fails to deliver health care based on competition but does it based on arbitrary price fixing, which is no longer working. The proposals currently in both the House and the Senate plan would continue to base what we pay managed care programs on what we spend on the so-called fee-for-service, currently available under Medicare. And that is the

problem. There is not fundamental reform.

I think most committees are to be commended. Our Finance Committee draft does recognize that there is a problem. But in trying to reduce the costs of Medicare by $115 billion, almost all of those savings come out of reducing payments to doctors and hospitals. I have said what the problem is there. Doctors and hospitals will begin to refuse to take Medicare patients. That, certainly, is not going to help anyone.

So what we are recommending, Senator MACK and I, by our approach, is to introduce a test program over a 5-year period to try to fundamentally reform Medicare; to set up demonstration projects around the country to allow competitive bidding and negotiations to take part in the delivery of Medicare services to seniors in this country. We had an interesting report the other day in our Aging Committee that pointed out we are overpaying managed care programs under Medicare by almost $2 billion a year more than it is costing them to treat the patients. That is because it is not based on competition, but rather on an arbitrary, bureaucratic program that is run out of a department here in Washington. I don't fault the program managers and the bureaucrats. That is how Congress set it up. But while it may have been a good idea in 1965, in 1997 it is no longer working. It is totally out of step with the way health care services need to be delivered in this country.

So what the Breaux-Mack proposal says is that we are going to take a look at how the Federal employee plan works; we are going to do some demonstration projects around the country; we are going to take those results, and Congress will act on those results. We will not just let the study sit on a shelf somewhere in a library and not have anything happen with it, but rather we will have the Congress actually take those recommendations and act on those recommendations.

We are convinced that with this new approach, Medicare beneficiaries will get more services. We start off with a basic standardized plan that in addition to what is now available to Medicare patients, also includes prescription drugs, which is incredibly important. We also guarantee this basic package will be available to all of the people we are proposing. But the fundamental difference is they will have more information about the plans, so the plans will be able to be compared for people to see which plan is the best. So we will create a situation where Medicare beneficiaries will have more services offered to them, more choices of which plan they would like to consider, more benefits under those plans, and we think we can clearly do it for less money than is being spent on the program right now.

One of the features of our program is that it sets up an office of competition, much like the private plans that are available now to Federal employees. We think that an office of competition will be able to call for people to actually come in and submit proposals. Then, after they look at these proposals and make sure they meet the standardized package of benefits, they will begin to negotiate with these people who are offering these plans to our seniors in the United States.

Competition is a wonderful thing. For the right to treat 38 million Medicare recipients, people will compete. They will say, ''Our plan is better than their plan. Our plan offers more than their plan. Our plan can do it at a better price.'' There will be a competitive world set up that is not now available to Medicare recipients.

That is the fundamental problem, I think, that the House and Senate bills, and respective Finance and Ways and Means Committee bills, do not address. It still says we are going to continue to fix prices out of Washington for Medicare recipients. I think that every think tank we have talked to—and Senator MACK and I have met with liberal think tanks and conservative think tanks, and people who have spent a lifetime studying this problem. Generally, they all have come to the same conclusion—that greater competition in the marketplace will allow health providers to offer more services to senior citizens and do it at a better price.

So we are going to introduce today legislation that does establish a Medicare reform package or proposals which we think represent fundamental reform in the system. We are not saying that all seniors have to move into this program immediately. No, we are saying we ought to have a demonstration project in 10 cities around the country and in rural areas around America, to see how it would work, do this test marketing for about a 5-year period, until we can get a great deal of information about what is happening out there when you try to reform this system, then take that information and bring it back to the Congress and have Congress act on that recommendation. We think that is something that makes a great deal of sense.

I think it is a balanced way to proceed. We are not rushing into it. We are not telling seniors they have to do something overnight, but merely giving them the choice during this period of time. I think that is what seniors really want. They want the choice. They want more information. They want a better benefit package. And all of us want, bottom line, to see that this program is going to be around for when we move into it, when our children move into it, when the baby-boomer generation we hear so much talk about is ready to participate in the program.

We clearly cannot continue down the same path that we have continued on for so many years, since 1965. We think the Breaux-Mack proposal is a realistic alternative. It merits bipartisan support, and we hope both committees ultimately will bring to the floor a type of program based on what myself and Senator MACK will be introducing in the Congress today.

By Mr. MCCAIN (for himself and Mr. HOLLINGS):

S. 905. A bill to establish a national physical fitness and sports foundation to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE SPORTS FOUNDATION ESTABLISHMENT ACT

Mr. MCCAIN. Mr. President, I am pleased to introduce, along with Senator HOLLINGS, the National Physical Fitness and Sports Foundation Establishment Act. This bill would create a charitable, not-for-profit foundation to raise funds from the private sector to support the activities of the President's Council on Physical Fitness.

The President's Council presently relies on Federal appropriations to support its activities. In each of the last 2 fiscal years, the President's Council has received appropriations of approximately $1 million. Future appropriations for the Mr. President's Council are at risk as we strive to balance the Federal budget.

The foundation created by this bill would raise private funds to sustain the President's Council on Physical Fitness. To facilitate fundraising, the foundation is permitted to offer the use of the seal of the President's Council for promotional purposes in exchange for sponsorship funds. The bill does not authorize the expenditure of Federal funds.

The primary goal of the President's Council is to foster programs that encourage people of all ages to participate regularly in sports and physical activities. The President's Council focuses on grassroots, community-based programs. Perhaps the Council's most well known activity is the President's Challenge Physical Fitness Awards Program which is administered by teachers and youth programs across the country.

We should act to preserve the President's Council. Its activities are particularly important because our Nation's children are becoming increasingly less physically fit even as we learn that physical fitness in one's youth is important to living a healthy life during adulthood.

By Mr. D'AMATO (for himself, Mr. MOYNIHAN, Mr. CHAFEE, Mr. BREAUX, Mr. HATCH, and Mr. GRAHAM):

S. 906. A bill to amend the Internal Revenue Code of 1986 to extend the economic activity credit for Puerto Rico, and for other purposes; to the Committee on Finance.

THE PUERTO RICO ECONOMIC ACTIVITY CREDIT IMPROVEMENT ACT OF 1997

Mr. D'AMATO. Mr. President, I rise today to join Senator CHAFEE, Senator

MOYNIHAN, Senator BREAUX, Senator HATCH, and Senator Bob GRAHAM in introducing legislation that will induce investment and create employment in Puerto Rico. Puerto Ricans have been U.S. citizens since 1917. Since World War I an estimated 200,000 Puerto Ricans have served in the U.S. Armed Forces. Yet, the Puerto Rican unemployment rate is more than twice the national average, its annual per capita income is less than half the national average, and well over 50 percent of its population live below the poverty line. We as a Congress must take action to bring Puerto Rico's economy up to the levels that we expect for all Americans.

Under current law, section 30A of the Internal Revenue Code provides a targeted wage credit to companies during business in Puerto Rico based upon the compensation paid to their employees. It does not allow new business starts and the credit terminates in 2006. As a result, existing companies have little incentive to make new investments or replace depreciating plant and equipment. Job losses will occur as existing plants are shut down and these activities may be transferred to foreign locations. Net job growth can only occur if new firms start up and if expanding firms replace job losses. Manufacturing accounts for more than 40 percent of Puerto Ricos gross domestic product.

This legislation expands section 30A to provide an employer tax credit for employees located in Puerto Rico that will also cover new businesses. This credit is based upon the compensation to their employees. The credit will only remain until economic conditions improve within Puerto Rico including an unemployment rate not to exceed 150 percent of the U.S. average, per capita income is at least 66 percent of the national average, and that the poverty level does not exceed 30 percent. The economic conditions for the tax incentives to end are modest but achieve significant economic progress for the people of Puerto Rico.

This legislation serves U.S. fiscal interests. Without spurring job creation in Puerto Rico, the United States will be paying unemployment and welfare benefits to people that have a strong work ethic and impressive job skills. Puerto Rico has a labor force of 1.3 million people. Of this total approximately 190,000 are available for employment. We must do everything possible to help facilitate employment for these people.

Even though Puerto Rico is located 1,600 miles southeast of New York City, the people of New York have a direct interest in the Puerto Rican economy. Puerto Rican subsidiaries of mainland companies purchase approximately $195 million per year worth of supplies and services from New York. Corporations headquartered in New York State that have invested in Puerto Rico employ over 39,000 persons in New York. If corporations are drawn to other regions where there are tax incentives, New York State will not only lose jobs but also significant amounts of income from goods and services.

Mr. President, this legislation is a powerful economic development initative that is vital to Puerto Rico because of the many hurdles the people face in their struggle for development. The island faces much higher transportation costs than most States; an infrastructure which still needs billions in investment to bring it up to acceptable standards and it is faced with competition within the Caribbean and other locations which pay wages a fraction of Puerto Rico's.

Mr. President, I urge my colleagues on both sides of the aisle to join us in cosponsoring this important legislation.

Mr. President, I ask unanimous consent that the complete text of the bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 906

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Puerto Rico Economic Activity Credit Improvement Act of 1997''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. MODIFICATIONS OF PUERTO RICO ECONOMIC ACTIVITY CREDIT.

(a) CORPORATIONS ELIGIBLE TO CLAIM CREDIT.—Section 30A(a)(2) (defining qualified domestic corporation) is amended to read as follows:

''(2) QUALIFIED DOMESTIC CORPORATION.—For purposes of paragraph (1)—

''(A) IN GENERAL.—A domestic corporation shall be treated as a qualified domestic corporation for a taxable year if it is actively conducting within Puerto Rico during the taxable year—

''(i) a line of business with respect to which the domestic corporation is an existing credit claimant under section 936(j)(9), or

''(ii) an eligible line of business not described in clause (i).

''(B) LIMITATION TO LINES OF BUSINESS.—A domestic corporation shall be treated as a qualified domestic corporation under subparagraph (A) only with respect to the lines of business described in subparagraph (A) which it is actively conducting in Puerto Rico during the taxable year.

''(C) EXCEPTION FOR CORPORATIONS ELECTING REDUCED CREDIT.—A domestic corporation shall not be treated as a qualified corporation if such corporation (or any predecessor) had an election in effect under section 936(a)(4)(B)(iii) for any taxable year beginning after December 31, 1996.''

(b) APPLICATION ON SEPARATE LINE OF BUSINESS BASIS; ELIGIBLE LINE OF BUSINESS.—Section 30A is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) APPLICATION ON LINE OF BUSINESS BASIS; ELIGIBLE LINES OF BUSINESS.—For purposes of this section—

''(1) APPLICATION TO SEPARATE LINE OF BUSINESS.—

''(A) IN GENERAL.—In determining the amount of the credit under subsection (a), this section shall be applied separately with respect to each substantial line of business of the qualified domestic corporation.

''(B) EXCEPTIONS FOR EXISTING CREDIT CLAIMANT.—This paragraph shall not apply to a substantial line of business with respect to which the qualified domestic corporation is an existing credit claimant under section 936(j)(9).

''(C) ALLOCATION.—The Secretary shall prescribe rules necessary to carry out the purposes of this paragraph, including rules—

''(i) for the allocation of items of income, gain, deduction, and loss for purposes of determining taxable income under subsection (a), and

''(ii) for the allocation of wages, fringe benefit expenses, and depreciation allowances for purposes of applying the limitations under subsection (d).

''(2) ELIGIBLE LINE OF BUSINESS.—The term 'eligible line of business' means a substantial line of business in any of the following trades or businesses:

''(A) Manufacturing.

''(B) Agriculture.

''(C) Forestry.

''(D) Fishing.

''(3) SUBSTANTIAL LINE OF BUSINESS.—For purposes of this subsection, the determination of whether a line of business is a substantial line of business shall be determined by reference to 2-digit codes under the North American Industry Classification System (62 Fed. Reg. 17288 et seq., formerly known as 'SIC codes').''

(c) REPEAL OF BASE PERIOD CAP.—

(1) IN GENERAL.—Section 30A(a)(1) (relating to allowance of credit) is amended by striking the last sentence.

(2) CONFORMING AMENDMENT.—Section 30A(e)(1) is amended by inserting ''but not including subsection (j)(3)(A)(ii) thereof'' after ''thereunder''.

(d) APPLICATION OF CREDIT.—Section 30A(h) (relating to applicability of section), as redesignated by subsection (b), is amended to read as follows:

''(h) APPLICATION OF SECTION.—

''(1) IN GENERAL.—This section shall apply to taxable years beginning after December 31, 1995, and before the termination date.

''(2) TERMINATION DATE.—For purposes of paragraph (1)—

''(A) IN GENERAL.—The termination date is the first day of the 4th calendar year following the close of the first period for which a certification is issued by the Secretary under subparagraph (B).

''(B) CERTIFICATION.—

''(i) IN GENERAL.—The Secretary shall issue a certification under this subparagraph for the first 3-consecutive calendar year period beginning after December 31, 1997, for which the Secretary determines that Puerto Rico has met the requirements of clause (ii) for each calendar year within the period.

''(ii) REQUIREMENTS.—The requirements of this clause are met with respect to Puerto Rico for any calendar year if—

''(I) the average monthly rate of unemployment in Puerto Rico does not exceed 150 percent of the average monthly rate of unemployment for the United States for such year,

''(II) the per capita income of Puerto Rico is at least 66 percent of the per capita income of the United States, and

''(III) the poverty level within Puerto Rico does not exceed 30 percent.''

(e) CONFORMING AMENDMENTS.—

(1) Section 30A(b) is amended by striking ''within a possession'' each place it appears and inserting ''within Puerto Rico''.

(2) Section 30A(d) is amended by striking ''possession'' each place it appears.

(3) Section 30A(f) is amended to read as follows:

''(f) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED INCOME TAXES.—The qualified income taxes for any taxable year allocable to nonsheltered income shall be determined in the same manner as under section 936(i)(3).

''(2) QUALIFIED WAGES.—The qualified wages for any taxable year shall be determined in the same manner as under section 936(i)(1).

''(3) OTHER TERMS.—Any term used in this section which is also used in section 936 shall have the same meaning given such term by section 936.''

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

SEC. 3. COMPARABLE TREATMENT FOR OTHER ECONOMIC ACTIVITY CREDIT.

(a) CORPORATIONS ELIGIBLE TO CLAIM CREDIT.—Section 936(j)(2)(A) (relating to economic activity credit) is amended to read as follows:

''(A) ECONOMIC ACTIVITY CREDIT.—

''(i) IN GENERAL.—In the case of a domestic corporation which, during the taxable year, is actively conducting within a possession other than Puerto Rico—

''(I) a line of business with respect to which the domestic corporation is an existing credit claimant under paragraph (9), or

''(II) an eligible line of business not described in subclause (I),

the credit determined under subsection (a)(1)(A) shall be allowed for taxable years beginning after December 31, 1995, and before January 1, 2002.

''(ii) LIMITATION TO LINES OF BUSINESS.—Clause (i) shall only apply with respect to the lines of business described in clause (i) which the domestic corporation is actively conducting in a possession other than Puerto Rico during the taxable year.

''(iii) EXCEPTION FOR CORPORATIONS ELECTING REDUCED CREDIT.—Clause (i) shall not apply to a domestic corporation if such corporation (or any predecessor) had an election in effect under subsection (a)(4)(B)(iii) for any taxable year beginning after December 31, 1996.''

(b) APPLICATION ON SEPARATE LINE OF BUSINESS BASIS; ELIGIBLE LINE OF BUSINESS.—

(1) IN GENERAL.—Section 936(j) is amended by adding at the end the following new paragraph:

''(11) APPLICATION ON LINE OF BUSINESS BASIS; ELIGIBLE LINES OF BUSINESS.—For purposes of this section—

''(A) APPLICATION TO SEPARATE LINE OF BUSINESS.—

''(i) IN GENERAL.—In determining the amount of the credit under subsection (a)(1)(A) for a corporation to which paragraph (2)(A) applies, this section shall be applied separately with respect to each substantial line of business of the corporation.

''(ii) EXCEPTIONS FOR EXISTING CREDIT CLAIMANT.—This paragraph shall not apply to a line of business with respect to which the qualified domestic corporation is an existing credit claimant under paragraph (9).

''(iii) ALLOCATION.—The Secretary shall prescribe rules necessary to carry out the purposes of this subparagraph, including rules—

''(I) for the allocation of items of income, gain, deduction, and loss for purposes of determining taxable income under subsection (a)(1)(A), and

''(II) for the allocation of wages, fringe benefit expenses, and depreciation allowances for purposes of applying the limitations under subsection (a)(4)(A).

''(B) ELIGIBLE LINE OF BUSINESS.—For purposes of this subsection, the term 'eligible line of business' means a substantial line of business in any of the following trades or businesses:

''(i) Manufacturing.

''(ii) Agriculture.

''(iii) Forestry.

''(iv) Fishing.''

(2) NEW LINES OF BUSINESS.—Section 936(j)(9)(B) is amended to read as follows:

''(B) NEW LINES OF BUSINESS.—A corporation shall not be treated as an existing credit claimant with respect to any substantial new line of business which is added after October 13, 1995, unless such addition is pursuant to an acquisition described in subparagraph (A)(ii).''

(3) SEPARATE LINES OF BUSINESS.—Section 936(j), as amended by paragraph (1), is amended by adding at the end the following new paragraph:

''(12) SUBSTANTIAL LINE OF BUSINESS.—For purposes of this subsection (other than paragraph (9)(B) thereof), the determination of whether a line of business is a substantial line of business shall be determined by reference to 2-digit codes under the North American Industry Classification System (62 Fed. Reg. 17288 et seq., formerly known as 'SIC codes').''

(c) REPEAL OF BASE PERIOD CAP FOR ECONOMIC ACTIVITY CREDIT.—

(1) IN GENERAL.—Section 936(j)(3) is amended to read as follows:

''(3) ADDITIONAL RESTRICTED REDUCED CREDIT.—

''(A) IN GENERAL.—In the case of an existing credit claimant to which paragraph (2)(B) applies, the credit determined under subsection (a)(1)(A) shall be allowed for any taxable year beginning after December 31, 1997, and before January 1, 2006, except that the aggregate amount of taxable income taken into account under subsection (a)(1)(A) for such taxable year shall not exceed the adjusted base period income of such claimant.

''(B) COORDINATION WITH SUBSECTION (a)(4)(B).—The amount of income described in subsection (a)(1)(A) which is taken into account in applying subsection (a)(4)(B) shall be such income as reduced under this paragraph.''

(2) CONFORMING AMENDMENT.—Section 936(j)(2)(A), as amended by subsection (a), is amended by striking ''2002'' and inserting ''2006''.

(d) APPLICATION OF CREDIT.—

(1) IN GENERAL.—Section 936(j)(2)(A), as amended by this section, is amended by striking ''January 1, 2006'' and inserting ''the termination date''.

(2) SPECIAL RULES FOR APPLICABLE POSSESSIONS.—Section 936(j)(8)(A) is amended to read as follows:

''(A) IN GENERAL.—In the case of an applicable possession—

''(i) this section (other than the preceding paragraphs of this subsection) shall not apply for taxable years beginning after December 31, 1995, and before January 1, 2006, with respect to any substantial line of business actively conducted in such possession by a domestic corporation which is an existing credit claimant with respect to such line of business, and

''(ii) this section (including this subsection) shall apply—

''(I) with respect to any substantial line of business not described in clause (i) for taxable years beginning after December 31, 1997, and before the termination date, and

''(II) with respect to any substantial line of business described in clause (i) for taxable years beginning after December 31, 2006, and before the termination date.''

(3) TERMINATION DATE.—Section 936(j), as amended by subsection (b), is amended by adding at the end the following new paragraph.

''(13) TERMINATION DATE.—For purposes of this subsection—

''(A) IN GENERAL.—The termination date for any possession other than Puerto Rico is the first day of the 4th calendar year following the close of the first period for which a certification is issued by the Secretary under subparagraph (B).

''(B) CERTIFICATION.—

''(i) IN GENERAL.—The Secretary shall issue a certification for a possession under this subparagraph for the first 3-consecutive calendar year period beginning after December 31, 1997, for which the Secretary determines that the possession has met the requirements of clause (ii) for each calendar year within the period.

''(ii) REQUIREMENTS.—The requirements of this clause are met with respect to a possession for any calendar year if—

''(I) the average monthly rate of unemployment in the possession does not exceed 150 percent of the average monthly rate of unemployment for the United States for such year,

''(II) the per capita income of the possession is at least 66 percent of the per capita income of the United States, and

''(III) the poverty level within the possession does not exceed 30 percent.''

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

(2) NEW LINES OF BUSINESS.—The amendment made by subsection (b)(2) shall apply to taxable years beginning after December 31, 1995.

Mr. MOYNIHAN. Mr. President, today I am joining Senator D'AMATO, along with Senators CHAFEE, BREAUX, HATCH and GRAHAM, in introducing bipartisan legislation to improve the existing tax credit for providing employment in Puerto Rico.

Economic conditions in Puerto Rico are cause for serious concern. Over half of the population lives below the poverty line. Puerto Rico's average annual per capita income of approximately $7,500 is less than one-third the national average. Its average unemployment rate is well over twice the national average of 4.8 percent for May 1997.

In recent years, Congress has twice imposed significant tax increases on companies doing business in Puerto Rico, first in 1993 and again in 1996. While it is unclear to what extent those tax changes will result in employer relocation or lost jobs, they undoubtedly have increased the vulnerability of the economy of Puerto Rico. Exacerbating this economic uncertainty, the tax changes are being phased in at the same time that Puerto Rico faces increased economic competition from low-wage Caribbean countries and from Mexico.

This legislation would respond to these serious problems by building on the temporary wage credit that is currently provided in the Internal Revenue Code. Employers generally would be eligible for a tax credit equal to 60 percent of wages and fringe benefit expenses for employees located in Puerto Rico. New as well as existing employers would be rewarded for providing local jobs. The credit would remain in effect until the attainment of specific

economic goals in Puerto Rico, which would trigger an automatic phaseout of the credit.

I believe this investment in the long-term economic health and well-being of Puerto Rico is imperative. It is our obligation to the people of Puerto Rico, who are U.S. citizens but not represented in the Senate, to take note and address the very serious plight of their economy.

Mr. GRAHAM. Mr. President, I would like to join with my distinguished colleague, Senator MOYNIHAN, the ranking member of the Finance Committee, along with both Republicans and Democrats on the Finance Committee to seek a restoration of job creation and economic growth incentives for U.S. businesses in Puerto Rico.

Last year's tax legislation eliminated the longstanding incentive that applied in Puerto Rico: section 936. Efforts were made to replace section 936 with a new wage credit provision in section 30A, but even that provision is scheduled to expire. The legislation enacted did not provide for any tax benefits for new companies locating in Puerto Rico or existing companies expanding their operation on the island. The legislation we introduce today will make permanent wage credit benefits of section 30A to companies seeking to locate or expand their activities in Puerto Rico.

Puerto Rico's economy is directly related to the economies of Florida and many other States. Most of the materials and many services used by manufacturing facilities in Puerto Rico are supplied from the States. Puerto Rico is also the center of economic activity for the entire strategic Caribbean region. Any downturn in the economy of Puerto Rico would have serious negative implications for the States that do significant business with the island as well as for the Caribbean Basin as a whole.

The bill we introduce today would tie tax benefits directly to wages paid and investment made in Puerto Rico. It is targeted, efficient, and has the broad bipartisan support of the public and private sectors in Puerto Rico. It is a provision that we should act on now. We should not await a significant downturn in the Puerto Rico economy before taking action. It is clearly desirable and necessary to act this year if we are to increase economic conditions in Puerto Rico to levels consistent with those we should expect for all American citizens.

By Mr. D'AMATO (for himself and Mr. BAUCUS):

S. 907. A bill to amend the Revenue Act of 1987 to provide a permanent extension of the transition rule for certain publicly traded partnerships; to the Committee on Finance.

TAX CODE LEGISLATION

Mr. D'AMATO. Mr. President, I rise today to join Senator BAUCUS in introducing legislation that will amend the Tax Code to provide a permanent extension of a grandfather provision contained in the Omnibus Budget Reconciliation Act of 1987. This 10 year grandfather provision was provided for publicly traded partnerships [PTP's] that were in existence as of December 17, 1987. A PTP is a partnership whose interests are traded on established securities exchanges or are readily tradable in secondary markets.

Included in the Omnibus Budget Reconciliation Act of 1987 is section 7704 of the Internal Revenue Code. The section provides that PTP's will generally be taxed as corporations; income or loss does not pass through to the partners. Section 7704 does not apply, however, to PTP's where 90 percent or more of their income is qualifying income, such as from interest, dividends, real estate, timber, oil, and gas. This exception applies regardless when the PTP was formed. Other PTP's in existence when section 7704 was enacted were grandfathered, but only for 10 years, through 1997. Our legislation would extend the grandfather provision permanently.

The purpose of section 7704 according to the committee reports was intended to stop the long term erosion of the corporate tax base. There was a concern that much of corporate America would convert to PTP's resulting in a decline of corporate tax revenues.

This purpose has been achieved because of the prospective application of that section. There were approximately 120 PTP's in existence in 1987 and because of the legislation the number of PTP's did not snowball. Permanently grandfathering PTP's would not defeat the purpose of the 1987 legislation since the grandfather applies only to those PTP's that were in existence at the time of the 1987 legislation.

Fairness to the owners of the PTP's that were grandfathered during the Omnibus Budget Reconciliation Act of 1987 is an important issue. The conversion from a corporation to a PTP was a costly and time-consuming process. The companies that converted to PTP form relied on the expectation that they would be able to operate as partnerships as long as they wanted. The conversion process involved consultation with investment bankers, appraisals, planning by corporate finance, securities and tax lawyers, multiple filings with the Securities and Exchange Commission and State securities agencies, proxy statements and shareholder votes, et cetera. This process would not have been started or completed had there been any reasonable prospect that a change in the tax law would have applied retroactively or after a limited period of time. Failure to pass this legislation will be punishing PTPs that played by the rules.

If the grandfather is not made permanent many of these same costs will be incurred once again. Grandfathered PTP's will be forced to convert to corporate form by January 1998. To do so will require lengthy planning, and the same investment banking advice, appraisals and attorney fees. The need for extensive, advance planning makes it essential that the matter be resolved this year. These PTP's relied on the law in effect before passage of the 1987 act and it is unreasonable and unfair to now force these PTP's to undergo this expensive, time consuming process to convert to corporate form. No public purpose will be served by such forced conversions.

The loss of the grandfather will hurt PTP investors and employees of the companies. The value of PTP units will decline if the grandfather is not permanently implemented. Most of these investors are average, middle-class taxpayers who have invested in PTP units oftentimes through an individual retirement account, because of the desire for a safe, liquid investment. As PTP units decline in value, a company's ability to expand will be negatively affected and the employees will suffer.

We do not achieve any tax policy goal by honoring the 10-year grandfather. That goal was fully achieved by making section 7704 apply prospectively. Instead, all we would accomplish by not making the grandfather provision permanent would be harm to these PTP's and their investors. The PTP's operate in all 50 States affecting many of our districts and include a wide variety of industries, from motels and restaurants to chemicals and financial advising. The most recent count indicates that there are well over 300,000 individual investors.

Mr. President, I urge my colleagues on both sides of the aisle to join me and Senator BAUCUS in cosponsoring this important legislation.

Mr. President, I ask unanimous consent that the complete text of the bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 907

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT EXTENSION OF TRANSITION RULE FOR CERTAIN PUBLICLY TRADED PARTNERSHIPS.

(a) IN GENERAL.—Paragraph (1) of section 10211(c) of the Revenue Act of 1987 (Public Law 100–203) is amended to read as follows:

''(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 1987, except that such amendments shall not apply to any existing partnership.''

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provisions of section 10211 of the Revenue Act of 1987.

Mr. BAUCUS. Mr. President, I am pleased to join with my colleague, Senator D'AMATO, in introducing this legislation, which would permanently extend the 10-year grandfather for publicly traded partnerships [PTP's].

PTP's were first created in the early 1980's for the purpose of combining the traditional limited partnership form with the ability to have the partnership units freely traded on established securities or secondary markets. When Congress enacted the Omnibus Budget Reconciliation Act of 1987, it included a

provision which reversed existing law at the time by requiring that PTP's would generally be treated as corporations for income tax purposes. The act completely exempted certain types of PTP's from the law, primarily those whose income is derived from resources such as timber, oil and gas, minerals, and real estate. PTP's which did not meet the criteria were given a 10-year transition period, after which they would no longer be exempted from the new requirements. This transition period, the grandfather, expires at the end of 1997. Our bill would extend it permanently.

Mr. President, there is no public or tax policy reason for treating the grandfathered PTP's differently than those completely exempted from the law. All of the PTP's relied upon the law that was in effect when they were created. They are all similarly structured and deserve the same right to preserve their partnership status, regardless of the line of business in which they operate. There are only 27 of them remaining, and they are involved in a wide variety of industries, from motels and restaurants to chemicals, financial advising and macadamia nuts. They went through a costly and time-consuming process in order to convert from a corporation to a PTP in the first place, and will incur many of the same costs if they are now required to convert back to corporate form when the grandfather expires in January.

More importantly, I am concerned about the effect that the loss of the grandfather will have on PTP investors. It is a virtual certainty that the value of PTP units will be adversely affected if the grandfather expires, reducing the value of the investor's holdings. Most of these investors are average, middle-class taxpayers, many of them elderly, who invested in PTP units because of their high yield. They are scattered throughout the country, and at last count numbered over 300,000. Many made this investment before the 1987 act was passed.

There is no tax policy goal that will be achieved by allowing the grandfather to expire. That goal was fully achieved by making the law apply prospectively. All we accomplish is inflicting harm on these PTP's and their investors, without their having done anything illegal or improper when they were created. With this action, all remaining PTP's would be treated uniformly under the law. If the legislation is incorporated into this year's reconciliation bill, it will be as a revenue-neutral measure.

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 908. A bill to authorize the Secretary of the Interior to participate in a water conservation project with the Tumalo Irrigation District, OR; to the Committee on Energy and Natural Resources.

THE TUMALO IRRIGATION DISTRICT WATER CONSERVATION PROJECT AUTHORIZATION ACT

Mr. SMITH of Oregon. Mr. President, I am today introducing legislation to authorize financial assistance to the Tumalo Irrigation District for the construction of water system improvements for the purposes of efficient utilization of water and to increase water for in-stream flows in Tumalo Creek and the Deschutes River basin.

The district will conserve approximately 40,000 acre feet of water per year upon completion of the project. This conservation will allow the diversions from the Deschutes River and Tumalo Creek to be reduced by about 32,000 acre-feet. This increased in-stream waterflow will improve water quality, fisheries, increase opportunities for recreation, and enhance fire protection with the possible installation of hydrants.

This legislation also has the added benefit of local funding with 50 percent coming from the district, State, and community. This project will be completed in phases with the recommended total appropriation at $15,000,000.

I am proud of the district's work to improve in-stream flows. This is a positive solution to the inefficient and environmentally unsound system now in place. Oregon has long demonstrated its ability to identify innovative and progressive solutions, and I believe that this legislation will allow the Tumalo Irrigation District to proudly continue that tradition.

Mr. President, I ask unanimous consent that a copy of the bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 908

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That this Act may be cited as the ''Tumalo Irrigation District Water Conservation Project Authorization Act''.

SEC. 2. At the request of the Tumalo Irrigation District, Oregon, the Secretary of the Interior may participate in the design, planning, and construction of a comprehensive water conservation project by the District. The federal share of the costs of such project may not exceed 50 percent.

SEC. 3. There are authorized to be appropriated to the Secretary of the Interior, plus or minus such amounts as may be justified by reason of ordinary fluctuations of applicable cost indexes, not to exceed $15,000,000 for the federal share of costs related to the project.

By Mr. MCCAIN (for himself, Mr. KERREY, and Mr. HOLLINGS):

S. 909. A bill to encourage and facilitate the creation of secure public networks for communication, commerce, education, medicine, and government; to the Committee on Commerce, Science, and Transportation.

SECURE PUBLIC NETWORKS ACT

Mr. KERREY. Mr. President, earlier, I sent to the desk a bill that I introduced on behalf of myself, Senator MCCAIN of Arizona, Senator JOHN KERRY of Massachusetts, and Senator FRITZ HOLLINGS of South Carolina. The bill is called the Secure Public Networks Act of 1997, and it establishes as a priority that we are going to try with our law to develop a mechanism whereby, in collaboration with the private sector, the U.S. Government can work to secure these public networks upon which our commerce depends, our Government operations depend, and increasingly our national security depends.

Secure public networks are essential to the protection of personal privacy and the promotion of commerce on the Internet and other communications networks. Without trust in the system, the Internet will never reach its full potential as a new form of communications in commerce.

I believe there is an urgent need to enact legislation this year which can promote the creation and use of new networks, provide the security American citizens require in their communications and balance America's compelling interest in commerce and public safety.

Congress has been gridlocked for more than a year in the debate about the Nation's export policy for encryption products. Our Nation's policy on encryption is only a single piece of the puzzle, however. We need to ensure that the whole system of our public communications networks provides the security required.

There are three large interests, as I see it, at stake in this entire debate. One of the reasons there is an urgency to develop new legislation and enact new legislation that the President will be able to sign this year is that unless these networks are secure, we risk all three.

The first is in the area of commerce. The increasing amount of business that is being done on the network and the failure to be able to establish security on an international basis risks the full development potential of commercial networks.

The second is in the area of Government operations itself. Not only are there concerns in the private sector but on the Government side, from the Internal Revenue Service even to the operations of schools, that we need to have a secure public network. Obviously, if we are going to develop fully the electronic filing system—and for colleagues' reference, less than 1 percent error rate occurs in electronic filing, where nearly a 25-percent filing rate occurs in paper filing, there is a potential for saving money.

In addition to that, there is an increasing amount of education that is occurring on the network, once again offering a tremendous amount of savings for individuals who look for ways to leverage intellectual property and increase the efficiency of education. You need look no further than what is going on now in the area of education on the network, but it needs to be secure.

In the area of law enforcement, again, there is an offensive and defensive capability, and I am addressing at this instance the defensive capability, our ability to be able to communicate, for national security reasons, and our ability to be able to communicate for law enforcement reasons and know those communications are secure is the first order of business of the Secure Public Networks Act of 1997.

Our commercial interests, Mr. President, lie in maintaining American companies' leading position as producers of software and in the promotion of commerce on-line on the Internet. I do not believe we can fully achieve either of these objectives if the current law remains unchanged.

Second, the American people should be able to have secure access to their Government, as I indicated before, not just with the IRS, but also a whole range of other services, including the Government job of educating our people. There is a tremendous requirement in every single operation of Government for the consumer of those services to know that their communication is secure, that there is no manipulation of the data, no transference of that data.

And as I said, again, thirdly, there is a public safety interest in meeting the needs of law enforcement and national defense. Here a secure public network can provide both defensive and offensive security.

Mr. President, the greatest threat to our citizens' privacy is very often described by some advocates of change as being the Government. They are afraid of the Government interfering with their privacy. But I urge my colleagues to consider what the marketplace sees out there, which is that increasingly it is the private-sector interests that are the greatest threat to the privacy of citizens.

For example, the FBI reported last month that a hacker collected 100,000 credit card numbers from an Internet provider and then attempted to sell these numbers for cash. This is a private-sector individual out there, obviously very skilled. These hackers and crackers are skilled way beyond my capacity to understand what they are doing, except to know that they have the ability to come in and steal information that has great value, to manipulate that data and do not just a little bit of mischief but put our commercial and our national security interests at risk.

There was a story in the New York Times last week, Mr. President, that detailed the trauma and the horror faced in 1994 by a Texas woman who received a letter full of threatening sexual comments from an inmate in a Texas prison. She asked the question, ''How did this inmate get access to the information?'' and was surprised to discover that her personal life had become available as a result of a private-sector company's use of Texas inmates to do input into their data bases.

There was another example in this same article about a 1993 employee at a car dealership in New Jersey using their company's access to credit information to open false accounts in their customers' names and charging up thousands of dollars of merchandise with the fraudulent cards.

Another example, in 1995, a convicted child rapist, working in a Boston hospital, used a former fellow employee's password to access information on the hospital's patients. He found the phone numbers of young patients in the area, and then made obscene phone calls to girls as young as 8 years old.

There are many other examples that one could give. The point that I am trying to make, Mr. President, is, as this debate unfolds, one of the things you will hear immediately is that this legislation is an attempt by Government to gain access over the privacy of individuals. That is simply not true. There is protection after protection after protection in this legislation guarding against that.

This is an attempt to tighten up the security so that we know that a private individual, as I indicated here earlier with three or four examples, does not have the opportunity to either come in and intercept your communication or go into your data base and retrieve information that they will use against you or manipulate a data base so as to engage in fraudulent transactions that could cost not only the companies but could cost the individual substantial amounts of money.

To provide privacy protection and help prevent abuse of public networks, the Secure Public Networks Act makes it illegal for a person to use encryption to commit a crime; to exceed lawful authority in decrypting data or communications; to break the encryption code of another for the purpose of violating privacy, security, and property rights; to steal intellectual property on a public communications network; and to misuse key recovery information.

This act fully protects and strengthens the privacy rights of the individual without damaging the interest of public safety. Law enforcement will be granted access to key recovery information only if they have authority based on existing statute, rule or law. Audits will be performed by the Department of Justice which will ensure this process is not circumvented or abused, and I would expect these audits to be available to the appropriate congressional oversight committees.

Both the Government and the private sector need to work together to create the infrastructure and technology that will give the users total confidence in the security of commercial transactions and personal communications. As the largest purchaser of computer software and hardware, the Federal Government can create important incentives to help the market fulfill this need.

The idea here, Mr. President, is to say that the Federal law can provide incentives for market-based solutions. It will be for the most part the market that solves these problems and determines what kind of technology will be used in the solution of these problems. The Secure Public Networks Act of 1997, however, provides a framework and some standardization to make certain that we expedite that happening.

This act also sets up a voluntary registration system for public key certificate authorities and key recovery agents which help build confidence in the secure public network. Since the Internet is international and online commerce will be worldwide, the United States alone cannot develop a secure public network on the scale necessary to address this technology. Our legislation therefore, Mr. President, calls on the President to continue consultations and negotiations with foreign countries to ensure secure public networks are built on a global scale.

The Secure Public Networks Act creates an advisory panel with industry representatives to assist the Government in adapting policies to meet changing technology and changing commercial situations. This panel will also advise the Secretary of Commerce on the commercial situation American companies face overseas and recommend changes in U.S. policy to assist industry.

The act also calls for additional Federal research to facilitate the creation of secure public networks and the cooperation and coordination of departments and agencies on both Federal and State levels to ensure the development of secure public networks.

Mr. President, I believe the Secure Public Networks Act of 1997 will move our Nation closer to secure computer and telecommunications networks and help resolve the debate on encryption as well. The alternative to the rule of law in this dynamic area is chaos and anarchy, a condition which will prevent Internet-type networks from reaching their full potential and which will hurt the interests of industry, the interests of the public, and the interests of law enforcement and national security. Congress' duty to make laws to strengthen these networks is clear. I suggest we set a public goal of getting a bill to the President by October 1. I believe if we set a goal of this kind and stick to it, we will enable not only the market to develop, but it will enable us to provide the security needed for us to be able to move Government operations into the new paradigm of network activity.

By Mr. FRIST:

S. 910. A bill to authorize appropriations for carrying out the Earthquake Hazard Reduction Act of 1977 for fiscal years 1998 and 1999, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE 1998–99 REAUTHORIZATION OF THE EARTHQUAKE HAZARD REDUCTION ACT OF 1997

Mr. FRIST. Mr. President, I rise today to offer the 1998–99 Reauthorization of the Earthquake Hazard Reduction Act of 1977. This piece of legislation reauthorizes the agencies that are working to reduce earthquake hazards throughout the Nation. These four agencies: The Federal Emergency Management Agency [FEMA], which serves as the lead agency, the U.S. Geological Survey [USGS], National Science Foundation [NSF], and National Institute of Standards and Technology [NIST], each play a critical role in this important mission.

This bill continues the funding for agency activities including research, hazard assessment, and public education, and moves these activities forward. It also builds upon the national seismic network, improving its capability, and forming the basis for a real-time seismic hazard warning system. A real-time warning system has the potential for saving lives by alerting people outside the immediate area of an impending seismic shock. Advance warning can be critical in preventing injury in many sectors of modern life, such as high-speed trail transportation.

This reauthorization has an important provision which underscores our commitment to education. This bill would let NSF create and disseminate Earth science educational materials in a way that permits easy access by educators and the general public. Acknowledging that FEMA and NSF have both done an outstanding job in creating educational material, we are looking for continued cooperation of all the agencies, one of the hallmarks of the National Earthquake Hazard Reduction Program [NEHRP].

Mr. President, I believe that the passage of this legislation will continue of the good work that these four agencies have been undertaking—work that saves property, but most importantly, saves American lives.

I ask unanimous consent that the full text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 910

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 12 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) is amended—

(1) in subsection (a)(7)—

(A) by striking ''and'' after ''1995,''; and

(B) by inserting before the period at the end the following: '', $19,228,000 for the fiscal year ending September 30, 1998, and $19,804,000 for the fiscal year ending September 30, 1999'';

(2) in subsection (b)—

(A) by striking ''and'' after ''September 30, 1995;''; and

(B) by inserting before the period at the end the following: ''; $51,142,000 for the fiscal year ending September 30, 1998; and $52,676,000 for the fiscal year ending September 30, 1999'';

(3) in subsection (c)—

(A) by striking ''and'' at the end of paragraph (1); and

(B) by inserting before the period at the end the following: '', (3) $18,450,000 for engineering research and $11,920,000 for geosciences research for the fiscal year ending September 30, 1998, and (4) $19,000,000 for engineering research and $12,280,000 for geosciences research for the fiscal year ending September 30, 1999''; and

(4) in the last sentence of subsection (d)—

(A) by striking ''and'' after ''September 30, 1995,''; and

(B) by inserting before the period at the end the following: '', $2,000,000 for the fiscal year ending September 30, 1998, and $2,060,000 for the fiscal year ending September 30, 1999''.

SEC. 2. REAL-TIME SEISMIC HAZARD WARNING SYSTEM DEVELOPMENT AND PHASED DEPLOYMENT.

(a) AUTOMATIC SEISMIC WARNING SYSTEM DEVELOPMENT AND PHASED DEPLOYMENT.—

(1) DEFINITIONS.—In this section:

(A) DIRECTOR.—The term ''Director'' means the Director of the United States Geological Survey.

(B) HIGH-RISK ACTIVITY.—The term ''high-risk activity'' means an activity that may be adversely affected by a moderate to severe seismic event (as determined by the Director). The term includes high-speed rail transportation.

(C) REAL-TIME SEISMIC WARNING SYSTEM.—The term ''real-time seismic warning system'' means a system that issues warnings in real-time from a network of seismic sensors to a set of analysis processors, directly to receivers related to high-risk activities.

(2) IN GENERAL.—The Director shall conduct a program to develop and deploy a real-time seismic warning system. The Director may use funds made available to the Director pursuant to this section to provide for a joint program with an entity that the Director determines to be appropriate to develop and deploy a real-time seismic warning system. The Director may enter into such agreements or contracts as may be necessary to carry out the program.

(3) UPGRADE OF SEISMIC SENSORS.—In carrying out a program under paragraph (2), in order to increase the accuracy and speed of seismic event analysis to provide for timely warning signals, the Director shall provide for the upgrading of the network of seismic sensors in existence at the time of the establishment of the program to increase the capability of the sensors—

(A) to measure accurately large magnitude seismic events (as determined by the Director); and

(B) to acquire additional parametric data.

(4) DEVELOPMENT OF COMMUNICATIONS AND COMPUTATION INFRASTRUCTURE.—In carrying out a program under paragraph (2), the Director shall develop a communications and computation infrastructure that is necessary—

(A) to process the data obtained from the upgraded seismic sensor network referred to in paragraph (3); and

(B) to provide for, and carry out, such communications engineering and development as is necessary to facilitate—

(i) the timely flow of data within a real-time seismic hazard warning system; and

(ii) the issuance of warnings to receivers related to high-risk activities.

(5) PROCUREMENT OF COMPUTER HARDWARE AND COMPUTER SOFTWARE.—In carrying out a program under paragraph (2), the Director shall procure such computer hardware and computer software as may be necessary to carry out the program.

(6) REPORTS ON PROGRESS.—

(A) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Director shall prepare and submit to Congress a report that contains a plan for implementing a real-time seismic hazard warning system.

(B) ADDITIONAL REPORTS.—Not later than 1 year after the date on which the Director submits the report under subparagraph (A), and annually thereafter, the Director shall prepare and submit to Congress a report that summarizes the progress of the Director in implementing the plan referred to in subparagraph (A).

(7) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts made available to the Director under section 12(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(b)), there are authorized to be appropriated to the Department of the Interior, to be used by the Director to carry out this section, $10,000,000 for each of fiscal years 1998 and 1999.

(b) EARTH SCIENCE TEACHING MATERIALS.—

(1) DEFINITIONS.—In this subsection:

(A) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given that term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(B) SCHOOL.—The term ''school'' means a nonprofit institutional day or residential school that provides education for any of the grades kindergarten through grade 12.

(2) TEACHING MATERIALS.—In a manner consistent with the requirement under section 5(b)(4)(B) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(4)(B)) and subject to a merit based competitive process, the Director of the National Science Foundation may use funds made available to the Director under section 12(c) of such Act (42 U.S.C. 7706(c)) to develop, and make available to schools and local educational agencies for use by schools, at a minimal cost, earth science teaching materials that are designed to meet the needs of elementary and secondary school teachers and students.

(c) IMPROVED SEISMIC HAZARD ASSESSMENT.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Director shall conduct a project to improve the seismic hazard assessment of the seismic zone in East Tennessee that is described in paragraph (2).

(2) EAST TENNESSEE SEISMIC ZONE.—The seismic zone described in this paragraph is the seismic zone located in East Tennessee, that underlies the Oak Ridge National Laboratory in Oak Ridge, Tennessee and the Watts Bar nuclear plant that is operated by the Tennessee Valley Authority.

(3) REPORTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually during the period of the assessment, the Director shall prepare, and submit to Congress a report on the findings of the assessment.

(B) FINAL REPORT.—Not later than 60 days after the date of termination of the assessment conducted under this subsection, the Director shall prepare and submit to Congress a report concerning the findings of the assessment.

(4) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts made available to the Director under section 12(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(b)), there are authorized to be appropriated to the Department of the Interior, to be used by the Director to carry out this section—

(A) $700,000 for fiscal year 1998; and

(B) $1,000,000 for fiscal year 1999.

By Mr. TORRICELLI:

S. 911. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to individuals who are active participants in neighborhood crime watch organizations which actively involve the community in the reduction of local crime; to the Committee on Finance.

TAKING BACK OUR NEIGHBORHOODS CRIME FIGHTING ACT

Mr. TORRICELLI. Mr. President, I rise today to introduce the Taking Back Our Neighborhoods Crime Fighting Act. This bill has already been introduced in the House by Representative BOB FILNER, and I thank him for his efforts in crafting this innovative and exciting approach to neighborhood crime fighting.

Mr. President, this is a very simple bill. Our legislation would provide a $50 tax credit to any American who actively participates in a Neighborhood Watch or other local crime fighting program. These local, citizen-run initiatives have proven extremely effective in reducing crime and restoring confidence in the safety of our local communities.

Neighborhood Watch programs empower residents and bring neighbors together, creating a renewed sense of community, and common purpose. Working hand in hand with law enforcement, these groups are a vital part of the community policing which has been so successful in dramatically reducing crime over the last few years. It is no wonder that this tax credit proposal has received support from hundreds of public officials, including dozens of big city mayors, local sheriffs, police chiefs, and district attorneys.

Mr. President, by providing this tax credit, we focus attention on the benefits of these local programs, and we reward those who already participate with a small token of appreciation. But more importantly, we also provide one more incentive to those who may have been reluctant to join a local group, or perhaps just didn't take the time to look into it. We hope that this additional incentive will create the final push needed to encourage everyone in our communities to join in the effort to stop crime and take back our streets.

Even if people intend to go just a couple of times in order to qualify for the tax credit, I am certain that many of them will become active and lifelong participants once they are exposed to what Neighborhood Watch is all about.

Mr. President, just a few months ago I traveled to a Newark townhouse and paid a visit to a courageous woman named Donna Cherry. Tired of the violence and the gunshots plaguing her neighborhood, Donna Cherry took matters into her own hands and formed a neighborhood watch organization to protect her community. Starting within her own townhouse complex, she and the group soon set their sights on surrounding areas. Members of the group patrol the streets, log and report suspicious activity, and plan youth conferences to educate local children about cooperation and making the right choices. By their actions—indeed simply by their visible presence on the streets of their community—these people undoubtedly deter crime.

When I visited that neighborhood in March, I assured the group that the Federal Government would always stand behind efforts within communities to cooperate in the fight against crime—valiant efforts to save communities should not fail for lack of resources. We already provide indirect Federal funding for many of these groups, but funding is useless without the people to use it efficiently. Our bill will provide one more tool for community leaders like Donna Cherry to recruit new members and clean up our communities.

Mr. President, I urge my colleagues to join me in supporting this economical and exciting bill to encourage local crime fighting. Every step we take towards encouraging citizen action is a step toward the reduction of crime in our communities. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 911

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 ''Taking Back Our Neighborhoods Crime Fighting Act''.

SEC. 2. CREDIT FOR INDIVIDUALS WHO ARE ACTIVE PARTICIPANTS IN NEIGHBORHOOD CRIME WATCH ORGANIZATIONS WHICH ACTIVELY INVOLVE THE COMMUNITY IN THE REDUCTION OF LOCAL CRIME.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 23 the following new section:

''SEC. 24. ACTIVE PARTICIPANTS IN NEIGHBORHOOD CRIME WATCH ORGANIZATIONS WHICH ACTIVELY INVOLVE THE COMMUNITY IN THE REDUCTION OF LOCAL CRIME.

''(a) GENERAL RULE.—In the case of an individual who is an active participant during the taxable year in a neighborhood crime watch organization which actively involves the community in the reduction of local crime, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year the amount of $50.

''(b) ACTIVE PARTICIPANT.—For purposes of subsection (a), the term 'active participant' means any individual who attends during the taxable year at least 2 meetings of an organization referred to in subsection (a) at which instruction is given by a local law enforcement officer on how individuals may best and lawfully—

''(1) protect themselves and their community against crime, and

''(2) assist local law enforcement officials in preventing crime.''

(b) CLERICAL AMENDMENT.—The table of sections for such subpart A is amended by inserting after the item relating to section 23 the following new item:

''Sec. 24 Active participants in neighborhood crime watch organizations which actively involve the community in the reduction of local crime.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. BOND:

S. 912. A bill to provide for certain military retirees and dependents a special medicare part B enrollment period during which the late enrollment penalty is waived and a special medigap open period during which no underwriting is permitted; to the Committee on Finance.

MEDICARE PART B LEGISLATION

Mr. BOND. Mr. President, I rise today to introduce a measure that would provide for certain military retirees a special Medicare part B enrollment period during which the late enrollment penalty is waived.

Major changes in the Department of Defense's [DOD] health care delivery system, including the introduction of a managed care program called TRICARE and the closing or downsizing of many military medical facilities, have hindered access to health care services for older military retirees, or those aged 65 and over. It is important to note that the TRICARE Program was designed for active duty and CHAMPUS eligible beneficiaries and the overall intent is for those aged 65 and older to receive their health care through the Medicare Program.

Many of our country's military retirees moved close to bases in order to receive care from these facilities. Due to the fact that they had medical services available on base, before the implementation of TRICARE and base closures, many of these retirees did not sign up for medicare part B. Once their access was restricted, many elected to choose part B after the enrollment period expired and were therefore slapped with a penalty for signing up late. Others chose not to sign up at all because they were unable to afford the late enrollment penalty.

Thus, waiving the part B penalty for those retirees who dedicated their lives to serving our country is a matter of justice. There was no way that military retirees could have anticipated the changes that have occurred within the DOD's health care delivery system.

Further, these changes were completely out of their control.

Mr. President, the Senate must act now. This measure rectifies the unfairness inherent in the Medicare part B penalty on certain military retirees and honors our Nation's commitment to those individuals who selflessly served our country through many years of military service. I look forward to the Senate's consideration of this proposal.

ADDITIONAL COSPONSORS

S. 112

At the request of Mr. MOYNIHAN, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor

of S. 112, a bill to amend title 18, United States Code, to regulate the manufacture, importation, and sale of ammunition capable of piercing police body armor.

S. 363

At the request of Mr. HOLLINGS, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of S. 363, a bill to amend the Communications Act of 1934 to require that violent video programming is limited to broadcast after the hours when children are reasonably likely to comprise a substantial portion of the audience, unless it is specifically rated on the basis of its violent content so that it is blockable by electronic means specifically on the basis of that content.

S. 370

At the request of Mr. GRASSLEY, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 370, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 371

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 371, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 387

At the request of Mr. SARBANES, his name was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 415

At the request of Mr. BAUCUS, the name of the Senator from Maine [Ms. COLLINS] was added as a cosponsor of S. 415, a bill to amend the Medicare program under title XVIII of the Social Security Act to improve rural health services, and for other purposes.

S. 476

At the request of Mr. KERRY, his name was added as a cosponsor of S. 476, a bill to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000.

S. 496

At the request of Mr. CHAFEE, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 496, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 611

At the request of Mr. MACK, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 611, a bill to require the Board of Governors of the Federal Reserve System to focus on price stability in establishing monetary policy to ensure the stable, long-term purchasing power of the currency, to repeal the Full Employment and Balanced Growth Act of 1978, and for other purposes.

S. 646

At the request of Mr. FORD, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 646, a bill to ensure the competitiveness of the United States textile and apparel industry.

S. 649

At the request of Ms. SNOWE, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 649, a bill to amend title XVIII of the Social Security Act to provide for coverage of bone mass measurements for certian individuals under part B of the Medicare program.

S. 720

At the request of Mr. GRASSLEY, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 720, a bill to amend titles XVIII and XIX of the Social Security Act to expand and make permanent the availablity of cost-effective, comprehensive acute and long-term care services to frail elderly persons through Programs of All-inclusive Care for the Elderly (PACE) under the Medicare and Medicaid programs.

S. 755

At the request of Mr. CAMPBELL, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 755, a bill to amend title 10, United States Code, to restore the provisions of chapter 76 of that title (relating to missing persons) as in effect before the amendments made by the National Defense Authorization Act for Fiscal Year 1997 and to make other improvements to that chapter.

S. 766

At the request of Ms. SNOWE, the names of the Senator from Virginia [Mr. ROBB] and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 766, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 836

At the request of Mr. ABRAHAM, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 836, a bill to offer small businesses certain protections from litigation excesses.

S. 852

At the request of Mr. LOTT, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 862

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 862, a bill to amend title XVIII of the Social Security Act to change the payment system for health maintenance organizations and competitive medical plans.

S. 874

At the request of Mr. FAIRCLOTH, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 874, a bill to amend title 31, United States Code, to provide for an exemption to the requirement that all Federal payments be made by electronic funds transfer.

SENATE JOINT RESOLUTION 31

At the request of Mr. HELMS, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of Senate Joint Resolution 31, a joint resolution disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China.

AMENDMENTS SUBMITTED

THE FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1997

INOUYE (AND OTHERS) AMENDMENT NO. 376

(Ordered to lie on the table.)

Mr. INOUYE (for himself, Mr. HATCH, Mr. HOLLINGS, and Mr. AKAKA) submitted an amendment intended to be proposed by them to the bill (S. 903) to consolidate the foreign affairs agencies of the United States, to authorize appropriations for the Department of State for fiscal years 1998 and 1999, and to provide for reform of the United Nations, and for other purposes; as follows:

At the end of section 1301(a) of the bill, insert the following new paragraph:

(6) ''Center for Cultural and Technical Interchange between East and West'', $18,000,000 for the fiscal year 1998 and $15,000,000 for the fiscal year 1999.

DURBIN AMENDMENT NO. 377

Mr. DURBIN proposed an amendment to the bill, S. 903, supra; as follows:

At the end of title XVI, add the following (and conform the table of contents accordingly):

SEC. . SENSE OF CONGRESS REGARDING UNITED STATES CITIZENS HELD IN PRISONS IN PERU.

(a) FINDINGS.—Congress finds the following:

(1) The Government of Peru has made substantial progress in the effort to restrict the flow of illicit drugs from Peru to the United States.

(2) The Government of Peru has cooperated greatly with the United States Government to stop individuals and organizations seeking to transport illicit drugs from Peru to the United States and to jail such drug exporters.

(3) Any individual engaging in such exporting of illicit drugs and convicted in a court of law should face stiff penalties.

(4) Any such individual should also have a right to timely legal procedures.

(5) Two United States citizens, Jennifer Davis and Krista Barnes, were arrested in

Peru on September 25, 1996, for attempting to transport illicit drugs from Peru to the United States.

(6) Ms. Davis and Ms. Barnes have admitted their guilt upon arrest and to an investigative judge.

(7) Ms. Davis and Ms. Barnes have volunteered to cooperate fully with Peruvian judicial authorities in naming individuals responsible for drug trafficking and several have been arrested.

(8) More than 7 months after their arrest, Ms. Davis and Ms. Barnes have not been formally charged with a crime.

(9) Peruvian domestic law mandates that formal charges be brought within 4 to 6 months after arrest.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Government of Peru should respect the rights of prisoners to timely legal procedures, including the rights of all United States citizens held in prisons in Peru.

DURBIN (AND GORTON) AMENDMENT NO. 378

Mr. DURBIN (for himself and Mr. GORTON) proposed an amendment to the bill, S. 903, supra; as follows:

At the appropriate place, insert the following:

SEC. . DESIGNATION OF ADDITIONAL COUNTRIES ELIGIBLE FOR NATO ENLARGEMENT ASSISTANCE.

(a) DESIGNATION OF ADDITIONAL COUNTRIES.—Effective 180 days after the date of the enactment of this Act, Lithuania, Latvia, Estonia, and Romania are each designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act, except that any such country shall not be so designated if, prior to such effective date, the President certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that the country fails to meet the criteria under section 203(d)(3) of the NATO Participation Act of 1994.

(b) RULE OF CONSTRUCTION.—The designation of countries pursuant to subsection (a) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(1) is in addition to the designation of other countries by law or pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act; and

(2) shall not preclude the designation by the President of other emerging democracies in Central and Eastern Europe pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act.

DURBIN (AND OTHERS) AMENDMENT NO. 379

Mr. DURBIN (for himself, Mr. GORTON, and Mr. D'AMATO) proposed an amendment to the bill, S. 903, supra; as follows:

At the end of title XVI, insert the following:

SEC. . ADMISSION OF ESTONIA, LATVIA, AND LITHUANIA INTO NATO.

(a) FINDINGS.—Congress makes the following findings:

(1) The Baltic countries of Estonia, Latvia, and Lithuania are undergoing a historic process of democratic and free market transformation after emerging from decades of brutal Soviet occupation.

(2) Each of the Baltic countries has conducted peaceful transfers of political power since 1991.

(3) The governments of the Baltic countries have been exemplary in their respect for human rights and civil liberties and have made great strides toward establishing the rule of law.

(4) The governments of the Baltic countries have made consistent progress toward establishing civilian control of their military forces, and through active participation in the Partnership for Peace and the peace support operations of the North Atlantic Treaty Organization (in this resolution referred to as ''NATO''), have clearly demonstrated their ability and willingness to operate with the forces of NATO nations and under NATO standards.

(5) Each of the Baltic countries has made progress toward implementing a free market system which has and will continue to foster the economic advancement of the people of the Baltic region.

(6) The Baltic region has often been a battleground for the competing territorial designs of nearby imperial powers which, along with other factors, has contributed to a history of insecurity and instability in the region.

(7) NATO has been a force for stability, freedom, and peace in Europe since 1949.

(8) NATO has indicated it will begin to invite new members in 1997.

(9) Estonia, Latvia, and Lithuania, exercising their inherent right as participating states in the Organization for Security and Cooperation in Europe, have voluntarily applied for membership in NATO.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Estonia, Latvia, and Lithuania are to be commended for their progress toward political and economic liberty and meeting the guidelines for prospective NATO members set out in chapter 5 of the September 1995 Study on NATO Enlargement;

(2) Estonia, Latvia, and Lithuania would make an outstanding contribution to NATO if they become members;

(3) eventual extension of full NATO membership to Estonia, Latvia, and Lithuania would make a singular and lasting contribution toward stability, freedom, and peace in the Baltic region;

(4) upon satisfying the criteria for NATO membership, Estonia, Latvia, and Lithuania should be invited to become full members of NATO at the earliest possible date; and

(5) Estonia, Latvia, and Lithuania should be invited to attend the NATO summit in Madrid on July 8 and 9, 1997.

SARBANES AMENDMENTS NOS. 380–381

Mr. SARBANES proposed two amendments to the bill, S. 903, supra; as follows:

AMENDMENT NO. 380

On page 96, delete lines 1 through 12.

AMENDMENT NO. 381

Add at an appropriate point in the bill a new section as follows:

SEC. . LIMITATIONS ON MANAGEMENT ASSIGNMENTS.

SEC. 1017(E)(2) of the foreign Service Act of 1980 (22 U.S.C. 4117(e)(2)) is amended to read as follows:

''(2) for the purposes of paragraph (1)(A)(ii) and paragraph (1)(B), the term ''management official' does not include chiefs of mission, principal officers or their deputies, administrative and personnel officers abroad, or individuals described in Section 1002(12)(B), (C), and (D) who are not involved in the administration of this chapter or in the formulation of the personnel policies and programs of the Department.''.

LUGAR AMENDMENT NO. 382

Mr. LUGAR proposed an amendment to the bill, S. 903, supra; as follows:

Beginning on page 180, line 1, strike all through page 198, line 20, and insert the following:

TITLE XXII—ARREARS PAYMENTS AND REFORM

CHAPTER 1—ARREARAGES TO THE UNITED NATIONS

SEC. 2211. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Department of State for payment of arrearages owed by the United States to the United Nations and its specialized agencies as of September 30, 1997—

(1) $409,500,000 for fiscal year 1998; and

(2) $409,500,000 for fiscal year 1999.

(b) LIMITATION.—Amounts made available under subsection (a) are authorized to be available only—

(1) to pay the United States share of assessments for the regular budget of the United Nations (excluding the budgets of the United Nations specialized agencies);

(2) to pay the United States share of United Nations peace operations; and

(3) to pay the United States share of United Nations specialized agencies.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

(d) CONGRESSIONAL NOTIFICATION.—Before the disbursement of funds under this section, the Secretary of State shall notify the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives at least 15 days in advance in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

Dewine (and others) Amendment No. 383

Mr. DEWINE (for himself, Mr. GRAHAM, Mr. FAIRCLOTH, Mr. COVERDELL, and Mr. HELMS) proposed an amendment to the bill. S. 903, supra; as follows:

At the end of title XVI of division B of the bill, insert the following new section:

SEC. . EXCLUSION FROM THE UNITED STATES OF ALIENS WHO HAVE BEEN INVOLVED IN EXTRAJUDICIAL AND POLITICAL KILLINGS IN HAITI.

(a) FINDINGS.—Congress makes the following findings:

(1) At the time of the enactment of this Act, there have been over eighty extrajudicial and political killing cases assigned to the Haitian Special Investigative Unit (SIU) by the Government of Haiti. Furthermore, the government has requested that the SIU investigate on a ''priority basis'' close to two dozen cases relating to extrajudicial and political killings.

(2) President Jean-Bertrand Aristide lived in exile in the United States after he was overthrown by a military coup on September 30, 1991. During his exile, political and extrajudicial killings occurred in Haiti including Aristide financial supporter Antoine Izmery, who was killed on September 11, 1993; Guy Malary, Aristide's Minister of Justice, who was killed on October 14, 1993; and Father Jean-Marie Vincent, a supporter of Aristide, was killed on August 28, 1992.

(3) President Aristide returned to Haiti on October 15, 1994, after some 20,000 United States troops, under the code name Operation Uphold Democracy, entered Haiti as the lead force in a multi-national force with the objective of restoring democratic rule.

(4) From June 25, 1995, through October 1995, elections were held where pro-Aristide candidates won a large share of the parliamentary and local government seats.

(5) On March 28, 1995, a leading opposition leader to Aristide, Attorney Mireille Durocher Bertin, and a client, Eugene Baillergeau, were gunned down in Ms. Bertin's car.

(6) On May 22, 1995, Michel Gonzalez, Haitian businessman and Aristide's next door neighbor, was killed in a drive-by shooting after alleged attempts by Aristide to acquire his property.

(7) After Aristide regained power, three former top Army officers were assassinated: Colonel Max Mayard on March 10, 1995; Colonel Michelange Hermann on May 24, 1995; and Brigadier General Romulus Dumarsais was killed on June 27, 1995.

(8) Presidential elections were held on December 17, 1995. Rene Preval, an Aristide supporter, won, with 89 percent of the votes cast, but with a low voter turnout of only 28 percent, and with many parties allegedly boycotting the election. Preval took office on February 7, 1996.

(9) On March 6,1996, police and ministerial security guards killed at least six men during a raid in Cite Soleil, a Port-au-Prince slum.

(10) On August 20,1996, two opposition politicians, Jacques Fleurival and Baptist Pastor Antoine Leroy were gunned down outside Fleurival's home.

(11) Other alleged extrajudicial and political killings include the deaths of Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, and Jean-Hubert Feuille.

(12) Although the Haitian Government claims to have terminated from employment several suspects in the killings, some whom have received training from United States advisors, there has been no substantial progress made in the investigation that has led to the prosecution of any of the above-referenced extrajudicial and political killings.

(13) The expiration of the mandate of the United Nations Support Mission in Haiti has been extended three times, the last to July 31, 1997. The Administration has indicated that a fourth extension through November 1997, may be necessary to ensure the transition to a democratic government.

(b) GROUNDS FOR EXCLUSION.—The Secretary of State shall deny a visa to, and the Attorney General shall exclude from the United States, any alien who the Secretary of State has reason to believe is a person who—

(1) has been credibly alleged to have ordered, carried out, or materially assisted in, the extrajudicial and political killings of Antoine Izmery, Guy Malary, Father Jean-Marie Vincent, Pastor Antoine Leroy, Jacques Fleurival, Mireille Durocher Bertin, Eugene Baillergeau, Michelange Hermann, Max Mayard, Romulus Dumarsais, Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, Michel Gonzalez, and Jean-Hubert Feuille;

(2) has been included in the list presented to former president Jean-Bertrand Aristide by former National Security Council Advisor Anthony Lake in December 1995, and acted upon by President Rene Preval;

(3) was a member of the Haitian presidential security unit who has been credibly alleged to have ordered, carried out, or materially assisted in, the extrajudicial and political killings of Pastor Antoine Leroy and Jacques Fleurival, or who was suspended by President Preval for his involvement in or knowledge of the Leroy and Fleurival killings on August 20, 1996; or

(4) was sought for an interview by the Federal Bureau of Investigation as part of its inquiry into the March 28, 1995, murder of Mireille Durocher Bertin and Eugene Baillergeau, Jr., and were credibly alleged to have ordered, carried out, or materially assisted, in those murders, per a June 28, 1995, letter to the then Minister of Justice of the Government of Haiti, Jean-Joseph Exume.

(c) EXEMPTION.—This section shall not apply where the Secretary of State finds, on a case by case basis, that the entry into the United States of the person who would otherwise be excluded under this section is necessary for medical reasons, or such person has cooperated fully with the investigation of these political murders. If the Secretary of State exempts such a person, the Secretary shall notify the appropriate congressional committees in writing.

(d) REPORTING REQUIREMENT.—(1) The United States chief of mission in Haiti shall provide the Secretary of State a list of those who have been credibly alleged to have ordered or carried out the extrajudicial and political killings mentioned in paragraph (1) of subsection (b).

(2) The Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees not later than three months after the date of enactment of this Act.

(3) The Secretary of State shall submit to the appropriate congressional committees a list of aliens denied visas, and the Attorney General shall submit to the appropriate congressional committees a list of aliens refused entry to the United States as a result of this provision.

(4) The Secretary shall submit a report under this subsection not later than six months after the date of enactment of this Act and not later than March 1 of each year thereafter as long as the Government of Haiti has not completed the investigation of the extrajudicial and political killings and has not prosecuted those implicated for the killings specified in paragraph (1) of subsection (b).

(e) DEFINITION.—In this section, the term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

GORTON (AND OTHERS) AMENDMENT NO. 384

Mr. GORTON (for himself, Mr. DURBIN, Mr. HELMS, Mr. BIDEN, Mr. ROTH, and Mr. D'AMATO) proposed an amendment to the bill, S. 903, supra; as follows:

At the end of title XVI, add the following:

SEC. . DESIGNATION OF ADDITIONAL COUNTRIES ELIGIBLE FOR NATO ENLARGEMENT ASSISTANCE.

(1) DESIGNATION OF ADDITIONAL COUNTRIES.—Effective 180 days after the date of the enactment of this Act, Romania, Estonia, Latvia, Lithuania, and Bulgaria are each designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act, except that any such country shall not be so designated if, prior to such effective date, the President certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that the country fails to meet the criteria under section 203(d)(3) of NATO Participation Act of 1994.

(2) RULE OF CONSTRUCTION.—The designation of countries pursuant to paragraph (1) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(A) is in addition to the designation of other countries by law or pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act; and

(B) shall not preclude the designation by the President of other emerging democracies in Central and Eastern Europe pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act.

(3) SENSE OF THE SENATE.—It is the sense of the Senate that Romania, Estonia, Latvia, Lithuania, and Bulgaria—

(A) are to be commended for their progress toward political and economic reform and meeting the guidelines for prospective NATO members;

(B) would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members; and

(C) upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date.

DURBIN AMENDMENT NO. 385

Mr. HELMS (for Mr. DURBIN) proposed an amendment to the bill, S. 903, supra; as follows:

At the end of title XVI, add the following (and conform the table of contents accordingly):

SEC. . SENSE OF SENATE REGARDING UNITED STATES CITIZENS HELD IN PRISONS IN PERU.

It is the Sense of the Senate that—

(1) as a signatory of the International Covenant on Civil and Political Rights, the Government of Peru is obligated to grant prisoners timely legal proceedings pursuant to Article 9 of the International Covenant on Civil and Political Rights which requires that ''anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release;'' and that ''anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful;'' and

(2) the Government of Peru should take all necessary steps to ensure that any U.S. citizen charged with committing a crime in that country is accorded open and fair proceedings in a civilian court.

ABRAHAM AMENDMENTS NOS. 386–391

(Ordered to lie on the table.)

Mr. ABRAHAM submitted six amendments intended to be proposed by him to the bill, S. 903, supra; as follows:

AMENDMENT NO. 386

At the end of title XVI of division B, add the following:

SEC. . SENSE OF THE SENATE ON UNITED STATES POLICY TOWARD THE PEOPLE'S REPUBLIC OF CHINA.

(a) FINDINGS.—Congress makes the following findings:

(1) As the world's leading democracy, the United States cannot ignore the Government of the People's Republic of China's record on human rights and religious persecution.

(2) According to Amnesty International, ''A fifth of the world's people are ruled by a government that treats fundamental human rights with contempt. Human rights violations continue on a massive scale.''.

(3) According to Human Rights Watch/Asia reported that: ''Unofficial Christian and Catholic communities were targeted by the government during 1996. A renewed campaign aimed at forcing all churches to register or face dissolution, resulted in beating and harassment of congregants, closure of churches, and numerous arrests, fines, and sentences. In Shanghai, for example, more than 300 house churches or meeting points were closed down by the security authorities in April alone.''.

(4) The People's Republic of China's compulsory family planning policies include forced abortions.

(5) China's attempts to intimidate Taiwan and the activities of its military, the People's Liberation Army, both in the United States and abroad, are of major concern.

(6) The Chinese government has threatened international stability through its weapons sales to regimes, including Iran and Iraq, that sponsor terrorism and pose a direct threat to American military personnel and interests.

(7) The efforts of two Chinese companies, the China North Industries Group (NORINCO) and the China Poly Group (POLY), deserve special rebuke for their involvement in the sale of AK–47 machine guns to California street gangs.

(8) Allegations of the Chinese government's involvement in our political system may involve both civil and criminal violations of our laws.

(9) The Senate is concerned that China may violate the 1984 Sino-British Joint Declaration transferring Hong Kong from British to Chinese rule by limiting political and economic freedom in Hong Kong.

(10) The Senate strongly believes time has come to take steps that would signal to Chinese leaders that religious persecution, human rights abuses, forced abortions, military threats and weapons proliferation, and attempts to influence American elections are unacceptable to the American people.

(11) The United States should signal its disapproval of Chinese government actions through targeted sanctions, while at the same time encouraging worthwhile economic and cultural exchanges that can lead to positive change in China.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should—

(1) limit the granting of United States visas to Chinese government offices who work in entities the implementation of China's laws and directives on religious practices and coercive family planning, and those official materially involved in the massacre of Chinese students in Tiananmen square;

(2) limit United States taxpayer subsidies for the Chinese government through multilateral development institutions such as the World Bank, Asian Development Bank, and the International Monetary Fund;

(3) reduce United States financial assistance to international bodies and organizations that provide family planning assistance to the Chinese government;

(4) publish a list of all companies owned in part or wholly by the People's Liberation Army (PLA) of the Chinese government who export to, or have an office in, the United States;

(5) impose targeted sanctions on NORINCO and POLY by not allowing them to export to, nor to maintain a physical presence in, the United States for a period one year; and

(6) promote democratic values in China by increasing United States Government funding of Radio Free Asia, the National Endowment for Democracy's programs in China and existing students, cultural, and legislative exchange programs between the United States and the People's Republic of China.

AMENDMENT NO. 387

On page 155, between lines 13 and 14, insert the following:

TITLE XVIII—ADVANCEMENT OF HUMAN RIGHTS IN CHINA

SEC. 1701. SHORT TITLE.

This title may be cited as the ''China Sanctions and Human Rights Advancement Act''.

SEC. 1702. PURPOSE.

It is the purpose of this title—

(1) to impose certain sanctions on the People's Republic of China in response to the practices of the Government of the People's Republic of China which limit the free exercise of religion and other human rights; and

(2) to require an annual report from the President on such practices.

SEC. 1703. SANCTIONS.

(a) DENIAL OF ENTRY OF CERTAIN GOVERNMENT OFFICIALS.—

(1) DENIAL OF ENTRY.—Except as provided in paragraph (2), the Secretary of State may not issue any visa to, and the Attorney General may not admit to the United States, any of the following officials of the Government of the People's Republic of China:

(A) High-ranking officials of the Public Security Bureau, as determined by the Secretary.

(B) High-ranking officials of the Religious Affairs Bureau, as so determined.

(C) Other high-ranking officials determined by the Secretary to be involved in the implementation or enforcement of laws and directives of the People's Republic of China which restrict religious freedom.

(D) High-ranking officials determined by the Secretary to be involved in the implementation or enforcement of laws and directives of the People's Republic of China on family planning.

(E) Officials determined by the Secretary to have been materially involved in ordering or carrying out the massacre of students in Tiananmen Square in 1989.

(2) WAIVER.—

(A) IN GENERAL.—Subject to subparagraph (B), the President may waive the applicability of paragraph (1) with respect to any official otherwise covered by that paragraph if the President determines that the waiver with respect to the official is in the national security interests of the United States.

(B) NOTICE.—

(i) REQUIREMENT.—The President may not exercise the authority provided in subparagraph (A) with respect to an official unless the President submits to Congress a written notification of the exercise of the authority.

(ii) CONTENTS.—Each notice shall include a justification of the exercise of the authority, including—

(I) a statement why the exercise of the authority is in the national security interests of the United States; and

(II) a statement why such interests supersede the need for the United States to make the response described in section 1702(1).

(b) MULTILATERAL ASSISTANCE.—

(1) INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT.—

(A) OPPOSITION TO ASSISTANCE.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development to vote against any loan or other utilization of the funds of the bank to or for the People's Republic of China.

(B) OPPOSITION TO MODIFICATION OF SINGLE COUNTRY LOAN LIMIT.—The Secretary shall instruct the United States Executive Director of the International Bank for Reconstruction and Development to vote against any modification of the limitation on the share of the total funds of the Bank that may be loaned to a single country.

(C) LIMITATION ON DOMESTIC BORROWING.—

(i) LIMITATION.—The Secretary shall restrict the ability of the International Bank for Reconstruction and Development to borrow in United States capital markets in a fiscal year by an amount equal to the amount of the loans approved for the People's Republic of China in the preceding fiscal year for purposes other than to meet basic human needs.

(ii) EXCEPTION.—Clause (i) shall not apply to borrowing for purposes of meeting basic human needs.

(2) ASIAN DEVELOPMENT BANK.—

(A) OPPOSITION TO ASSISTANCE.—The Secretary shall instruct the United States Director of the Asian Development Bank to vote against any loan or other utilization of the funds of the Bank to or for the People's Republic of China.

(B) LIMITATION ON DOMESTIC BORROWING.—

(i) LIMITATION.—The Secretary shall restrict the ability of the Asian Development Bank to borrow in United States capital markets in a fiscal year by an amount equal to the amount of the loans approved for the People's Republic of China in the preceding fiscal year for purposes other than to meet basic human needs.

(ii) EXCEPTION.—Clause (i) shall not apply to borrowing for purposes of meeting basic human needs.

(3) INTERNATIONAL MONETARY FUND.—The Secretary shall instruct the United States Executive Director of the International Monetary Fund to vote against any loan or other utilization of the funds of the Fund to or for the People's Republic of China.

(4) REDUCTION IN CONTRIBUTIONS FOR MULTILATERAL ASSISTANCE.—The amount of the contributions of the United States to a multilateral development bank in or for a fiscal year shall be the amount otherwise available for such contributions in the fiscal year less the amount committed by the bank to lend, utilize, or otherwise make available to or for the People's Republic of China during the preceding fiscal year for purposes other than basic human needs.

(5) DEFINITIONS.—In this subsection:

(A) BASIC HUMAN NEEDS.—The term, ''basic human needs'' refers to human needs arising from natural disasters or famine.

(B) MULTILATERAL DEVELOPMENT BANK.—The term ''multilateral development bank'' means the following:

(i) The International Bank for Reconstruction and Development.

(ii) The International Development Association.

(iii) The International Finance Corporation.

(iv) The Asian Development Bank.

(c) REDUCTION IN ASSISTANCE FOR ORGANIZATIONS PROVIDING FAMILY PLANNING ASSISTANCE IN CHINA.—

(1) REDUCTION.—The amount of financial assistance provided by the United States in a fiscal year to a covered organization shall be the amount otherwise available for financial assistance to the organization in the fiscal year less the amount utilized by the organization for family planning services or assistance in or for the People's Republic of China during the preceding fiscal year.

(2) CERTIFICATION.—

(A) REQUIREMENT.—In each fiscal year in which a covered organization is provided financial assistance by the United States, the organization shall certify to the Secretary of State the amount, if any, utilized by the organization in the preceding fiscal year for family planning services or assistance in or for the People's Republic of China.

(B) DEADLINE.—A covered organization shall make the certification required for a fiscal year not later than October 31 of that fiscal year.

(3) DEFINITION.—In this subsection, the term ''covered organization'' means an organization that provides family planning services or assistance in or for the People's Republic of China.

(d) SANCTIONS REGARDING CHINA NORTH INDUSTRIES GROUP AND CHINA POLY GROUP.—

(1) SANCTIONS.—Except as provided in paragraph (2), the President shall—

(A) prohibit the importation into the United States of all products that are produced, grown, or manufactured by Poly or Norinco, the parent company of Poly or Norinco, or any affiliate, subsidiary, or successor entity of Poly or Norinco;

(B) deny or impose restrictions on the entry into the United States of any foreign national serving as an officer, director, or employee of an entity described in subparagraph (A);

(C) prohibit the issuance to a person or entity described in subparagraph (A) of licenses in connection with the export of any item on the United States Munitions List;

(D) prohibit the export to a person or entity described in subparagraph (A) of any goods or technology on which export controls are in effect under section 5 or 6 of the Export Administration Act of 1979;

(E) direct the Export-Import Bank of the United States not to give approval to the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit, with respect to a person or entity described in subparagraph (A);

(F) prohibit United States nationals from directly or indirectly issuing any guarantee for any loan or other investment to, issuing any extension of credit to, or making any investment in, a person or entity described in subparagraph (A); and

(G) prohibit departments and agencies of the United States and United States nationals from entering into any contract with a person or entity described in subparagraph (A) for the procurement or other provision of goods or services from such person or entity.

(2) EXCEPTIONS.—

(A) IN GENERAL.—The President shall not impose sanctions under this subsection—

(i) in the case of the procurement of defense articles or defense services—

(I) under contracts or subcontracts that are in effect on October 1, 1997 (including the exercise of options for production quantities to satisfy United States operational military requirements);

(II) if the President determines that the person or entity to whom the sanctions would otherwise be applied is a sole source supplier of essential defense articles or services and no alternative supplier can be identified; or

(III) if the President determines that such articles or services are essential to the national security; or

(ii) in the case of—

(I) products or services provided under contracts or binding agreements (as such terms are defined by the President in regulations) or joint ventures entered into before October 1, 1997;

(II) spare parts;

(III) component parts that are not finished products but are essential to United States products or production;

(IV) routine servicing and maintenance of products; or

(V) information and technology products and services.

(B) IMMIGRATION RESTRICTIONS.—The President shall not apply the restrictions described in paragraph (1)(B) to a person described in paragraph (1)(A), if the President, after consultation with the Attorney General, determines that the presence of the person in the United States is necessary for a Federal or State judicial proceeding against a person or entity described in paragraph (1)(A).

(3) DEFINITIONS.—In this subsection:

(A) AFFILIATE.—The term ''affiliate'' does not include any United States national engaged in a business arrangement with a person or entity described in paragraph (1)(A).

(B) COMPONENT PART.—The term ''component part'' means any article that is not usable for its intended function without being embedded or integrated into any other product and, if used in the production of a finished product, would be substantially transformed in that process.

(C) FINISHED PRODUCT.—The term ''finished product'' means any article that is usable for its intended function without being embedded in or integrated into any other product, but does not include an article produced by a person or entity other than a person or entity described in paragraph (1)(A) that contains parts or components of a person or entity described in paragraph (1)(A) if the parts or components have been substantially transformed during production of the finished product.

(D) INVESTMENT.—The term ''investment'' includes any contribution or commitment of funds, commodities, services, patents, processes, or techniques, in the form of—

(i) a loan or loans;

(ii) the purchase of a share of ownership;

(iii) participation in royalties, earnings, or profits; and

(iv) the furnishing of commodities or services pursuant to a lease or other contract,

but does not include routine maintenance of property.

(E) NORINCO.—The term ''Norinco'' refers to China North Industries Group.

(F) POLY.—The term ''Poly'' refers to China Poly Group, also known as Polytechnologies Incorporated or BAOLI.

(G) UNITED STATES NATIONAL.—

(i) IN GENERAL.—The term ''United States national'' means—

(I) any United States citizen; and

(II) any corporation, partnership, or other organization created under the laws of the United States, any State, the District of Columbia, or any territory or possession of the United States.

(ii) EXCEPTION.—The term ''United States national'' does not include a subsidiary or affiliate of corporation, partnership, or organization that is a United States national if the subsidiary or affiliate is located outside the United States.

(e) CONSULTATIONS WITH ALLIES.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the President should begin consultations with the major allies and other trading partners of the United States in order to encourage such allies and trading partners to adopt sanctions against the People's Republic of China that are similar to the sanctions imposed on the People's Republic of China by this section.

(2) REPORT.—Not later than 45 days after the completion of the first G–7 summit meeting after the date of enactment of this Act, the President shall submit to Congress a report on the results, if any, of consultations referred to in paragraph (1).

(f) DURATION OF SANCTIONS.—Except as provided in subsection (e)(2), the requirements and limitations set forth in this section shall apply during the period beginning on October 1, 1997, and ending on September 30, 1998.

SEC. 1704. ANNUAL REPORT ON HUMAN RIGHTS PRACTICES OF THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.

Not later than 9 months after the date of enactment of this Act, and every year thereafter, the President shall submit to Congress a report on the practices of the Government of the People's Republic of China with respect to the free exercise of religion and other human rights during the one-year period preceding the submittal of the report. The report shall include a detailed statement of the improvements, if any, in such practices.

SEC. 1705. PUBLICATION OF LIST OF COMPANIES OWNED BY THE PEOPLE'S LIBERATION ARMY.

(a) PUBLICATION.—Not later than January 31 each year, the Secretary of State shall publish in the Federal Register a list of each corporation or other business entity that was owned in whole or in part by the People's Liberation Army of the People's Republic of China as of December 31 of the preceding year.

(b) PROTECTION OF SOURCES AND METHODS.—In publishing a list under subsection (a), the Secretary shall take appropriate actions to ensure the protection of sources and methods of gathering intelligence.

SEC. 1706. TRAINING FOR IMMIGRATION OFFICERS REGARDING RELIGIOUS PERSECUTION.

Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following:

''(d) TRAINING ON RELIGIOUS PERSECUTION.—The Attorney General shall establish and operate a program to provide to immigration officers performing functions under subsection (b), or section 207 or 208, training on religious persecution, including training on—

''(1) the fundamental components of the right to freedom of religion;

''(2) the variation in beliefs of religious groups; and

''(3) the governmental and nongovernmental methods used in violation of the right to freedom of religion.''.

SEC. 1707. PROMOTION OF DEMOCRATIC VALUES IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) STUDENT, CULTURAL, AND LEGISLATIVE EXCHANGE PROGRAMS.—Notwithstanding any other provision of law, the aggregate amount utilized and made available by the Director of the United States Information Agency in fiscal year 1998 for programs and grants relating to student, cultural, and legislative exchange activities in or with the People's Republic of China may not be less than an amount equal to twice the aggregate amount utilized and made available for such programs and grants in fiscal year 1997.

(b) RADIO FREE ASIA.—Notwithstanding any other provision of law, the total amount of grants made to Radio Free Asia in fiscal year 1998 under section 309 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208) may not be less than an amount equal to twice the amount of grants made to Radio Free Asia in fiscal year 1997 under that section.

(c) NATIONAL ENDOWMENT FOR DEMOCRACY.—Notwithstanding any other provision of law, the amount of the grant made to the National Endowment for Democracy by the Director of the United States Information Agency in fiscal year 1998 for purposes of programs relating to the People's Republic of China may not be less than an amount equal to twice the amount of the grant made to the Endowment in fiscal year 1997 for purposes of such programs.

AMENDMENT NO. 388

On page 155, between lines 13 and 14, insert the following:

SEC. 1612. ENTRY OF CERTAIN INDIVIDUALS INTO THE UNITED STATES.

(a) DENIAL OF ENTRY OF CERTAIN GOVERNMENT OFFICIALS.—

(1) DENIAL OF ENTRY.—Except as provided in paragraph (2), the Secretary of State may not issue any visa to, and the Attorney General may not admit to the United States, any of the following officials of the Government of the People's Republic of China:

(A) High-ranking officials of the Public Security Bureau, as determined by the Secretary.

(B) High-ranking officials of the Religious Affairs Bureau, as so determined.

(C) Other high-ranking officials determined by the Secretary to be involved in the implementation or enforcement of laws and directives of the People's Republic of China which restrict religious freedom.

(D) High-ranking officials determined by the Secretary to be involved in the implementation or enforcement of laws and directives of the People's Republic of China on family planning.

(E) Officials determined by the Secretary to have been materially involved in ordering or carrying out the massacre of students in Tiananmen Square in 1989.

(2) WAIVER.—

(A) IN GENERAL.—Subject to subparagraph (B), the President may waive the applicability of paragraph (1) with respect to any official otherwise covered by that paragraph if the President determines that the waiver with respect to the official is in the national security interests of the United States.

(B) NOTICE.—

(i) REQUIREMENT.—The President may not exercise the authority provided in subparagraph (A) with respect to an official unless the President submits to Congress a written notification of the exercise of the authority.

(ii) CONTENTS.—Each notice shall include a justification of the exercise of the authority, including—

(I) a statement why the exercise of the authority is in the national security interests of the United States; and

(II) a statement why such interests supersede the need for the United States to deny entry to the official concerned in response to the practices of the Government of the People's Republic of China which limit the free exercise of religion and other human rights.

(b) ANNUAL REPORT ON HUMAN RIGHTS PRACTICES OF THE PEOPLE'S REPUBLIC OF CHINA.—Not later than 9 months after the date of enactment of this Act, and every year thereafter, the President shall submit to Congress a report on the practices of the Government of the People's Republic of China with respect to the free exercise of religion and other human rights during the one-year period preceding the submittal of the report. The report shall include a detailed statement of the improvements, if any, in such practices.

(c) TRAINING FOR IMMIGRATION OFFICERS REGARDING RELIGIOUS PERSECUTION.—Section 235 of the Immigration and Nationality Act (U.S.C. 1225) is amended by adding at the end the following:

''(d) TRAINING ON RELIGIOUS PERSECUTION.—The Attorney General shall establish and operate a program to provide to immigration officers performing functions under subsection (b), or section 207 or 208, training on religious persecution, including training on—

''(1) the fundamental components of the right to freedom of religion;

''(2) the variation in beliefs of religious groups; and

''(3) the governmental and nongovernmental methods used in violation of the right to freedom of religion.''.

AMENDMENT NO. 389

On page 155, between lines 13 and 14, insert the following:

SEC. 1612. SANCTIONS ON THE PEOPLE'S REPUBLIC OF CHINA.

(a) MULTILATERAL ASSISTANCE.—

(1) INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT.—

(A) OPPOSITION TO ASSISTANCE.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development to vote against any loan or other utilization of the funds of the bank to or for the People's Republic of China in fiscal year 1998.

(B) OPPOSITION TO MODIFICATION OF SINGLE COUNTRY LOAN LIMIT.—The Secretary shall instruct the United States Executive Director of the International Bank for Reconstruction and Development to vote against any modification of the limitation on the share of the total funds of the Bank that may be loaned to a single country in fiscal year 1998.

(C) LIMITATION ON DOMESTIC BORROWING.—

(i) LIMITATION.—The Secretary shall restrict the ability of the International Bank for Reconstruction and Development to borrow in United States capital markets in fiscal year 1998 by an amount equal to the amount of the loans approved for the People's Republic of China in fiscal year 1997 for purposes other than to meet basic human needs.

(ii) EXCEPTION.—Clause (i) shall not apply to borrowing for purposes of meeting basic human needs.

(2) ASIAN DEVELOPMENT BANK.—

(A) OPPOSITION TO ASSISTANCE.—The Secretary shall instruct the United States Director of the Asian Development Bank to vote against any loan or other utilization of the funds of the Bank to or for the People's Republic of China in fiscal year 1998.

(B) LIMITATION ON DOMESTIC BORROWING.—

(i) LIMITATION.—The Secretary shall restrict the ability of the Asian Development Bank to borrow in United States capital markets in fiscal year 1998 by an amount equal to the amount of the loans approved for the People's Republic of China in fiscal year 1997 for purposes other than to meet basic human needs.

(ii) EXCEPTION.—Clause (i) shall not apply to borrowing for purposes of meeting basic human needs.

(3) INTERNATIONAL MONETARY FUND.—The Secretary shall instruct the United States Executive Director of the International Monetary Fund to vote against any loan or other utilization of the funds of the Fund to or for the People's Republic of China in fiscal year 1998.

(4) REDUCTION IN CONTRIBUTIONS FOR MULTILATERAL ASSISTANCE.—The amount of the contributions of the United States to a multilateral development bank in or for fiscal year 1998 shall be the amount otherwise available for such contributions in fiscal year 1998 less the amount committed by the bank to lend, utilize, or otherwise make available to or for the People's Republic of China during fiscal year 1997 for purposes other than basic human needs.

(5) DEFINITIONS.—In this subsection:

(A) BASIC HUMAN NEEDS.—The term, ''basic human needs'' refers to human needs arising from natural disasters or famine.

(B) MULTILATERAL DEVELOPMENT BANK.—The term ''multilateral development bank'' means the following:

(i) The International Bank for Reconstruction and Development.

(ii) The International Development Association.

(iii) The International Finance Corporation.

(iv) The Asian Development Bank.

(b) REDUCTION IN ASSISTANCE FOR ORGANIZATIONS PROVIDING FAMILY PLANNING ASSISTANCE IN CHINA.—

(1) REDUCTION.—The amount of financial assistance provided by the United States in fiscal year 1998 to a covered organization shall be the amount otherwise available for financial assistance to the organization in that fiscal year less the amount utilized by the organization for family planning services or assistance in or for the People's Republic of China during fiscal year 1997.

(2) CERTIFICATION.—Not later than October 31, 1997, each covered organization to be provided financial assistance by the United States in fiscal year 1998 shall certify to the Secretary of State the amount, if any, utilized by the organization in fiscal year 1997 for family planning services or assistance in or for the People's Republic of China.

(3) DEFINITION.—In this subsection, the term ''covered organization'' means an organization that provides family planning services or assistance in or for the People's Republic of China.

(c) CONSULTATIONS WITH ALLIES.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the President should begin consultations with the major allies and other trading partners of the United States in order to encourage such allies and trading partners to adopt sanctions against the People's Republic of China that are similar to the sanctions imposed on the People's Republic of China by this section.

(2) REPORT.—Not later than 45 days after the completion of the first G–7 summit meeting after the date of enactment of this Act, the President shall submit to Congress a report on the results, if any, of consultations referred to in paragraph (1).

AMENDMENT NO. 390

On page 155, between lines 13 and 14, insert the following:

SEC. 1612. SANCTIONS REGARDING CHINA NORTH INDUSTRIES GROUP AND CHINA POLY GROUP.

(a) SANCTIONS REGARDING CHINA NORTH INDUSTRIES GROUP AND CHINA POLY GROUP.—

(1) SANCTIONS.—Except as provided in paragraph (2), the President shall, during the period beginning on October 1, 1997, and ending on September 30, 1998—

(A) prohibit the importation into the United States of all products that are produced, grown, or manufactured by Poly or Norinco, the parent company of Poly or Norinco, or any affiliate, subsidiary, or successor entity of Poly or Norinco;

(B) deny or impose restrictions on the entry into the United States of any foreign national serving as an officer, director, or employee of an entity described in subparagraph (A);

(C) prohibit the issuance to a person or entity described in subparagraph (A) of licenses in connection with the export of any item on the United States Munitions List;

(D) prohibit the export to a person or entity described in subparagraph (A) of any goods or technology on which export controls are in effect under section 5 or 6 of the Export Administration Act of 1979;

(E) direct the Export-Import Bank of the United States not to give approval to the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit, with respect to a person or entity described in subparagraph (A);

(F) prohibit United States nationals from directly or indirectly issuing any guarantee

for any loan or other investment to, issuing any extension of credit to, or making any investment in, a person or entity described in subparagraph (A); and

(G) prohibit departments and agencies of the United States and United States nationals from entering into any contract with a person or entity described in subparagraph (A) for the procurement or other provision of goods or services from such person or entity.

(2) EXCEPTIONS.—

(A) IN GENERAL.—The President shall not impose sanctions under this subsection—

(i) in the case of the procurement of defense articles or defense services—

(I) under contracts or subcontracts that are in effect on October 1, 1997 (including the exercise of options for production quantities to satisfy United States operational military requirements);

(II) if the President determines that the person or entity to whom the sanctions would otherwise be applied is a sole source supplier of essential defense articles or services and no alternative supplier can be identified; or

(III) if the President determines that such articles or services are essential to the national security; or

(ii) in the case of—

(I) products or services provided under contracts or binding agreements (as such terms are defined by the President in regulations) or joint ventures entered into before October 1, 1997;

(II) spare parts;

(III) component parts that are not finished products but are essential to United States products or production;

(IV) routine servicing and maintenance of products; or

(V) information and technology products and services.

(B) IMMIGRATION RESTRICTIONS.—The President shall not apply the restrictions described in paragraph (1)(B) to a person described in paragraph (1)(A), if the President, after consultation with the Attorney General, determines that the presence of the person in the United States is necessary for a Federal or State judicial proceeding against a person or entity described in paragraph (1)(A).

(3) DEFINITIONS.—In this subsection:

(A) AFFILIATE.—The term ''affiliate'' does not include any United States national engaged in a business arrangement with a person or entity described in paragraph (1)(A).

(B) COMPONENT PART.—The term ''component part'' means any article that is not usable for its intended function without being embedded or integrated into any other product and, if used in the production of a finished product, would be substantially transformed in that process.

(C) FINISHED PRODUCT.—The term ''finished product'' means any article that is usable for its intended function without being embedded in or integrated into any other product, but does not include an article produced by a person or entity other than a person or entity described in paragraph (1)(A) that contains parts or components of a person or entity described in paragraph (1)(A) if the parts or components have been substantially transformed during production of the finished product.

(D) INVESTMENT.—The term ''investment'' includes any contribution or commitment of funds, commodities, services, patents, processes, or techniques, in the form of—

(i) a loan or loans;

(ii) the purchase of a share of ownership;

(iii) participation in royalties, earnings, or profits; and

(iv) the furnishing of commodities or services pursuant to a lease or other contract, but does not include routine maintenance of property.

(E) NORINCO.—The term ''Norinco'' refers to China North Industries Group.

(F) POLY.—The term ''Poly'' refers to China Poly Group, also known as Polytechnologies Incorporated or BAOLI.

(G) UNITED STATES NATIONAL.—

(i) IN GENERAL.—The term ''United States national'' means—

(I) any United States citizen; and

(II) any corporation, partnership, or other organization created under the laws of the United States, any State, the District of Columbia, or any territory or possession of the United States.

(ii) EXCEPTION.—The term ''United States national'' does not include a subsidiary or affiliate of corporation, partnership, or organization that is a United States national if the subsidiary or affiliate is located outside the United States.

(b) PUBLICATION OF LIST OF COMPANIES OWNED BY THE PEOPLE'S LIBERATION ARMY.—

(1) PUBLICATION.—Not later than January 31 each year, the Secretary of State shall publish in the Federal Register a list of each corporation or other business entity that was owned in whole or in part by the People's Liberation Army of the People's Republic of China as of December 31 of the preceding year.

(2) PROTECTION OF SOURCES AND METHODS.—In publishing a list under paragraph (1), the Secretary shall take appropriate actions to ensure the protection of sources and methods of gathering intelligence.

AMENDMENT NO. 391

On page 155, between lines 13 and 14, insert the following:

SEC. 1612. PROMOTION OF DEMOCRATIC VALUES IN THE PEOPLES REPUBLIC OF CHINA.

(a) STUDENT, CULTURAL, AND LEGISLATIVE EXCHANGE PROGRAMS.—Notwithstanding any other provision of law, the aggregate amount utilized and made available by the Director of the United States Information Agency in fiscal year 1998 for programs and grants relating to student, cultural, and legislative exchange activities in or with the People's Republic of China may not be less than an amount equal to twice the aggregate amount utilized and made available for such programs and grants in fiscal year 1997.

(b) RADIO FREE ASIA.—Notwithstanding any other provision of law, the total amount of grants made to Radio Free Asia in fiscal year 1998 under section 309 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208) may not be less than an amount equal to twice the amount of grants made to Radio Free Asia in fiscal year 1997 under that section.

(c) NATIONAL ENDOWMENT FOR DEMOCRACY.—Notwithstanding any other provision of law, the amount of the grant made to the National Endowment for Democracy by the Director of the United States Information Agency in fiscal year 1998 for purposes of programs relating to the People's Republic of China may not be less than an amount equal to twice the amount of the grant made to the Endowment in fiscal year 1997 for purposes of such programs.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate that the hearing scheduled before the Subcommittee on Forests and Public Land Management will also include S. 881, a bill to provide for a land exchange involving the Warner Canyon ski area and other land in the State of Oregon.

The hearing will be held on Wednesday, June 18, 1997, at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled ''Small Business Reauthorization Act of 1997.'' The hearing will be held on June 24, 1997, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

For further information, please contact Paul Cooksey at 224–5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Monday, June 16, 1997 at 10 a.m. to hold a hearing on: ''State-Sanctioned Discrimination in America.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. HELMS. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on June 16, 1997 at 2 p.m. for the purpose of a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TAX BENEFITS AT BROWNFIELDS

• Mr. ABRAHAM. Mr. President, this week, the Senate Finance Committee will begin consideration of the tax portion of this year's budget agreement. I strongly support the pro-family and pro-growth portions of that package and I intend to discuss these provisions at a later time. Today, I wanted to address the Senate regarding a smaller tax issue of interest to the State of Michigan and communities nationwide—targeting tax benefits at brownfields.

Mr. President, brownfields are abandoned commercial and industrial properties which are suspected of being environmentally contaminated. Earlier this year, I visited several locations in Michigan which fit this definition, and I want to relate to the Senate why this is an issue of national importance. It is an issue of community renewal, economic growth, job creation, and environmental remediation.

Heatherwood Farms in Lansing, MI is a good example of how brownfields affect all these issues. Located in a middle-class residential neighborhood with several other commercial properties, it was the former site of an industrial

warehouse for over 50 years. According to the Michigan Department of Environmental Quality, assessment work is needed to verify whether the property is contaminated with PCB's, chemical solvents, asbestos, and other contaminants.

Mr. President, who will conduct this work? The former owners are bankrupt. The State government doesn't have the resources to investigate every abandoned industrial site in Michigan. And potential purchasers are scared away by tax and environmental laws that combine few benefits with unlimited liability.

The city of Flint faces the same dilemma, where the former site of Thrall Oil Co. now sits vacant. Economic development officials believe this property should attract future manufacturing development, but, because the Michigan Department of Environmental Quality has labelled it ''contaminated,'' developers cannot be found.

This problem is not limited to Michigan. Across the country, there are over 30,000 sites similar to Heatherwood Farms —abandoned former industrial sites which may or may not be contaminated. A survey of Toledo, OH businesses found that environmental concerns were affecting 62 percent of the area's commercial and industrial real estate transactions. The result is lost jobs and opportunities for the residents of these communities and lower economic growth in the country as a whole.

Which brings me to my tax provision. For the past two Congresses, I have advocated changing the Tax Code to permit new owners of so-called brownfields to deduct the cost of cleaning up these sites from their income. This reform is a vast improvement over the current code, which requires companies to capitalize these costs over many years. It is a small provision which I believe will have far-reaching economic effects in attracting new owners to these abandoned properties.

It will also have positive environmental effects that we can all support. First, it will accelerate the remediation of contaminated properties. As I said previously, the State, local, and Federal governments do not have the resources to identify and clean these properties. To make progress, we must enlist the assistance and resources of the private sector. This brownfields tax provision does just that.

Second, it will protect so-called greenfields from development. When developers turn away from Heatherwood Farms and other brownfields, they turn instead to properties that have no history of industrial or commercial use. That is certainly not in the interest of communities like Lansing or Flint, and it is not conducive toward maintaining our undeveloped countryside.

Mr. President, earlier this year I joined Senators LIEBERMAN, MOSELEY-BRAUN, D'AMATO, JEFFORDS, and others in introducing legislation which would target this tax incentive at distressed communities across the country. This legislation has the support of the administration and the United State Conference of Mayors. I encourage Senator ROTH to include this provision in his tax bill when he presents it to the Finance Committee this week, and I look forward to working with all Senators in promoting economic growth and job creation in our distressed communities nationwide. ●

CHARMAINE CACCIOPPI

● Ms. LANDRIEU. Mr. President, I rise to make a few remarks concerning Charmaine Caccioppi who is retiring from the U.S. Senate after 20 years of service. Charmaine worked for former Senator J. Bennett Johnston during this time and has been a great asset to my office during my transition into the Senate. Her dedication and service to the citizens of Louisiana should be recognized. I wish her the best in all her future endeavors and I want her to know that she will truly be missed.●

TRIBUTE TO DONNA JEAN CRONIN AND ROBERT J. DEVANTERY FOR RECEIVING THE 1996 PRESIDENTIAL AWARDS IN MATHEMATICS AND SCIENCE TEACHING

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Donna Jean Cronin, a teacher at Exeter Area Jr. High School in Exeter NH, and Robert J. Devantery, a teacher at Winnacunnet High School in Hampton, NH, on receiving the 1996 Presidential Awards for Excellence in Mathematics and Science Teaching. Donna and Robert will spend the week of June 24–28 in Washington, DC, for a series of events to commemorate their distinguished selection.

As a former high school teacher myself, I commend their outstanding accomplishment and well-deserved honor.

The Presidential Awards for Excellence in Mathematics and Science Teaching, administered by the National Science Foundation [NSF], is designed to recognize and reward outstanding teachers who serve as models for their colleagues in the important areas of increased visibility and rewards while encouraging high quality teachers to enter and remain in the teaching field. This national award recognizes their distinguished leadership and encourages high quality teachers to enter and remain in the teaching field.

Mr. President, New Hampshire has always been fortunate to have many talented teachers, but Donna and Robert are certainly role models among the teachers of the Granite State. I am proud of their dedication to the education of New Hampshire children and congratulate them on this magnificent achievement. It is an honor to represent them in the U.S. Senate.●

RECOGNITION OF LLOYD WEAVER'S ASSISTANCE DURING THE FLOODS OF 1997

● Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of Lloyd Weaver in ongoing flood recovery efforts in the Dakotas.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, SD was completely under water when record low temperatures turned swollen streams into sheets of ice.

The 50,000 residents of Grand Forks, ND and 10,000 residents of East Grand Forks, MN, were forced to leave their homes and businesses as the Red River overwhelmed their cities in April. The devastation was astounding; an entire city underwater and a fire that gutted a majority of Grand Forks' downtown. Residents of both cities recently were allowed to return to what is left of their homes, and the long and difficult process of rebuilding shattered lives is just beginning.

Lloyd Weaver lived through the 1972 flash flood that killed hundreds of people in Rapid City, SD. He knows what his North Dakota neighbors are currently experiencing. That's why Lloyd's Carpet and Cleaning Service in Rapid City chartered a plane and donated 25 large canisters of chemicals to deodorize homes in Grand Forks. Lloyd Weaver also met with relief officials and instructed them on the proper use of the chemical to help get homeowners and business people back on their feet.

While those of us from the Midwest will never forget the destruction wrought by this year's floods, I have been heartened to witness firsthand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from rising flood waters. The selfless actions of people like Lloyd Weaver illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair Grand Forks and other impacted communities. Lloyd Weaver illustrates how one individual can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking him for his selfless efforts.●

RECOGNITION OF CANDYLAND DAYCARE AND PRESCHOOL'S ASSISTANCE DURING THE FLOODS OF 1997

● Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the children of Candyland Daycare and Preschool in Rapid City, SD, in ongoing flood recovery efforts in the Dakotas.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the Upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD, to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, SD, was completely under water when record low temperatures turned swollen streams into sheets of ice.

The 50,000 residents of Grand Forks, ND, and 10,000 residents of East Grand Forks, MN, were forced to leave their homes and businesses as the Red River overwhelmed their cities in April. The devastation was astounding; an entire city under water, and a fire that gutted a majority of Grand Forks' downtown. Residents of both cities recently were allowed to return to what is left of their homes, and the long and difficult process of rebuilding shattered lives is just beginning.

The children of Candyland Daycare and Preschool in Rapid City have been collecting toys, books, and puzzles for North Dakota flood victims. Many families escaped rising flood waters in the dead of night, often with only the clothes on their back, and ultimately lost everything in their homes. The goods collected by these children will help families rebuild their lives. The preschoolers also sent colored cards and a note that read: ''Sorry to hear about the flood. Hope you'll be able to go home soon. Your South Dakota friends.''

While those of us from the Midwest will never forget the destruction wrought by this year's floods, I have been heartened to witness firsthand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from rising flood waters. The selfless actions of the children at Candyland Daycare and Preschool illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair Grand Forks and other impacted communities. The children at Candyland Daycare and Preschool in Rapid City illustrate how the actions of a community can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking them for their selfless efforts.●

RECOGNITION OF DR. RONALD TESCH'S ASSISTANCE DURING THE FLOODS OF 1997

● Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of Dr. Ronald Tesch of Brookings, SD, in ongoing flood recovery efforts in the Dakotas.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the Upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD, to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, SD, was completely under water when record low temperatures turned swollen streams into sheets of ice.

The 50,000 residents of Grand Forks, ND, and 10,000 residents of East Grand Forks, MN, were forced to leave their homes and businesses as the Red River overwhelmed their cities in April. The devastation was astounding; an entire city underwater and a fire that gutted a majority of Grand Forks' downtown. Residents of both cities recently were allowed to return to what is left of their homes, and the long and difficult process of rebuilding shattered lives is just beginning.

Carl Madsen's daughter was one of many Grand Forks individuals who escaped rising flood waters in the dead of night, often with only the clothes on their back. Her son, who is 10 years old, wears eyeglasses and left them behind in their now demolished Grand Forks home. An optician, Dr. Ronald Tesch, was kind enough to give the boy an exam, new prescription, and eyeglasses all for free since Mr. Madsen's daughter had little money left.

While those of us from the Midwest will never forget the destruction wrought by this year's floods, I have been heartened to witness first-hand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from rising flood waters. The selfless actions of individuals like Dr. Ronald Tesch illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair Grand Forks and other impacted communities. Dr. Ronald Tesch of Brookings, SD, illustrates how the actions of an individual can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking him for his selfless efforts.●

RECOGNITION OF BRAD STIEFVATER, TODD MATTHIES, AND DOUG MOKROS' ASSISTANCE DURING THE NATURAL DISASTERS OF 1997

● Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of the McCook County ambulance crew, Brad Stiefvater, Todd Matthies, and Doug Mokros, in ongoing disaster recovery efforts in South Dakota.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, SD was completely under water when record low temperatures turned swollen streams into sheets of ice.

At the height of the snowstorms in South Dakota, the McCook County ambulance crew was called to the home of Steve and Sheila Hoiten to deliver the couple's baby. Wind gusts of 40 miles per hour dropped the temperature to nearly 70 degrees below zero and created near white-out conditions as Brad, Todd, and Doug drove the family 45 miles to Sioux Falls. The ambulance crew battled drifts 8 to 9 feet high to get the couple safely to the hospital where Morgan Ann Hoiten was born, safe and sound.

While those of us from the Midwest will never forget the destruction wrought by this year's snowstorms and floods, I have been heartened to witness firsthand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from vicious winter weather and rising flood waters. The selfless actions of the McCook County ambulance crew illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair our impacted communities. Brad Stiefvater, Todd Matthies, and Doug Mokros of

the McCook County search and rescue unit illustrate how the actions of a community can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking them for their selfless efforts.●

RECOGNITION OF THE ASSISTANCE OF BOY SCOUT TROOPS 48, 112, 152, AND 159 OF SIOUX FALLS AND TROOP 582 OF BRANDON DURING THE FLOODS OF 1997

● Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of Boy Scouts from Troops 48, 112, 152, 159, and 582 in ongoing flood recovery efforts in the Dakotas.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, SD was completely under water when record low temperatures turned swollen streams into sheets of ice.

The 50,000 residents of Grand Forks, ND and 10,000 residents of East Grand Forks, MN were forced to leave their homes and businesses as the Red River overwhelmed their cities in April. The devastation was astounding; an entire city underwater and a fire that gutted a majority of Grand Forks' downtown. Residents of both cities recently were allowed to return to what is left of their homes, and the long and difficult process of rebuilding shattered lives is just beginning.

Heavy winter snows forced Big Stone Lake, along the South Dakota and Minnesota border, to 9 feet above flood level. The rising waters drove 40 families from their homes and caused vast amounts of damage. Volunteers from the surrounding communities quickly came to the residents' assistance, but once the flood waters began to recede, residents faced countless hours of clean up on their own. That is when the 45 young men of Troops 48, 112, 152, 159, and 582 rose to the challenge and traveled to Big Stone City to help residents clean up.

While those of us from the Midwest will never forget the destruction wrought by this year's floods, I have been heartened to witness firsthand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from rising flood waters. The selfless actions of Boy Scout Troops 48, 112, 152, 159, and 582 illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair impacted communities. The Boy Scout troops of Sioux Falls and Brandon illustrate how the actions of a community can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking them for their selfless efforts.●

RECOGNITION OF SOUTH DAKOTA RURAL LETTER CARRIERS DURING THE FLOODS OF 1997

● Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of South Dakota rural letter carriers in providing mail service to rural residents despite record flooding and washed-out roads.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, SD was completely under water when record low temperatures turned swollen streams into sheets of ice.

The average rural mail route is 95 miles long in South Dakota, compared to 35 miles in the rest of the country. This spring's flooding added to that distance as a number of Federal, State, and county roads were submerged under running water. I have received numerous reports of Postal Service employees taking extraordinary steps to provide service to their fellow South Dakotans during this disaster. Often, this service has been provided at their own expense.

While those of us from the Midwest will never forget the destruction wrought by this year's floods, I have been heartened to witness first-hand and hear accounts of South Dakotans helping to restore the livelihood of their community. The selfless actions of individuals like the South Dakota rural letter carriers illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair impacted communities. The South Dakota rural letter carriers illustrate how the actions of a community can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking them for their selfless efforts.●

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

● Mr. ABRAHAM. Mr. President, last week the Senate adopted the emergency supplemental bill by a vote of 78 to 21. As one of the Members who voted against it, I wanted to take this opportunity to explain my vote.

I reluctantly voted for the last disaster relief bill—even though I believed it contained too many nonemergency spending times and that it exacerbated an already inequitible transportation funding situation for Michigan. The reason I did so was the inclusion of the continuing resolution language that would have protected Americans from another Government shutdown and the loss of necessary Government services.

The legislation adopted on Thursday did not contain this protection, and so left the American taxpayer and the Congress at the mercy of a President who has consistently demanded ever-higher levels of Government spending, and who is willing to shutdown the Federal Government to get it.

Moreover, the legislation contained extraneous, nonemergency spending items as well as more money than the Congress was willing to spend just a few short weeks ago. As a final insult, this legislation fails to fully offset the additional spending it provides, and therefore will result in another increase to the deficit.

Mr. President, I sympathize with the plight of the people living in the flooded States and I fully support providing the disaster assistance they need to rebuild their communities and their lives. However, for the Congress to adopt legislation which adds to the deficit, includes nonemergency extraneous matters, and that does not protect the taxpayers against another Government shutdown, was in my view wholly irresponsible and not deserving of my support.●

TRIBUTE TO THE TOWN OF HOOKSETT ON ITS 175TH ANNIVERSARY

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the town of Hooksett, NH on their 175th anniversary. Hooksett is celebrating their 175th birthday during the month of July, and the town's citizens will highlight these festivities with the dedication of a new safety center and numerous other activities. This New Hampshire town has a significant heritage to celebrate on their 175th anniversary.

The history of Hooksett began in the 1700's. The early settlers of this untamed country were independent and self-sufficient folk, characteristics that

have endured in the people of this region. With their independent spirit and determination they built a strong and lasting community that makes their descendants proud. What is now Hooksett was once part of three other communities during the 18th century. The residents of these towns were dissatisfied with having to travel 17 miles over rugged terrain to the community of Chester to attend church or to vote.

On June 11, 1782, 40 years before the town would be incorporated, the General Court granted a petition that established a ferry at Isle of Hooksett Falls. The town would eventually take its name from this area. These strong-spirited citizens were determined to form their own community and five petitions later to the General Court, Hooksett was finally incorporated July 2, 1822. The first town meeting was at Halls Tavern on September 16, 1822, where the first town officials of Hooksett took the oath to serve the people of the community. The voters elected: the Honorable Richard H. Ayer, selectman and moderator; Samuel head, selectman; Samuel Poor, selectman and Gideon Flanders as town clerk. The residents also elected constables, surveyors of lumber, treasurer, hog reeves and a school committee.

Today, the town of Hooksett prides itself on its quality of life and community spirit, a tradition that has manifested itself throughout the town's history. This town of 9,400 residents boasts not only magnificent surroundings, but a community of friendly, caring neighbors as well.

Mr. President, I congratulate the town of Hooksett on this historic milestone and wish them a happy 175th anniversary celebration. I send them my best wishes for continued success and a prosperous year as they mark their 175th birthday. Happy birthday, Hooksett.●

TRIBUTE TO THE TRUMAN MEDICAL CENTER EAST

● Mr. BOND. Mr. President, today I pay tribute to an extremely important and successful medical facility, Truman Medical Center East—Truman East—Kansas City, MO. On Friday, June 20, 1997, a special dedication will be held in honor of the new Truman East Care Center and ambulatory/emergency services renovation/expansion project.

Truman East has been serving residents of eastern Jackson County since the mid-1800's and continues to meet the challenges of this growing area.

Truman East is primarily a teaching institution for the University of Missouri—Kansas City School of Health Sciences. It contains the department of family and community medicine along with the large family practice residency program which provides primary care. In addition, Truman East manages the Jackson County Health Department in Independence, MO. It has an extensive gerontology fellowship which provides excellent opportunities for the elderly to enhance the quality of daily life.

One of the biggest improvements to the facility is the replacement of a 212-room long term care residency with a state-of-the-art facility. The older buildings, from 1908 and 1930, have been converted into offices in order to keep the renovations cost effective. Students and health care professionals alike will benefit from these expansions and improvements of the Truman East facility.

It is a great privilege to honor this high caliber medical facility. I know that Truman East will continue to improve and grow for years to come. The State of Missouri is lucky to have such a facility and I want to express my sincere appreciation to everyone who makes Truman East excel.●

CONGRATULATING TRUMBULL HIGH SCHOOL

● Mr. LIEBERMAN. Mr. President, I would like to take this opportunity to congratulate a class of students from Trumbull High School in Trumbull, CT, who won an award at the ''We the People * * * The Citizen and the Constitution'' national finals held in Washington, DC. These students, under the direction of their teacher, Rita Altieri, were recognized for their expertise on unit 6, ''Role of Citizen'' of the ''We the People * * *'' curriculum. This award is given to the school achieving the highest cumulative score during the first 2 days of the national finals in each of the six units.

I hope my colleagues will join with me in recognizing these outstanding young Americans who competed against 50 other classes from all across the Nation. They have clearly demonstrated a remarkable understanding of the fundamental ideals and values of American constitutional government.●

IWO JIMA MEMORIAL WEEKLY EVENING PARADE

● Mr. SMITH. Mr. President, I rise today to bring up to the attention of my colleagues a very special event that occurred recently. On June 10, 1997, I was privileged to participate in an evening parade sponsored by the U.S. Marine Corps at the Iwo Jima Memorial.

As my colleagues know, the Marine Corps hosts these parades weekly during the summer for local residents, tourists, and supporters of the Armed Forces. However, this parade was particularly special for those of us who treasure our Nation's military history and traditions.

The parade was attended by the Secretary of the Navy, the Commandant of the Marine Corps, other distinguished leaders, and a collection of Iwo Jima survivors. Amidst great anticipation, the Secretary seized this unique forum to announce that the latest WASP Class amphibious warship, the LHD–7, would be named the ''USS. IWO JIMA.''

As the sponsor of previous legislation to provide this designation for the LHD–7, I was both pleased and privileged to participate in this very special event. Indeed, as the Sun slowly set over Arlington cemetery, the Iwo Jima Memorial was aglow against the backdrop of the Washington skyline. And those veterans of Iwo Jima who graced us with their presence seemed transformed once again into the same youthful heroes who fought so nobly in defense of freedom 52 years ago. It was a very, very special night.

Mr. President, for the benefit of my colleagues who were not able to attend last week's parade, I would like to take this opportunity to insert into the RECORD the statements delivered by the Secretary of the Navy and myself in commemoration of the event. While it is difficult to capture in mere words the essence of that wonderful evening, it is my hope that the American people will be able to review these remarks and, perhaps, gain a better appreciation of the U.S. Marine Corps, its history, and tradition. I know that I was enriched by the experience, and I want to personally thank Gen. Chuck Krulak and America's Corps of Marines for the honor of participating in this unforgettable event.

I ask that the speeches delivered at the Iwo Jima Memorial on June 10, 1997, by Secretary of Navy John Dalton and myself be printed in the RECORD.

The material follows:

REMARKS OF SENATOR BOB SMITH—JUNE 10, 1997

Thank you very much General Krulak. Secretary Dalton, Admiral Johnson, my host General West, fellow veterans, particularly veterans of Iwo Jima that are with us tonight, members of the Armed Services, ladies and gentlemen.

Tonight, we gather against the backdrop of this wonderful shrine, to commemorate the long and distinguished history of our United States Marine Corps. We also celebrate the designation of the latest WASP-Class Amphibious Assault ship the ''USS Iwo Jima.''

It is a very special evening, and I am deeply honored to participate in these activities.

In the annals of military history, no battle conjures up more powerful or compelling images than Iwo Jima. That ferocious battle, to capture four miles of strategic island territory, is forever a part of our national character. And it will forever define our United States Marine Corps.

Between February 19th and March 26th, 1945, 19,000 Americans were wounded and 7,000 were killed in the campaign to capture Iwo Jima. This was no walk through the park. This was lengthy, brutal, hand to hand, close quarters combat.

There were no stealth fighters, satellites or precision guided munitions at Iwo Jima. No attack helicopters, infrared sensors or tomahawk cruise missiles, either. Our secret weapon was the tenacity and unbridled patriotism of 80,000 United States Marines.

There was nothing high tech about these leathernecks. They weren't pretty and they weren't glamorous. But those Marines gave everything they had. They provided exactly what technology couldn't. Guts. Courage. Valor. Discipline. Unparalleled heroism.

As Admiral Chester Nimitz concluded after the battle, and I quote, ''among the Americans who served on Iwo Island, uncommon valor was a common virtue.''

I am proud to stand before you tonight and say without question that the tradition, the character, the fortitude, and the dignity displayed by those Marines at Iwo Jima 52 years ago lives on today. It lives on in the 174,000 men and women who serve in the United States Marine Corps.

They hold the torch of freedom. They are the ones who sacrifice each day so that this nation may live free. They are the ones who are on station at a distant shore, 24 hours a day, 365 days a year defending our liberty and preserving our security.

As you admire the parade this evening, I urge you to look closely at these young men and women. Look at their demeanor. Look into their eyes and you will see the spirit of those 80,000 Marines who served at Iwo Jima. Look into those eyes and you will see the pride, the discipline, the commitment to God and country that distinguishes our Corps of Marines from any other fighting force on Earth.

Look into those eyes and you will see a window into the soul of this great Nation.

As parents, one of the most important values that we can transmit to our children is to remember, and to honor, those who fought, sacrificed and perished on behalf of freedom.

As a United States Senator, I take great pride in having played a role in naming the LHD–7 the ''Iwo Jima. From my perspective, as long as marines are deployed in defense of liberty, there must always be an Iwo Jima in the fleet.

This ship, the finest of its kind, will carry on the legacy of those fresh faced leathernecks who turned the tide of history 52 years ago. It is an event to be commemorated. It is a ship worthy of the distinction.

Semper Fidelis.

REMARKS OF HON. JOHN H. DALTON

Thank you General Krulak, for that kind introduction. Senator Smith, Assistant Secretary Stuart (Sandra Stuart, ASD—Legislative Affairs), Rear Admiral Ryan, Major General Haynes, Veterans, especially those Veterans of the Battle of Iwo Jima (seated ahead and to your left) and serving members of our Armed Forces, ladies and gentlemen.

I am honored to be here, at this glorious moment, a bold and powerful testimony to the commitment and sacrifice of those proud Marines and Sailors who fought and died to preserve America's precious freedoms and liberties. The Iwo Jima Memorial commemorates a great moral and strategic victory in the Pacific campaign of World War II, and one of the fiercest fights in the annals of combat.

In this battle we took more casualties than the enemy, in this battle there were more medals of honor awarded than in any other battle in U.S. history. We simply had to have that island.

The outcome of that struggle was not only the preservation of the greatest Democracy and Nation in the world, but also the subsequent spread of democratic forms of government to distant and foreign shores.

In that light, Iwo Jima represents not just a single, costly battle, so long ago. It symbolizes also, the proud heritage of our Marines and Sailors who recognize a greatness beyond themselves and their service. Because of Iwo Jima and battles like it, the world can appreciate America's commitment to democracy and justice. It led nations toward a more peaceful world, a world in which we all pray there will never be another Iwo Jima.

I am constantly reminded of the Battle for Iwo Jima. In my office hangs a painting of Joe Rosenthal's famous photograph after which this memorial is sculpted. I have met Joe Rosenthal and the sculptor of this great work, Felix De-Weldon. And just 2 years ago, I was honored to stand on the top of Mount Suribachi, and participate in a Memorial Service on the 50th anniversary of the battle.

But perhaps my greatest reminder of all are daily encounters with Marines and Sailors of today's Naval Service. These encounters give me total confidence that the supreme sacrifice of those who went before is embodied in the fighting spirit of today's Marines and Sailors.

My hope is that all Americans would have the opportunity to be reminded of their servicemembers' fighting spirit and willingness to sacrifice, as I so often am as Secretary of the Navy. That is why I am proud to announce today, that the Navy and Marine Corps' newest amphibious warship, the seventh of our WASP class LHD's, will be named U.S.S. *Iwo Jima*.

LHD–7, the U.S.S. *Iwo Jima*, to be christened at the turn of the century, will embody the most powerful technology and weapons capability available to our Navy and Marine Corps Team. U.S.S. *Iwo Jima*'s ultimate strength will be the ability to deter aggression. And her lifeblood will be our Sailors and Marines who man the deckplates, they will fulfill the tradition of sacrifice so honorably held by those who fought and died at the battle of Iwo Jima.

I think it is appropriate to recall the words of Chaplain Roland Gittelsohn when he dedicated the Fifth Marine Division Cemetery on Iwo Jima fifty-two years ago. On February 19, 1995, Rabbi Gittelsohn recalled his words when he participated at a ceremony here, commemorating that battle. He said then, and repeated 2 years ago:

''Here lie officers and men of all colors, rich men and poor men together. Here are Protestants, Catholics and Jews together. Here no man prefers another because of his faith or despises him because of his color. Here there are no quotas of how many from each group are admitted or allowed. Among these men there is no discrimination. No prejudice. No hatred. Theirs is the highest and purest democracy.

Any man among us, the living, who failed to understand that, will thereby betray those who lie here . . . whoever lifts his hand in hate against a brother, or thinks himself superior to those who happen to be in a minority, makes of . . . their sacrifice an empty, hollow mockery.

Thus do we consecrate ourselves, the living, to carry on the struggle they began. Too much blood has gone into this soil for us to let it lie barren.''

Those words spoken in honor of fallen Marines and Sailors hold a living truth. The truth is that we, the living, must carry on their struggle for liberty and freedom everyday, and in everything we do. I am confident that our Navy and Marine Corps Team embodies that continuing struggle. And I am proud that this great Nation will commission the U.S.S. *Iwo Jima* in the year 2000, to honor those of you who fought there, and the enduring legacy of our fallen comrades who so dedicated their lives to this great Nation. God bless this great memorial and the selfless sacrifice it represents. God bless our Navy and Marine Corps, and God bless America.●

ORDER OF BUSINESS

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I ask unanimous consent that the pending business be set aside so I may speak on a bill introduced earlier today on behalf of myself and Senator MCCAIN.

The PRESIDING OFFICER. The Senate currently is in a period for morning business. The Senator from Nebraska is recognized.

Mr. KERREY. I thank the Chair.

(The remarks of Mr. KERREY pertaining to the introduction of S. 909 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. KERREY. Mr. President, I see there is no one still here on the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE PAGES

Mr. HELMS. Mr. President, I do not know whether the distinguished occupant of the Chair has noticed, but we have 20 new pages as of today. Every year I say they can't get any better, but they do. They are fine young people who come here from all across the country. They work hard, as they will discover as the days go by and the temperature gets hot in the debate, and messages will be floating back and forth like Tennyson's brook.

But I want you to know that here is one Senator who welcomes you. I am proud of you. I think you are going to enjoy your time in the Senate.

Mr. President, I hear from the pages, former pages, of years ago, with some regularity. They send me pictures of their new babies. They send me pictures of themselves and in their wedding gowns. It is interesting to track all these young people as they have moved into maturity and have become good citizens. I even know of two who are serving in State legislatures now. So, tempus fugit.

When I came on to the Senate floor from the cloakroom, I was told that the wrap-up material would be presented in about a minute. It will be here. And I am not going to suggest the absence of a quorum. So there.

These young people are lucky, I might add, because there is no school in the summertime, is there? But the rest of the year, they start school at 6:15 in the morning. Classes begin then. And unless the Senate runs past—what is it?—10 o'clock in the evening—the 6:15 a.m. time is still in effect for the pages.

So now I feel like I am back in television with producers standing in the background saying ''Stretch it. Stretch it.''

I guess I may as well suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JUNE 17, 1997

Mr. HELMS. Now, as I was explaining to the young people a while ago, the final act in the Senate session is what we call the wrap-up which takes care of the extraneous details.

To begin, Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 o'clock a.m. on Tuesday, June 17. And I further ask unanimous consent that on Tuesday, immediately following the Chaplain's prayer, the routine requests through the morning hour be granted and the Senate then be in a period of morning business until 10:30 a.m. with Senators permitted to speak for up to 5 minutes with the following exceptions: Senator HAGEL and Senator LEAHY who will have 30 minutes jointly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I now ask that at 10:30 a.m. the Senate immediately resume consideration of S. 903, the State Department reauthorization bill, with the time until 12 noon divided with the Senator from North Carolina in control of 30 minutes, Senator BIDEN in control of 30 minutes, and Senator LUGAR in control of 30 minutes. Originally it was to have been divided equally between Senator BIDEN and me, and I thought in fairness to Senator LUGAR it ought to be made equal between Senator LUGAR, Senator BIDEN, and me.

Further, Mr. President, at the hour of 12 noon, the Senate proceed to a vote on or in relation to the DeWine amendment No. 383, to be immediately followed by a vote on or in relation to the Lugar amendment No. 382, with 2 minutes of debate equally divided before each vote. Following those votes, the Senate will recess until the hour of 2:15 p.m. for the weekly policy luncheon meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HELMS. Mr. President, for the information of all Senators, tomorrow from 10 a.m. to 10:30 a.m. the Senate will be in a period of morning business. Following morning business, by previous consent, the Senate will resume consideration of S. 903, the State Department reauthorization bill. By previous consent there will be two stacked votes beginning at 12 noon tomorrow. The majority leader has also announced that following the policy luncheons on Tuesday, the Senate will resume the State Department authorization and hopefully complete action on the bill at a reasonable hour tomorrow. In addition, this week the Senate may begin consideration of the defense authorization bill following disposition of S. 903.

I thank all Senators, including the one in the Chair, for their attention.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. HELMS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:05 p.m., adjourned until Tuesday, June 17, 1997, at 10 a.m.

EXTENSIONS OF REMARKS

EXPRESSING CONCERN OVER RECENT EVENTS IN SIERRA LEONE IN THE WAKE OF THE RECENT MILITARY COUP

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1997

Mr. HOUGHTON. Mr. Speaker, today a bipartisan group of colleagues and I have introduced a bill condemning the recent military coup d'etat in the Republic of Sierra Leone. The coup caused a great setback for democracy in this small West African nation. Let me explain.

On February 26, 1996, Sierra Leone held their first democratic elections in nearly 30 years. There had been a military coup less than a month before the election, and a civil war was still taking place in the countryside. A runoff election to choose between the two frontrunners in the presidential race occurred on March 15, 1996.

Despite some minor inadequacies, a group of international observers deemed the elections to be free and fair. On March 29, 1996, Ahmed Tejan Kabbah of the Sierra Leone People's Party was sworn in as the President of Sierra Leone. This peaceful transition from a military regime to a freely elected civilian government was a tremendous step onto the road to democracy.

Not long after the inauguration, I came to the floor with some of my colleagues to congratulate President Kabbah and the people of Sierra Leone through House Concurrent Resolution 160. The bill passed unanimously through both the House and Senate.

Things were going well in Sierra Leone during their first year as a democracy. For example, when there were problems in neighboring Liberia, Sierra Leone allowed the United States Marines to use their airport as a base to evacuate American citizens from Monrovia.

Unfortunately, on May 25, 1997, an unruly gang of thugs staged a coup d'etat, taking many of us by surprise. Johnny Paul Koroma and his Armed Forces Ruling Council took responsibility for the coup. President Kabbah and members of the government were forced to leave the country as the United States Marines arrived to the country again—this time to evacuate our citizens and other foreign nationals from Sierra Leone. Those who had to stay behind were subject to rampant killing, looting, raping, and a disruption of critical relief supplies throughout the country.

It is because of all this that a group of our colleagues, specifically ALCEE HASTINGS, TONY HALL, Chairman ED ROYCE, Ranking Member BOB MENENDEZ, and the entire membership of the House Subcommittee on Africa, decided to introduce a concurrent resolution expressing our concern for the people of Sierra Leone. In the resolution, we call for an end to violence, restoration of the democratically elected government, the protection and safety of international aid workers who remain in the country, and what is most important, a peaceful resolution to the conflict.

So, it is my hope, Mr. Speaker, that you and all of my colleagues in the House and Senate will join us in support of democracy and order in Africa—specifically in the Republic of Sierra Leone.

UNITED STATES-CHINA RELATIONS: THE CASE FOR ENGAGEMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1997

Mr. HAMILTON. Mr. Speaker, last week the Asia Society sponsored a major conference here in Washington on the subject of ''China, Japan, and Korea: Challenges for United States Business and Policy in Northeast Asia.''

The Asia Society deserves commendation for organizing a conference on this important topic. The Asia Society is known throughout the country, and indeed throughout the world, for both its efforts to foster a better understanding of Asia, and its attempts to bring this understanding to a broader audience here in the United States. Last week's conference represented another attempt to fulfill this latter task.

I was privileged to address this conference on the subject of United States-China relations. The Congress later this month will engage in a very important debate on the future of China's trade status—a debate that could set the tone for United States-China relations for many years to come.

Given the importance of the coming debate, I would like to place my comments before the Asia Society in the RECORD, in the hope that my colleagues might find them of some use as they look forward to congressional consideration of China's trade status.

THE UNITED STATES AND CHINA: THE CASE FOR ENGAGEMENT—REMARKS BY LEE H. HAMILTON—ASIA SOCIETY—JUNE 11, 1997

One big question of the coming decade is: Where is China going? Will China become a rival or even a threat to the United States? Or will it choose to cooperate, to participate in global political, economic, and security regimes, and abide by international norms and rules of behavior?

This is not an academic question. How China evolves over the next decade will profoundly affect our economic, political and security interests around the world. If China becomes a threat to the United States, our defense budget will go up, tensions in Asia will rise, and Asia's remarkable prosperity will be at risk.

If China and the United States keep their relationship on track, peace and security in Asia will be strengthened, the prospects for humans rights will be enhanced, and Asia's remarkable economic growth can continue.

China is emerging as a great power. We could not halt that evolution if we wanted to. But we can and should try to shape the kind of power China will become. We can try to ensure that China is integrated into the world community, rather than isolated from it.

At the heart of this debate, indeed every foreign policy debate, is one central question; what is the U.S. national interest?

Our overriding interest is to have sound relations with China.

China is, after all, the world's most populous country—it has grown by 400 million people since Richard Nixon visited in 1972—and possesses one of the world's largest economies.

With the world's largest standing army, China's actions have a direct bearing on peace and stability throughout East and Southeast Asia.

As a permanent member of the United Nations Security Council, China is not only a key country in Asia, but has a significant impact on U.S. interests around the world.

U.S. efforts to halt the spread of weapons of mass destruction in Iran, North Korea and elsewhere can succeed only if China cooperates with us and the rest of the international community.

In the economic front, American exports and American jobs are dependent upon sound relations with China. Last year we sold nearly $12 billion of goods to China. These exports supported 170,000 high-wage American jobs.

Our two countries, despite our differences, share many interests: a stable, peaceful, and prosperous East Asia; a global economy characterized by predictability, reduced trade barriers, and widely-accepted rules; stopping the spread of weapons of mass destruction; and avoiding a regional arms race or even a new cold war.

THE MOOD TODAY: A NEW ANGER AT CHINA

This is the most difficult bilateral relationship to understand and to manage, even in the best of times—and right now we are in the midst of another China-bashing season.

Many Americans are angered by China's human rights practices; its proliferation of nuclear and chemical weapons technology and components; its sales of missiles; its bullying of Taiwan and oppression of Tibet; its trade practices, which have led to a huge bilateral trade imbalance; and reports of illegal campaign contributions to U.S. candidates.

Citing these concerns, politicians and pundits have identified China as America's next adversary. They have concluded that China will never play by the rules, and it is useless to try to integrate it into global political, security, and economic regimes.

IS CHINA A THREAT TO THE U.S.?

But is China a threat? I believe there is no basis for believing that China will pose a serious threat to the U.S. any time soon. China is simply not in our league.

In 1995, China's GDP stood at $698 billion. Ours was ten times that size. The disparity in GDP per capita is even more striking: $620 for each Chinese, $27,000 for each American.

The military imbalance is as stark: China has fewer than a dozen intercontinental ballistic missiles; we have 755; China has roughly 300 strategic nuclear warheads; we have more than 11,000; China has no aircraft carriers; we have 12; China has approximately 50 top-of-the-line warplanes; we have more than 3,400; China lacks the ability to project military power much beyond its borders.

This overwhelming American military edge is likely to persist: present U.S. defense spending outstrips Chinese spending by a factor of 8½ to one. In short, a Chinese threat to U.S. security interests just doesn't stand up to scrutiny.

DEFINING ENGAGEMENT

Instead of viewing China as a threat, we should seek it as an opportunity. China is an emerging superpower. The correct policy approach is to engage China, not isolate it.

Engagement is not endorsement. It is not alliance. It is certainly not appeasement. It means actively engaging China to resolve our differences. It means standing up for U.S. interests when consultations and negotiations are not fruitful, even when this creates tensions in the relationship. This is what the Clinton Administration did: when it sent two aircraft carrier groups into the Taiwan Strait last year; when it threatened to impose sanctions because of Chinese violations of intellectual property rights; and when it imposed sanctions on Chinese companies of their violation of U.S. non-proliferation laws.

ENGAGEMENT SERVES U.S. INTERESTS

I support a policy of engagement, not as an end in itself, but as a tool to promote U.S. interests, including our human rights concerns. It has produced tangible benefits for the United States. Because of engagement: China has helped to reduce tensions on the Korean peninsula, perhaps the most dangerous place in the world today; China has moved in our direction on non-proliferation. It has committed itself to international non-proliferation rules by signing the Nuclear Nonproliferation Treaty, the Comprehensive Test Ban Treaty, and the Chemical Weapons Convention; China worked constructively with us in the United Nations Security Council in the Gulf War, and on many peacekeeping efforts since then; China cooperates with us on terrorism, the environment, public health, alien smuggling, and on illegal narcotics—all matters with a direct impact on our well-being.

Engagement has not solved all problems. But it offers a better prospect for achieving U.S. policy objectives than isolation or containment.

MFN AND ENGAGEMENT

Granting China normal trading status—as we have done for 17 years—is a natural consequence of our policy of engagement. It is the routine way nations conduct trade. All of our major trading partners enjoy this non-discriminatory tariff treatment.

But on Capitol Hill, opponents of engagement are gearing up for an all-out attack on the President's decision to extend normal trading status for another year.

The decision to grant normal trading status is not simply a narrow trade issue. It represents a fundamental choice—a choice between engagement and containment.

To revoke normal trade relations would be to declare economic warfare against China, and it would make a policy of engagement impossible. It would disrupt the cooperation we already enjoy and end the chances of greater cooperation.

MFN NOT A REFERENDUM ON CHINESE BEHAVIOR

The upcoming vote on China's trade status should not be a referendum on whether we approve or disapprove of Chinese behavior. No one disputes that China does things we find highly objectionable—and will surely continue to do so. Supporters and opponents of a normal trade relationship with China share the same goals. The debate is about the best method to achieve these goals.

Revoking normal trade relations is too blunt a tool for achieving our goals—indeed, it would be counterproductive. We have more effective ways to influencing China's behavior: targeted sanctions; public embarrassment; Radio Free Asia broadcasts; force deployments; and tough, effective and sometimes secret diplomacy.

Normal trade relations with China is a way of protecting U.S. interests and promoting American ideals—not a way to confer a seal of approval on China.

MFN AND HUMAN RIGHTS

Revoking normal trade relations will not achieve our human rights goals. Obviously China continues to fall short of our hopes in the area of human rights. China today is an oppressive society where political expression is severely circumscribed and the rights of the individual are subordinated to the well-being of the state—as defined by a self-selected party elite.

But a policy of engagement offers a better hope of prodding China into more acceptable behavior than a policy of isolation or containment.

The lesson of the past quarter century in China—and the lessons of South Korea, Taiwan, and other former authoritarian countries that have evolved into democracies—is that the best way to promote human rights is for the United States to stay engaged.

That is why many of those who care deeply about freedom in China—Wei Jingsheng, Martin Lee, and many of the Tiananmen Square dissidents, for instance—advocate the renewal of MFN. That is why many Christian religious leaders—in the United States as in China—support MFN. That is why Presidents of both parties, ever since President Nixon first visited China in 1972, have endorsed a policy of engagement. The overarching reality is that the human rights situation is improving because we have followed a policy of engagement, and will continue to improve if we stay engaged.

MFN REVOCATION WILL DAMAGE HUMAN RIGHTS

Those who advocate the withdrawal of normal trade relations say this action will further human rights in China. But they offer no evidence—because they have no evidence.

To the contrary, there's plenty of evidence to show that revoking normal trade relations would only make things worse. China is a great nation with an ancient culture and a proud tradition. It is, moreover, a nation immensely conscious of slights—real and imagined—suffered at the hands of the West.

I cannot imagine that China would buckle under the threat of MFN withdrawal—any more than we would back down in the face of a comparable threat.

A direct challenge by the United States is likely to make human rights conditions in China worse: Do MFN opponents really think an isolated China would be more likely to respect the rights of its people? That a return to the cold war of the 1950s and 1960s would promote human rights?

Are human rights advanced if, as a consequence of a deteriorating U.S.-China relationship, China: sells more missiles to Pakistan? steps up its nuclear cooperation with Iran? encourages North Korea to threaten the peace of the Korean peninsula? or bullies Taiwan?

The human rights situation is not good today, but China is light years ahead of where it was 25 years ago, when President Nixon first visited. While political expression remains severely circumscribed, personal freedoms for the average Chinese—choice of employment, place of residence, freedom of movement—are greater than ever before. And Chinese are now voting in village elections.

China is still evolving. In another decade, it will be vastly different, just as the China of 1997 is dramatically different from the China of 1972. But these changes have not, and will not come overnight. They will be less likely to come at all if we isolate ourselves from China.

The way to improve human rights in China is to stay engaged, encourage the trends already underway, and make certain that the Chinese understand that they will enjoy a full relationship with the United States only when they stop oppressing their people.

MFN AND THE TRADE DEFICIT

The $38 billion trade imbalance is another source of tension in U.S.-China relations. Yet revoking normal trade status will not reduce this deficit.

Terminating MFN will create considerable economic pain for American workers, manufacturers, and consumers. But it will not bring jobs and production back to the United States, because there are other countries that, like China, can produce labor-intensive goods more cheaply than we can.

Rather than revoking MFN and closing off trade, we should concentrate on opening China's market.

First, we need to continue to use our trade remedy laws—including targeted sanctions—to persuade China to lower import barriers and end unfair practices. This approach worked last year when we persuaded China to crack down on counterfeit music recordings, computer software, and videos. It worked again when we won market access provisions for our textiles. We should not hesitate to use this tool whenever it is needed.

Second, we need to bring China into the WTO on tough commercial terms.

The United States should insist that China abandon its discriminatory economic and trade policies as a condition for joining the WTO. Once China becomes a WTO member, it can be challenged in WTO dispute-settlement proceedings if it fails to live up to its commitments.

THE RISKS OF REVOKING MFN

Those who favor cutting off normal trade relations with China do not spell out the consequences. Ending normal trade relations and ending America's quarter century of engagement with China would damage U.S. interests in China, in the region, at home, and around the world.

INSIDE CHINA

Within China, abandoning engagement—as ending normal trade relations would surely mean—would undermine the stature and influence of those Chinese we most want to support—reformers, students, intellectuals, and entrepreneurs. It would strengthen the hand of reactionary elements in China: the army, the bureaucrats and government functionaries, and the hardline communists. It would slow the flow of western culture and ideas into China. It would destroy the little influence we now have on the Chinese leadership, and eliminate any incentive for them to abide by global norms. And as we have seen, it would almost certainly make the human rights situation there worse, not better.

IN THE REGION

In the region, Hong Kong and Taiwan—who wholeheartedly support the continuation of MFN—would suffer economically because they benefit from U.S.-China trade. They might also suffer direct political or military pressure from China as well.

If America abandoned the policy of engagement, regional tensions would rise. Our allies in the region would lose confidence in our judgment and our ability to play a constructive role in East Asia. Unsure of our allies, we would have to increase our defense expenditures in the region, The region could embark upon a destabilizing arms race, and make a new cold war more likely.

AT HOME

Ending normal trade relations would also severely impact the United States. We would lose markets for $12 billion worth of U.S. exports, which support 170,000 high-paying American jobs. It would mean higher prices for Americans who shop for low-cost imports.

It would deny us access to China's huge market, not only in the present, but for the foreseeable future. And faced with the need for higher defense expenditures, our hopes for balancing the budget and dealing with our domestic problems would evaporate.

AROUND THE WORLD

Ending normal trade relations has international consequences as well. We would lose the support of one of the five permanent members of the United Nations Security Council, which would have a significant impact on U.S. interests around the world.

U.S. efforts to halt the spread of weapons of mass destruction in North Korea and elsewhere would be set back.

We would no longer count on Chinese help on regional security issues, or in addressing transnational issues such as narcotics trafficking, environmental degradation, or international crime.

IMPORTANCE OF A SMOOTH TRANSITION IN HONG KONG

The debate over China's trade status is not occurring in a vacuum, of course. The other major China-related event that will take place in the next few weeks is Hong Kong's reversion to Chinese control. I have been watching the transition process in Hong Kong with keen interest—and with a mixture of hope and concern. It is critical that the transition go smoothly.

HONG KONG TRANSITION WILL HAVE GREAT IMPACT ON U.S.-CHINA RELATIONS

The Hong Kong transition will have a great impact on how most Americans view U.S.-China relations. If the transition goes well, this will sustain political support in the Congress and throughout the country for a policy of engagement with China. But if the transition goes badly—if Americans see television pictures of people being led off in manacles, and read news reports that suggest that Hong Kong's unique way of life is being threatened—then support for engagement will falter.

The Chinese leadership understands this. But I am less confident that those who wield power in Beijing will be able to exercise the necessary discipline, restraint and flexibility if—as is possible—the July 1st transition is met with public demonstrations and protests.

I'm equally worried about the long term outlook—the potential erosion of Hong Kong's freedoms over the next few years.

CONCERNS ABOUT THE TRANSITION

But the die is not yet cast for Hong Kong. China has taken a number of encouraging steps. It has approved Hong Kong's continued participation in international organizations. It will continue to link Hong Kong's currency to the U.S. dollar, and preserve Hong Kong's substantial foreign exchange reserves. It will keep Hong Kong's respected civil servants in place.

The key question, of course, is whether China will honor its pledges to uphold the 1984 Sino-British Joint Declaration—whether it will abide by its promise to establish and maintain ''one country, two systems.''

WHAT THE U.S. CAN DO TO ENHANCE A SUCCESSFUL HONG KONG TRANSITION

None of us can answer that question today, just as none of us knows what Hong Kong will be like 3 or 5 or 10 years from now. The chief actors, of course, will be China and Hong Kong. But there are things the United States can do to increase the likelihood that the Hong Kong of the 21st century will retain the vitality and opportunity and freedom it enjoys today.

First, in all our dealings relating to Hong Kong, U.S. officials should underscore our deep commitment to freedom and democracy there.

Second, we should give Hong Kong's new chief executive some running room, so he is not immediately caught between those who say he must work with China and those who say working with China is impossible.

Third, we should refrain from threatening China, although we must not shrink from stating our views.

Fourth, we should firmly and repeatedly state our expectation that China abide by the Joint Declaration especially as it applies to civil liberties, rule of law, basic freedoms, and true autonomy.

Fifth, we should let the new authorities know we expect them to surpass Hong Kong's record in the rule of law, the honestly of the civil service, and the impartial administration of government.

IMPLICATIONS OF THE HONG KONG TRANSITION FOR TAIWAN

The Hong Kong transition also has implications for Taiwan. China understands that if the transition goes well, this will make the question of Taiwan's eventual reunification with China infinitely more manageable.

If for no other reason than this, Beijing has every incentive to make the Hong Kong reversion succeed. So do the other members of the Asia-Pacific community. The unsettled relations between Beijing and Taipei pose one of the most serious threats to peace and stability in East Asia. If a successful Hong Kong reversion helps to dampen tensions between China and Taiwan, then we all benefit.

CONCLUSION

Maintaining sound relations with China is essential for achieving a wide range of U.S. foreign policy objectives—including regional peace and stability, prosperity for our Asian friends and ourselves, and improved conditions inside China itself.

If we are to have sound relations with China, we must maintain normal trading relations. We must approve MFN for another year.

But that is only the beginning. U.S. policy toward China will require a steady and skillful hand over the long haul. We should not delude ourselves or engage in false expectations. We can expect rough patches along the way. Success will require a consistent policy, principled stands on key issues, and patient diplomacy aimed at finding solutions, not aggravating tensions. It will also require a China willing to abide by international rules and norms.

I want to leave you with two thoughts.

First, we cannot isolate China. We could not build a coalition to contain or isolate China if we tried.

No one would support us.

We can disengage from China. But China is too big and too important for us to isolate successfully. If we try, we will only isolate—and hurt—ourselves.

Second, if we treat China as an enemy, it will become our enemy. Our hand should remain open.

Thank you.

JUNETEENTH CELEBRATIONS HONORING FREEDOM AND AFRICAN-AMERICAN HISTORY

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1997

Mr. BENTSEN. Mr. Speaker, I rise to recognize the upcoming Juneteenth celebrations honoring freedom and African-American history. Texas has honored Juneteenth as a State holiday for nearly 20 years, observing the day with joyous public celebrations. But outside of the Lone Star State, many do not understand the significance and meaning of Juneteenth in the lives of African-Americans past, present and future.

Juneteenth is a celebration of freedom for African-Americans. It honors the day that black slaves in Texas finally learned of their emancipation. Juneteenth honors a day that was far too long in coming. Though President Lincoln's Emancipation Proclamation freeing slaves was signed on January 1, 1863, the proclamation did not bring immediate freedom for slaves. Only after the Civil War ended in 1865 was the Emancipation Proclamation enforced, using Union soldiers to finally free slaves in the South. On June 19, 1865, Gen. Gordon Granger of the Union Army arrived in Galveston, TX., to ensure the freedom of the slaves. Though news of the Emancipation Proclamation had been kept quiet throughout the war, the word had spread, and when General Granger arrived in Galveston a large number of slaves turned out to greet him and his troops.

Legends abound of the origins of Juneteenth. One holds that word of emancipation spread through the Union Army via black soldiers who spread the news as the Army moved South. Another states that a messenger carrying the news was murdered on his way to Texas, while another claims that a black ex-Union soldier rode a mule from Washington, DC, with a message given to him by Abraham Lincoln. But the origins are not as important as the purpose of the celebration itself?

Today, Juneteenth is widely known as Black Independence Day, as significant to many African-Americans as July 4th. It is a chance for all Americans to celebrate freedom and learn more about African-American history. June 19, 1865 is the day when blacks in Texas began to realize their opportunities as free Americans. Though the struggle continues, Juneteenth allows us to recognize how far our Nation has come and celebrate the history, achievements and contributions African-Americans have made to our Nation.

REGARDING REV. FRANK BEALL

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1997

Mr. SCARBOROUGH. Mr. Speaker, it is with pride that I take the floor of the House of Representatives today to pay homage to a distinguished member of my district. He is a man who has held himself to a high standard while showing unconditional love to those who

fall. He is an intellectually gifted man who has retained his common touch. And he is a man who has gained the great respect and acceptance of his peers through seeking only God's acceptance. He is an author, a reverend and a friend who our community knows as Frank Beall.

Frank Beall made a difference. As a pastor of Trinity Presbyterian, he took a fledgling church and turned it into the heartbeat of northeast Pensacola. Under Frank's direction, Trinity experienced an explosive growth unrivaled in Pensacola over the past two decades. He succeeded because he dared to make a difference.

Frank Beall also succeeded because he dared to step out of the comfort zone and take positions that may not have been universally popular in our community. But he did so because he know in his heart that Christ's calling demanded that he love the unloved and give hope to the hopeless. Whether he was an early supporter of civil rights in the deep South, or was serving on the Governor's Commission on AIDS, Frank Beall has always given a cup of water to the thirsty, fed the hungry, clothed the poor, looked after the sick, and invited the stranger in.

Jesus tells us in Matthew 25 that the Son of Man will return in his glory and separate the sheep from the goats based on how they helped the helpless, gave hope to the hopeless and loved the unlovable. On all counts, Frank Beall has proven himself worthy and has run the good race for his friends, his family, his church and his God. Now his work continues, but when Frank leaves, he will leave a part of himself with all of those he touched * * * through the church, through the lessons he taught and through the lives he changed.

Yours has been a race well run, Frank. But, don't slow down yet, God has quite a few more races left for you to run. And, with the past as prologue, we know your future challenges will be races you will run with all your might. And that those you pass along the way to the finish line will be the real winners.

May God bless you, Frank.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 54, PROHIBITING THE PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. KUCINICH. Mr. Speaker, I rise in support of the constitutional amendment which would prohibit desecration of the American flag. Each day millions of Americans place their hands over their hearts and pledge allegiance to the flag of the United States of America. Think of the words in that pledge:

''I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, One Nation, under God, Indivisible, with Liberty and Justice for all.'' Think of the power of this act of affirmation of flag, God, and the Unity of our Nation and you begin to understand why so many Americans support this amendment, and why people have fought for the flag and died for the flag. We send people around the world to defend the flag. This amendment lets us defend it here at home.

The very constitutional protections which all Americans are guaranteed today exist because of the commitment which people have to the highest ideals of our nation as expressly symbolized by the flag. It is not just a piece of cloth. The flag proudly stands as the emblem of our Nation. And I am proud to stand in support of the flag.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 17, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 18

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on United States farms exports.
SR–332

Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings on S. 314, to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies.
SD–342

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings to examine emerging trade issues in China.
SR–253

Labor and Human Resources
Business meeting, to resume markup of S. 830, to improve the regulation of food, drugs, devices, and biological products.
SD–430

10:00 a.m.
Banking, Housing, and Urban Affairs
Business meeting, to consider recommendations which it will make to the Committee on the Budget with respect to certain spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 84, establishing the congressional budget for the United States Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002.
SD–538

Finance
Business meeting, to continue to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 84, establishing the congressional budget for the United States Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002.
SH–216

Judiciary
Immigration Subcommittee
To hold hearings to examine human rights abuses in China, focusing on the need for U.S. visa policy changes and other possible responses.
SD–226

10:30 a.m.
Indian Affairs
To hold joint hearings with the House Committee on Resources on S. 569 and H.R. 1082, bills to amend the Indian Child Welfare Act of 1978.
SD–106

2:00 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on NASA's international space station.
SR–253

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 587, to provide for an exchange of lands located in Hinsdale County, Colorado, S. 588, to provide for the expansion of the Eagles Nest Wilderness within the Arapaho National Forest and the White River National Forest in Colorado, S. 589, to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest in Colorado, S. 590, to provide for a land exchange within the Routt National Forest in Colorado, S. 591, to transfer the Dillon Ranger District in the Arapaho National Forest to the White River National Forest in Colorado, S. 541, to provide for an exchange of lands with the city of Greely, Colorado, S. 750, to consolidate certain mineral interests in the National Grasslands in Billings County, North Dakota, S. 785, to convey certain land to the city of Grants Pass, Oregon, and S. 881, to provide for a land exchange involving the Warner Canyon Ski Area and other land in the State of Oregon.
SD–366

3:00 p.m.
Appropriations
Foreign Operations Subcommittee
Business meeting, to mark up proposed legislation making appropriations for fiscal year 1998 for foreign assistance programs.
SD–116

JUNE 19

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Internal Revenue Service, Department of the Treasury.
SD–124

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR–253

Foreign Relations
International Economic Policy, Export and Trade Promotion Subcommittee
To hold hearings to examine issues to be discussed at the upcoming global climate change negotiations to be held in Kyoto, Japan.
SD–419

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on entrance and special use fees for units of the National Park System and the status of the Fee Demonstration Program implemented by the National Park Service in 1996.
SD–366

2:30 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine United States-Japan aviation relations.
SR–253

JUNE 24

9:30 a.m.
Energy and Natural Resources
To meet to further discuss proposals to advance the goals of deregulation and competition in the electric power industry.
SD–366

Small Business
To hold hearings on proposed legislation authorizing funds for the Small Business Administration.
SR–428A

10:00 a.m.
Judiciary
To hold hearings to examine the Rand report relating to punitive damages in financial injury cases.
SD–226

JUNE 25

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD–430

Indian Affairs
To hold oversight hearings on the Administration's proposal to restructure Indian gaming fee assessments.
SD–562

JUNE 26

9:30 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 783, to increase the accessibility of the Boundary Waters Canoe Area Wilderness.
SD–366

Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To hold oversight hearings on recent administrative changes and judicial decisions relating to Section 404 of the Federal Water Pollution Control Act.
SD–406

Labor and Human Resources
Children and Families Subcommittee
To hold oversight hearings on the implementation of the Family and Medical Leave Act.
SD–430

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 308, to require the Secretary of the Interior to conduct a study concerning grazing use of certain land within and adjacent to Grand Teton National Park, Wyoming, and to extend temporarily certain grazing privileges, and S. 360, to require adoption of a management plan for the Hells Canyon National Recreation Area

that allows appropriate use of motorized and nonmotorized river craft in the recreation area.

SD–366

JULY 10

2:00 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold oversight hearings to review the preliminary findings of the General Accounting Office concerning a study on the health, condition, and viability of the range and wildlife populations in Yellowstone National Park.

SD–366

JULY 23

9:00 a.m.

Finance

International Trade Subcommittee

To hold hearings with the Caucus on International Narcotics Control on the threat to U.S. trade and finance from drug trafficking and international organized crime.

SD–215

JULY 30

9:00 a.m.

Finance

International Trade Subcommittee

To resume hearings with the Caucus on International Narcotics Control on the threat to U.S. trade and finance from drug trafficking and international organized crime.

SD–215

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S5651–S5715

Measures Introduced: Eleven bills were introduced, as follows: S. 904–914. **Page S5694**

Measures Reported: Reports were made as follows:

Reported on Friday, June 13, during the adjournment:

S. 903, to consolidate the foreign affairs agencies of the United States, to authorize appropriations for the Department of State for fiscal years 1998 and 1999, and to provide for reform of the United Nations, and for other purposes. (S. Rept. No. 105–28) **Page S5694**

Foreign Affairs Reform and Restructuring Act: Senate began consideration of S. 903, to consolidate the foreign affairs agencies of the United States, to authorize appropriations for the Department of State for the fiscal years 1998 and 1999, and to provide for reform of the United Nations, taking action on amendments proposed thereto, as follows: **Pages S5655–62, S5666–88**

Adopted:

Sarbanes Amendment No. 380, to delete provisions limiting the remedial authority of the Foreign Service Grievance Board. **Pages S5670–71**

Sarbanes Amendment No. 381, to clarify which management officials are prohibited from participating in collective bargaining. **Pages S5671–72**

Gorton/Durbin Amendment No. 384, to express the sense of the Senate regarding the designation of Romania, Estonia, Latvia, Lithuania, and Bulgaria as eligible for NATO enlargement assistance. **Pages S5686–87**

Helms (for Durbin) Amendment No. 385, to express the sense of the Senate regarding American citizens imprisoned in Peru for attempting to transport illicit drugs. **Pages S5687–88**

Pending:

Lugar Amendment No. 382, relating to the payment of United Nations arrearages without conditions. **Pages S5672–82, S5685–86**

DeWine/Graham Amendment No. 383, to deny entry to the United States to Haitians who have been credibly alleged to have ordered, carried out, or sought to conceal extrajudicial killings. **Pages S5682–85, S5686**

Withdrawn:

Durbin Amendment No. 377, to express the sense of the Senate regarding American citizens imprisoned in Peru for attempting to transport illicit drugs. **Pages S5666–67, S5687**

Durbin/Gorton Amendment No. 378, to designate Lithuania, Latvia, Estonia, and Romania as eligible for NATO enlargement assistance. **Pages S5667–69, S5686**

Gorton/Durbin/D'Amato Amendment No. 379, to express the sense of Congress that Estonia, Latvia, and Lithuania should be integrated into the North Atlantic Treaty Organization. **Pages S5669–70, S5686**

A unanimous-consent agreement was reached providing for further consideration of the bill and amendments pending thereto, on Tuesday, June 17, 1997. **Page S5715**

Messages From the House: **Page S5691**

Measures Referred: **Pages S5691–92**

Communications: **Pages S5692**

Petitions: **Pages S5692–94**

Additional Cosponsors: **Pages S5702–03**

Amendments Submitted: **Page S5703–09**

Notices of Hearings: **Page S5709**

Authority for Committees: **Page S5709**

Adjournment: Senate convened at 11 a.m., and adjourned at 7:05 p.m., until 10 a.m., on Tuesday, June 17, 1997. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5715.)

Committee Meetings

(Committees not listed did not meet)

STATE-SANCTIONED DISCRIMINATION

Committee on the Judiciary: Committee concluded hearings on proposals to prohibit the use of race and gender preferences by the Federal Government in employment, contracting and other programs, after

receiving testimony from Randy M. Pech, Adarand Constructors, Inc., Colorado Springs, Colorado; Charlene F. Loen, Kaiser Foundation Health Plan, San Francisco, California; Audrey Rice Oliver, Integrated Business Solutions, Inc., San Ramon, California; John Goode, Bones Barbecue Cedar Creek, Texas; Ron Daugherty, Myrtle Beach, South Carolina; and Lou Ann Mullen, Lexington, Texas.

NOMINATION

Committee on the Judiciary: On Friday, June 13, committee concluded hearings on the nomination of Eric H. Holder Jr., of the District of Columbia, to be Deputy Attorney General, Department of Justice, after the nominee, who was introduced by Senators D'Amato and Moynihan, and District of Columbia Delegate Eleanor Holmes Norton, testified and answered questions in his own behalf.

PENSION MISCALCULATIONS

Special Committee on Aging: Committee concluded hearings to examine ways to ensure retirement security for older Americans, focusing on the number of people being underpaid by their pension plans and proposals to reestablish funding for pension counseling projects, after receiving testimony from Edgar Pauk, Legal Services for the Elderly, New York, New York; Paul Holzman and Allen C. Engerman, both of the National Center for Retirement Benefits, Inc., Northbrook, Illinois; Karen Ferguson and Trip Reid, both of the Pension Rights Center, Washington, D.C.; Thomas C. Walker, Associated Benefits Corporation, West Des Moines, Iowa; and Edwin A. Witort, Hot Springs Village, Arkansas; and Paul Francione, Tuscon, Arizona.

House of Representatives

Chamber Action

Bills Introduced: 1 public bill, H.R. 1898; 1 private bill, H.R. 1899; and 1 resolution, H. Con. Res. 99, were introduced. **Page H3804**

Reports Filed: Reports were filed as follows:

H.R. 1119, to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, amended (H. Rept. 105–132). **Page H3804**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Petri to act as Speaker pro tempore for today. **Page H3799**

Official Objectors: The Chair announced that the Official Objectors for the Private Calendar for the 105th Congress are Representatives Sensenbrenner, Coble, and Goodlatte for the Majority and Representatives Boucher and DeLauro for the Minority. **Page H3800**

Senate Messages: Messages received today and on June 12 appear on pages H3799–H3800.

Quorum Calls—Votes: There were no quorum calls or recorded votes during the proceedings of the House today.

Adjournment: Met at 12:00 noon and adjourned at 12:41 p.m.

Committee Meetings

No Committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D576)*

H.R. 1871, making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997. Signed June 12, 1997. (P.L. 105–18)

COMMITTEE MEETINGS FOR TUESDAY, JUNE 17, 1997

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs, Subcommittee on Housing Opportunity and Community Development, to hold hearings on S. 513, to reform the multifamily rental assisted housing programs of the Federal Government, and maintain the affordability and availability of low-income housing, 9:30 a.m., SD–538.

Committee on Commerce, Science, and Transportation, business meeting, to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 84, establishing the congressional budget for the United States Government for the fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002, 9:30 a.m., SR–253.

Subcommittee on Consumer Affairs, Foreign Commerce, and Tourism, to hold hearings to examine liability reform proposals for charitable organizations, 2:30 p.m., SR–253.

Committee on Finance, business meeting, to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 84, establishing the congressional budget for the United States Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002, 10 a.m., SH–216.

Committee on Governmental Affairs, business meeting, to mark up H.R. 173, to amend the Federal Property and Administrative Services Act of 1949 to authorize donation of surplus Federal law enforcement canines to their handlers, and to consider recommendations which it will make to the Committee on the Budget with respect to spending reduction and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 84, establishing the congressional budget for the United States Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002, 10 a.m., SD–342.

Committee on the Judiciary, to hold hearings on baseball antitrust reform issues, 10 a.m., SD–226.

Committee on Labor and Human Resources, Subcommittee on Public Health and Safety, to hold hearings to examine human cloning ethics and theology issues, 9:30 a.m., SD–430.

NOTICE

For a listing of Senate committee meetings scheduled ahead, see pages E1219–20 in today's Record.

House

Committee on Agriculture, Subcommittee on Forestry, Resource Conservation, and Research, hearing on the role of federal, state, and private agricultural research, 9:30 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Interior, to mark up fiscal year 1998 appropriations, 10 a.m., B–308 Rayburn.

Committee on Banking and Financial Services, to mark up Financial Modernization legislation, 2 p.m., 2128 Rayburn

Committee on Education and the Workforce, Subcommittee on Postsecondary Education, Training and Life-Long Learning, hearings on H.R. 6, Higher Education Act Amendments of 1998, 9:30 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, to amend Committee rules, 5 p.m., 2154 Rayburn.

Committee on the Judiciary, Subcommittee on Crime, hearing regarding gang-related witness intimidation and retaliation, 10 a.m., 2237 Rayburn.

Subcommittee on Immigration and Claims, oversight hearing regarding the Visa Waiver Pilot Program, 9:30 a.m., 2226 Rayburn.

Committee on National Security, hearing on H.R. 1778, Defense Reform Act of 1997, 10 a.m., 2118 Rayburn.

Committee on Resources, Subcommittee on Forest and Forest Health, to mark up the following bills: H.R. 799, to require the Secretary of Agriculture to make a minor adjustment in the exterior boundary of the Hells Canyon Wilderness in the States of Oregon and Idaho to exclude an established Forest Service road inadvertently included in the wilderness; and H.R. 838, to require adoption of a management plan for the Hells Canyon National Recreation Area that allows appropriate use of motorized and nonmotorized river craft in the recreation area, 2 p.m., 1334 Longworth.

Subcommittee on National Parks and Public Lands, hearing on the following bills: H.R. 1051, New Mexico Statehood and enabling Act Amendments of 1997; and H.R. 1567, to provide for the designation of additional wilderness lands in the eastern United States, 10 a.m., 1324 Longworth.

Committee on Ways and Means, Subcommittee on Trade, hearing on U.S.-China Trade Relations, and renewal of China's Most-Favored-Nation Status, 10 a.m., 1100 Longworth.

Joint Meetings

Joint Economic Committee, to hold hearings to examine the current technology transfer policy of the United States, and the issue of the recent removal of export restrictions and the expansion of foreign intelligence operations in the United States, 10 a.m., SD–138.

Next Meeting of the SENATE

10 a.m., Tuesday, June 17

Senate Chamber

Program for Tuesday: After the recognition of two Senators for speeches and the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will continue consideration of S. 903, Affairs Reform and Restructuring Act.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Tuesday, June 17

House Chamber

Program for Tuesday: Consideration of S. 768, for the relief of Michel Christopher Meili, Giuseppina Meili, Mirjam Naomi Meili, and Davide Meili, from the Private Calendar; and

Consideration of 5 Suspensions:

1. H.J. Res. 56, Celebrating the End of Slavery in the United States;
2. H.R. 1057, Designating the Andrew Jacobs, Jr. Post Office Building;
3. H.R. 1058, Designating the John T. Myers Post Office Building;
4. H.R. 1747, John F. Kennedy Center Parking Improvement Act; and
5. H.R. 985, Eagles Nest Wilderness Expansion.

Extensions of Remarks, as inserted in this issue

HOUSE

Bentsen, Ken, Tex., E1217
Hamilton, Lee H., Ind., E1215
Houghton, Amo, N.Y., E1215
Kucinich, Dennis J., Ohio, E1218
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