SENATE—*Wednesday, September 30, 1992*

The Senate met at 8:30 a.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their hand.—II Chronicles 7:14.

Eternal God, Father of mercies, help us take seriously this marvelous promise of forgiveness and healing. In the spirit of the Senate resolution to President Lincoln in 1863, we pray. In his proclamation, the President said, "* * * The Senate of the United States, devoutly recognizing the Supreme Authority and Just Government of Almighty God, in all the affairs of men and of nations, has, by a resolution, requested the President to designate and set apart a day for National prayer and humiliation. * * * It is the duty of nations, as well as of men, to owe their dependence upon the overruling power of God, to confess their sins and transgressions, in humble sorrow, yet with assured hope that genuine repentance will lead to mercy and pardon, and to recognize the sublime truth, announced in the Holy Scriptures and proven by all history, that those nations only are blessed whose God is the Lord.* * *"

Gracious God, we acknowledge our dependence upon You. We confess our sins and transgressions in humble sorrow as we seek mercy and pardon for us as a nation.

In His name who is Lord and Saviour. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 30, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order of the Senate, there will now be a period for the transaction of morning business, not to extend beyond the hour of 9 a.m. this day, with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Arizona is now recognized for not to exceed 20 minutes.

PRESIDENT BUSH'S RECORD ON CRIME

Mr. DECONCINI. Mr. President, this past Monday President Bush addressed the good people of St. Louis, MO, on the crime epidemic that is holding this country hostage. "In too many places," Mr. Bush said, "our grandparents and grandchildren lock themselves behind the bars on their windows, afraid to come out from a jail called home."

I understand this morning he also was on national television attacking Governor Clinton's crime record and expounding on the wonderful things that the administration has done in the area of crime prevention and winning the war on drugs.

However, by all standards, Mr. President, our Government is failing in its No. 1 obligation to its people. By every calculation, we have failed to make the streets safer, or homes more secure, for the law-abiding citizens of this country.

Two days ago, in Fox Park, MO, President Bush declared, and I quote again:

> We've made progress against violent crime, we've slowed it dramatically the past twelve years, and we're beginning to turn the tide on the drugs that so often fuel it.

I do not know where President Bush gets his progress reports, but the FBI, which is part of the administration, his own FBI just reported that the violent crime rate in this country reached a record high last year—a 24-percent increase since 1987. The 25,000 murders in 1991 broke the previous year's all-time record—a record that stood for only 12 months. From 1985 to 1991, robberies jumped 30 percent. Rapes jumped 13 percent. Aggravated assaults jumped 41 percent.

Mr. President, this is how bad it is. In this country called America, a murder is committed every 21 minutes; a rape every 5 minutes. In the time it takes me to say this one sentence, another burglary will have been committed against another law-abiding citizen of this Nation.

The foremost function of Government—our first priority—as Mr. Bush made clear Monday in Missouri, is to "protect every American citizen from violence at home and on the streets." Our No. 1 obligation is to protect our grandmothers and grandchildren from the overwhelming fear stirred up by gang wars, carjackings, and drive-by shootings which are becoming common, daily occurrences, not only in the streets of Washington, DC, the Capital of the greatest Nation in the world, but in Fox Park, MO, and Main Street, U.S.A.

George Bush says he wants protection for the most vulnerable populations of this Nation—for women, children, and the elderly.

I want protection for them, too. I think everyone does. I know that Members on both sides of the aisle are committed to doing something meaningful about crime in this country. And I daresay there is not anyone in this society who does not expect more and want more safety for themselves and their family. But the fact remains that domestic violence is at a record high nationwide. The fact remains that one in four college women in this country is the victim of attempted rape. And 1 senior citizen out of 10 is the victim of elder abuse, including crimes of rape and murder.

So, we must admit that whatever we are doing to reduce crime and illegal drug use in America flatly is not working. This Friday, October 2, marks America's 10th anniversary of our Nation's war on drugs, a war declared by President Reagan in 1982 and escalated by President Bush in 1989. Mr. President, contrary to President Bush's declaration, we have not succeeded in our war on drugs. Today there are more Americans addicted to cocaine than there were 3 years ago. There are almost twice as many heroin addicts; and for the first time ever, more than 3 million Americans are using cocaine, heroin, or both weekly.

Two years ago, White House officials declared that the National Institute on Drug Abuse's Household Survey would be one of their principal yardsticks for measuring the administration's progress in the war on drugs, and they set a 50-percent drop in habitual cocaine use as one of their goals. The 1991 Household Survey is in. President Bush's own yardstick for success shows that weekly cocaine use rose sharply

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

last year as a matter of fact, up 29 percent.

Cocaine- and heroin-related hospital emergencies also jumped dramatically. And these figures do not take into account the skyrocketing number of patients hospitalized as a result of drug deals gone bad. Incredible as it may sound, the United States spent $4½ billion—that is billion with a "B," $4½ billion in treatment for gunshot wounds in 1990 alone.

When President Bush says we are beginning "to turn the tide on drugs," I am reminded of a saying by Mark Twain. He said so many thoughtful things that strike you later in life, at least they do me, than when read at a younger age. One of them was: "Get your facts first," Twain said, "and then you can distort them as much as you please."

The fact is, not only are we not turning the tide on drugs, but we are looking at a twin epidemic of continued cocaine use throughout this decade—coupled with an onslaught of heroin in amounts never seen before. The fact is, heroin now enters this country in greater quantities and reaches the streets at lower prices and more lethal levels than ever before in our history.

In order to wage a real war on crime and drugs, we need to define our mission and commit ourselves 100 percent to its completion, marshal all available resources, and coordinate and command our troops with the best leaders possible.

We addressed ourselves to this task 4 years ago when Congress created the Office of National Drug Control Policy, and placed it under the jurisdiction of the President of the United States. Its mandate was to chart a national antidrug strategy and coordinate the actions of more than 30 Federal agencies charged with carrying out our antidrug mission. Our goal was a truly coordinated plan carried out through highly organized efforts.

Rather than follow through on his inauguration promise that "the drug scourge will stop," President Bush has chosen to play politics with this critical issue. Under the administration of George Bush, the National Drug Control Office has become a dumping ground for political cronies. His drug control office—charged with directing our national antidrug strategy—now has the highest percentage of political appointees of any agency in the U.S. Government. These are men and women with a lot of loyalty to the Republican Party—and I appreciate that—but little or no expertise in drug interdiction, education or treatment. They operate under the command of the former Governor of Florida, Bob Martinez, the drug czar who makes more trips for Republican candidates than he does trips to drug treatment centers. Even Terry Burke, former Acting Director of the DEA, stated that Martinez has politicized the drug czar's office. "Because Martinez is not respected," Burke said, "most agency heads pay him only passing courtesy and pursue their own programs, largely ignoring the overall drug strategy."

Four years ago, then-candidate George Bush promised "nothing less than a modern D-day" attack on drugs coming into the United States. On this promise, President Bush has kept his word to some extent. He has poured $8 billion into countries overseas in an attempt to stop drugs at their source. Unfortunately, the President has distributed this money helter skelter; his international plan does not condition assistance on any concrete results. Not surprisingly, the Bush attempt has failed, and today more drugs are pouring across our borders than ever before. Routes frequently used for the importation of cocaine to the United States are being readied to serve the same purpose for heroin. The cocaine cartels have branched out and made Colombia the world's No. 2 producer of opium poppy.

Let me repeat: We have funneled $8 billion overseas, and still illegal drugs are coming across our borders in record amounts. We have foolishly robbed Peter to pay Paul. This $8 billion is money we do not spend on crack babies—though 1 of every 10 infants in the United States is born to a substance-abusing mother. This money we do not spend on drug treatment—though waiting lists grow longer and "dead on arrival" drug victims grow in number. Foolishly, this is money we do not spend on our own law enforcement officers whose mission it is to stop drugs at our borders and make our streets safe.

While President Bush has steadily increased overseas money, he has ignored the budget and the critical personnel needs of the U.S. Border Patrol here at home. The Border Patrol is key to our success in protecting and patrolling the 2,000-mile United States-Mexico border, the No. 1 drug trafficking route into our country. As a result, the Border Patrol has less staff today than at any time in the last 10 years. In fact, we have less than one officer for every 20 miles along the critical southwest border. In short, the U.S. Border Patrol is underfunded, undermanned, and overwhelmed—and still it is intercepting record amounts of illegal drugs at our borders.

I repeat: Whatever we are doing to reduce crime and illegal drug use in America is not working. On the one hand, President Bush calls our police officers in blue "the foot soldiers in the battle against lawlessness." On the other hand, the President sends a 1993 budget to Congress that slashes more than $100 million in State and local law enforcement assistance.

This morning, President Bush refuted the charge that he has reduced law enforcement's budget. He indicated that he has done a great deal for local law enforcement. He has not.

And there are other examples of the discrepancy between George Bush's rhetoric and his record on crime. Candidate Bush in 1988 stated in the boldest terms, and I quote:

> I won't bargain with terrorists, and I won't bargain with drug dealers either, whether they're on U.S. or foreign soil.

The fact is the Bush administration, in its effort to convict Gen. Manuel Noriega, handed out over 20 plea bargains to the most notorious convicted drug kingpins, including a sweetheart deal with Carlos Lehder, one of the founding members of the Colombian drug cartel and the most notorious cocaine trafficker ever apprehended.

More than any individual, Carlos Lehder was responsible for the development and supply of the cocaine market in the United States. The tens of thousands of pounds of cocaine that he smuggled into this country has caused unprecedented violence and murder on the streets of America. It has created millions of drug addicts and crack babies. However, in return for testifying against Noriega, Lehder was transferred out of our country's highest security prison—the Federal prison in Marion, IL—and, at his request, eight members of Lehder's family were brought to the United States to live under Federal protection.

And this is not all, Mr. President. George Bush, on the one hand, calls for a Federal death penalty and tougher penalties for criminal use of firearms. On the other hand, he holds hostage with a threatened veto a comprehensive crime bill supported by every major law enforcement organization in America.

That bill provides the largest ever expansion of the Federal death penalty.

The President criticizes the Governor from Arkansas about the death penalty. Well, at least the Governor has one in his State and he stood up and talked about it. This President talks about the death penalty and will not sign a bill that has over 53 Federal death penalties proposed in it.

Additionally, the crime bill directs over $1 billion to State and local law enforcement, the rank and file officers who are the front line in the war on crime and drugs—the front soldiers as the President calls them. It includes new efforts to combat gang violence, new penalties for terrorist acts, and increases existing penalties for repeat drug offenses, assault, manslaughter, and crimes against the elderly. It expands aid to crime victims and permits them to speak at the sentencing of their assailants.

The crime bill goes to the heart of our drug interdiction strategy and strengthens our efforts to deny drug smugglers access routes into our country. Unlike President Bush's 1993 budg-

et, which provides for only eight new Border Patrol positions, the crime bill authorizes the hiring, training, and equipping of 500 new Border Patrol officers to halt the flow of drugs crossing our borders. To combat the crime resulting from the drug epidemic, the bill authorizes hundreds of new FBI, DEA, and U.S. attorneys.

The bill is not a perfect bill. I agree with the President, that it could be tougher on the habeas corpus, and on the exclusionary rule. And as a former prosecutor, I know what I am talking about. But you cannot get everything in a bill. And when you have so many strong provisions, to play politics with this bill because of elections, because of special interests, this is really a tragedy.

As I stated, the crime bill is not a perfect bill. Nobody says it is. But it will restore lost confidence in our criminal justice system, a system that has been unresponsive to the epidemic of violent crime running rampant in America. That bill should not—it must not—be held hostage to political posturing.

In his speech in Missouri, President Bush said, "Americans deserve a Government that prevents and punishes crime and helps the victims of crime." All of us would agree with this statement. All of us would agree that grandmothers should not be held hostage in their own homes—that young girls should enter college full of hope, not full of fear they will be raped—that citizens of Missouri or Maine or Montana or Arizona should be able to walk to a nearby grocery store and feel safe in a neighborhood they have helped to build.

President Bush asks us to read his lips. I say we must read his record on crime and drugs. We need a government that will commit itself entirely to protecting society from lawlessness and from drugs that are taking lives every day. We need a government that will not hesitate to marshal all the resources at its command to wage a real war against drugs and crime—not because it is politically right, but because it is the right thing to do for America. Americans deserve a government willing to accept that its No. 1 obligation is to protect all American citizens and keep them safe. This administration has failed its own test of Government.

We can do better. We must do better. And the President must stand and account for the last 4 years.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

Mr. JEFFORDS. Mr. President, I would like to take a few moments to discuss funding for the Low-Income Home Energy Assistance Program [LIHEAP]. The conference committee to the Labor/HHS appropriations bill will meet today and determine the fiscal year 1993 funding level for LIHEAP.

The Senate bill essentially funds LIHEAP at its current level of $1.5 billion.

I am disappointed that the committee relies on delayed obligations and some other accounting gimmicks. But I think Senator HARKIN and Senator SPECTER did the very best they could under the circumstances. The House LIHEAP number, $891 million, is truly abysmal.

I guess my desire here is to exhort the Senate conferees to hold the line. We cannot go any lower, or we'll draw blood. Already, the Senate number will cause difficulty. More than one-half of the funds will be subject to delayed obligations. States will need the money this winter, but will have to wait until next September to receive half of it. Or, for the last $143 million, until next October.

Mr. President, Dr. Deborah Frank—who is a pediatrician—and the Boston City Hospital [BCH] recently conducted a 3-year study of the effects of cold weather and high energy prices on the health of low-income children. The number of clinically underweight children admitted to the BCH emergency room increased dramatically in the period immediately following the coldest months in each of the years.

Kids go hungry during the winter so families can pay their heating bills.

Let me quote Dr. Frank:

> Clinically we refer to this phenomenon as the heat or eat effect. Parents know children will freeze before they starve.

Parents know children will freeze before they starve. That is the choice low-income families face because Federal support for LIHEAP has dropped by one-third, just in nominal terms, since 1985.

Mr. President, since 1987, LIHEAP has lost $3.892 billion in purchasing power, as the chart reveals. [Refer to chart.]

The Bureau of Labor Statistics has a household fuel-specific price index. BLS sets 1982-84 at 100. So I took the average LIHEAP appropriation for those 3 years—$1.954 billion—as my base.

Before I go any further, I must point out that even the base funding was adequate only to provide benefits to about one-quarter of the LIHEAP-eligible population. And benefits defrayed much less than one-quarter of annual home energy costs.

Anyway, I applied annual changes in the price index to the base funding. The bars on the left represent the annual appropriation necessary to keep pace with household fuel price inflation. The bars on the right represent the actual appropriation. The dotted bars represent the shortfall.

The final bar, for 1993, represents the President's request, which is about the midpoint between the House and Senate funding levels.

On a cumulative basis, as you can see, the program has lost nearly $4 billion in purchasing power. The very poorest members of our society have borne the brunt of that loss of purchasing power.

I would like to enter into the RECORD a letter 45 of my colleagues and I sent to Senator HARKIN earlier this month. Forty-six of us—nearly one-half of the Senate—are on record supporting level funding for LIHEAP. That is $1.5 billion.

I hope Senator HARKIN and Senator SPECTER and the other Senate conferees will take that message to the House. We simply cannot go any lower than the Senate number. Or too many more poor children in Boston, in Burlington, in Billings, in cities and towns across America will be forced to go hungry so they will not freeze.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter, dated September 9, 1992, to Senator HARKIN from 45 Members of the Senate.

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

U.S. SENATE,
Washington, DC, September 9, 1992.

Hon. TOM HARKIN,
Subcommittee on Labor, Health and Human Services, Education and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We write to request that you hold Fiscal Year 1993 funding for the Low Income Home Energy Assistance Program (LIHEAP) at $1.500 billion, its current funding level. We make this request with full knowledge of the difficult budget choices you and your fellow subcommittee members face. Few—if any—programs have borne the brunt of deficit reduction more than LIHEAP.

Federal appropriations for LIHEAP have declined 29 percent in nominal terms since Fiscal Year 1985. More importantly, federal appropriations have failed to keep pace with household fuel price inflation. On a cumulative basis, the program will have lost $3.892 billion in purchasing power since 1987 if we appropriate the President's Fiscal Year 1993 request for the program.

According to the Department of Health & Human Services's most recent report to Congress, LIHEAP served 5.8 million households in Fiscal Year 1990. Over 25 million households were eligible for assistance. Program benefits reached fewer than a quarter of the households eligible to receive them. Since then, the number of unemployed Americans has grown to over 10 million because of the economy's continued stagnation. Applications for Aid to Families with Dependent Children (AFDC) and Food Stamps have grown at an enormous rate. So, too, have the requests for assistance with heating and cooling bills.

Given the persistence of the recession, it seems reasonable and necessary to appropriate no less for LIHEAP next year than we have this year. Congress cannot assume that states will supplant reduced federal funds

with their own funds. Their budget crises are too severe. Moreover, this past year has been particularly difficult for many states as they have attempted to cope with delayed federal obligations.

Children whose homes are too cold to sleep in cannot learn in school; LIHEAP is an important component in the effort to educate our low income youth. The elderly are particularly sensitive to heat and cold extremes; the availability of LIHEAP funds is a health care issue. So many American families face difficult situations; further reductions in LIHEAP could turn hardship into tragedy. We urge you to give every possible consideration to holding the LIHEAP funding level for Fiscal Year 1993 at $1.500 billion.

Sincerely,

William S. Cohen, Edward M. Kennedy, Alfonse M. D'Amato, Donald W. Riegle, Jr., Dave Durenberger, Paul S. Sarbanes, Larry Pressler, Claiborne Pell, Richard G. Lugar, George J. Mitchell, James M. Jeffords, Christopher J. Dodd, John C. Danforth, Carl Levin, Bob Packwood.

Paul Simon, Frank H. Murkowski, Herb Kohl, John Glenn, John McCain, John D. Rockefeller IV, Patrick J. Leahy, Kent Conrad, Harry Reid, Paul David Wellstone, Howard M. Metzenbaum, Christopher S. Bond, Wyche Fowler, Jr., David Pryor.

Charles E. Grassley, Joseph I. Lieberman, Robert W. Kasten, Jr., Harris Wofford, Richard C. Shelby, John F. Kerry, Frank R. Lautenberg, John H. Chafee, Jeff Bingaman, John W. Warner, Jim Sasser, Robert J. Kerrey, Bill Bradley, Wendell H. Ford, Max Baucus, Dan Coats, Daniel Patrick Moynihan.

DEATH OF QUENTIN N. BURDICK, LATE A SENATOR FROM NORTH DAKOTA

Mr. INOUYE. Mr. President, there are certain events in one's life that are never forgotten. For some, it is his wedding day. For many of us, the first election victory. Among my special memories is the moment I arrived in Washington, DC, shortly after I was elected as the first Congressman from the State of Hawaii.

I remember arriving at the Baltimore-Washington International Airport after an exhausting, nonstop flight from Honolulu. As I was walking down the passenger ramp, there standing at the foot of the step was a very distinguished-looking gentleman with a grey homburg—I had no idea who he was. But when I reached the foot of the ramp, he put out his hand and said: "Congressman, welcome to Washington." He was Quentin Burdick, Congressman from North Dakota. Quentin Burdick was the first to greet me upon my arrival.

I have never forgotten that moment. In the years that followed, I worked with him on matters far removed from Hawaii, such as legislation on the Rural Electrification Administration, farm price supports, and native American issues. I stood with him on these and many other issues because I was impressed with his honesty and integrity.

Having known him, and having worked with him for more than 30 years, it saddened me in recent years to watch him grow physically weaker. But I was always impressed that up until his last days in the Senate, his mind was still just as alert as when I first met him in 1959.

North Dakota has lost a great Senator. I lost a friend. I will miss him.

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at $4,045,041,387,267.48, as of the close of business on Friday, September 25, 1992.

Senators may wish to take note that today is the last day of fiscal year 1992, and what a year it has been. Again, Congress has outdone itself.

In all the years Congress has sidestepped its fiscal responsibility, none has been so wasteful as the fiscal year ending today. During this fiscal year, from October 1, 1991, through today, September 30, 1992, Congress spent $305 billion more than the Federal Government took in.

Revenues collected in fiscal year 1992 increased 2.6 percent over the previous fiscal year. But while those additional funds were coming in, total Federal spending increased twice as fast—by 5.2 percent over the year before. Mr. President, the American people don't need a team of financial experts to explain the consequences of increasing the amount of Government spending at a rate double the increase in revenues. Common sense tells them that at this rate, it is only a matter of time until the country is bankrupt.

Anybody familiar with the U.S. Constitution knows that no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States—just as every cent of that $305 billion, which over the past year has been added to our Nation's debt—was authorized and appropriated by Congress.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 just to pay the interest on Federal spending approved by Congress—spending over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day, just to pay the interest on the existing Federal debt.

On a per capita basis, every man, woman, and child owes $15,748.10—thanks to the big spenders in Congress for the past half century. Approximately $1,187 of this is the result of the profligate spending of the fiscal year ending today.

Paying the interest on the total debt, averaged out, amounts to $1,127.85 per year for each man, woman, and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

IVY GREEN NAMED NATIONAL HISTORIC LANDMARK

Mr. HEFLIN. Mr. President, a little over 1 year ago, Helen Keller's birthplace, known as Ivy Green, located in my hometown of Tuscumbia, AL, was nominated by the National Park Service to be designated a national historic landmark. This past August, Ivy Green was indeed honored with that designation, joining a long list of historic treasures that reflect our Nation's rich and diverse heritage. In light of Helen Keller's profound influence on so many disabled Americans, and indeed in light of the inspiration that she continues to be to so many of us, I think it important to reflect upon the life of the "First Lady of Courage," and upon why Ivy Green so richly deserved its place among our national historic landmark.

The three contributing structures that make up the 10-acre Ivy Green—the cottage, main house, and water pump—served as the birthplace, early childhood home, and site of communication breakthrough for Helen Adams Keller. The homestead itself was the setting for the pivotal experiences which led to Helen Keller's emergence to the forefront of the effort to enhance methods and facilities for educating and training the disabled.

With the aid of her teacher and constant companion, Anne Sullivan Macy, the blind and deaf Keller learned to communicate with the world outside of Ivy Green. Through the use of a finger language created by Samuel Gridley Howe of the Perkins School for the Blind in Boston, various self-developed techniques, and much patience and dedication, Anne taught Keller to read, write, and speak at Ivy Green. It is significant that the setting of Ivy Green and its inhabitants provided Helen Keller with her only memories, acquired as an infant, of sight and sound.

Helen was born a seeing and hearing child at Ivy Green on June 27, 1880, in the small cottage in the yard near the main house. At the age of 19 months, Helen suffered acute congestion of the stomach and brain which left her deaf, blind and mute. When she was 6 years old, her mother read about Samuel Howe's success at the Perkins Institution. On the advice of Alexander Graham Bell, the Kellers contacted Michael Anagnos, Howe's successor in Boston, who recommended the formerly blind Anne Sullivan as a teacher for Helen. She arrived at Ivy Green on March 3, 1887, a day that Helen later referred to as her "soul's birthday."

Anne tirelessly committed herself to the task of bringing Helen into the

world of communication. Although she had not yet made the connection between her teacher's fingers endlessly tapping on the palm of her hand and the path to the outside world, Helen sensed Anne's patience and trusted her. They spent virtually all their waking hours together, Anne developing new and different techniques to reach the young girl and Helen grateful for the constant companionship and attention. Their lifelong relationship found its roots in those early days at Ivy Green.

One day in early April 1887, only 1 month after her teacher's arrival at Ivy Green, Helen made the connection that changed her life forever. Anne had been painstakingly spelling the word "w-a-t-e-r" while pumping water over Helen's hand. The child grasped for the first time that everything had a name. From that point on, they spent their days naming every object that Helen could possibly lay her hands on at Ivy Green. She soon learned over 300 words, one of which, "teacher," became the most important in her life.

Of all Helen Keller's many accomplishments, her writing stands out as her most encouraging message to the disabled worldwide. Through the publication of her seven books, she let them know that dedication to education can be the key to success. Her writing won her national and international acclaim and paved the way for other phenomenal achievements. In 1924, she began her work for the American Foundation for the Blind and by 1933, had published five books, traveled abroad several times, and together with Anne, received an honorary degree from Temple University.

In 1936, Helen lost her beloved teacher when Anne Sullivan Macy died at the age of 70 from heart disease. She spent the next 25 years furthering the cause of improving education and general conditions for the handicapped and disabled around the world. During World War II, she visited the sick and wounded in military hospitals. In 1961, 4 years after the first production of William Gibson's "The Miracle Worker," Helen suffered a stroke and retired from public life. In 1964, she sent her niece and nephew to Washington to accept the Presidential Medal of Freedom conferred upon her by President Lyndon Johnson. She died in 1968 at her home in Connecticut.

Today, Ivy Green is host to an annual weekend festival celebrating the life and accomplishments of "Courage's First Lady." People from all across the world visit Ivy Green each day to see where Helen Keller lived as a child and where she learned to overcome physical obstacles to become the powerful heroine she was. Between 25,000 and 30,000 people visit the birthplace and home each year, and about 5,500 attend live performances of the play "The Miracle Worker" each summer, a pleasure that my wife Elizabeth Ann and I have enjoyed on numerous occasions. Exhibits in the Keller home include the original furniture, clothing worn by Helen and her mother, records of Helen's baptism, and a braille typewriter, watch, and books used by Keller.

Mr. President, it is with a tremendous sense of personal pride and honor that I commend the Department of the Interior's National Park Service for proclaiming Ivy Green a national historic landmark. I can think of no more fitting or proper tribute to her esteemed life, or to that of her long-time teacher and friend, Anne Sullivan Macy.

As the provisions of the landmark Americans With Disabilities Act continue to be implemented, this designation also honors someone who dedicated her life to increasing public awareness of the disabled and advancing their cause at all levels of society. One cannot tour the home and grounds of Ivy Green without coming away with a sense of Helen Keller's journey from a world of darkness and isolation to one of understanding and association. That journey still inspires each of us, particularly those who suffer from physical disabilities, to use the full measure of our souls in overcoming obstacles in our lives.

Helen Keller's legacy is that of astounding accomplishment. She truly made her mark on the world as a writer, activist, voice and advocate for the handicapped, and most importantly, a symbol to anyone who has ever doubted their ability to persevere and achieve.

TRIBUTE TO CONGRESSMAN BILL DICKINSON

Mr. HEFLIN. Mr. President, as the end of this 102d Congress draws near, we are faced with the stark reality that many of our best and longest-serving Members will not be with us when we reconvene in January. This is a year of almost unprecedented turnover in Congress. While this is probably healthy for the institution as a whole, some States and districts will be losing quality representation that has been an integral part of their progress. Such active and dedicated representation will be hard to duplicate. One of those areas in certainly Alabama's Second Congressional District, currently represented by WILLIAM L. DICKINSON.

On March 9 of this year, Congressman WILLIAM L. "BILL" DICKINSON, the long-time voice of the State's Second Congressional District, announced his retirement after 28 years of continuous service. At that time, I made a floor statement in tribute to his life and career in public service. Today, in the waning days of this Congress, I want to reiterate and expound upon those sentiments.

BILL DICKINSON was first elected to Congress in 1964, during the so-called Goldwater sweep, when many Alabama voters supported Republican Barry Goldwater, enabling the former Arizona Senator to carry the State by a huge majority, which was very different from the results in the Nation as a whole. Prior to his election, the Opelika native obtained his law degree from the University of Alabama, established a private law practice in his hometown, and served as a judge of the city court, the court of common pleas, the juvenile court of Lee County, and of the Alabama Fifth Judicial Circuit. Bill is also a former vice president of Southern Railway and a Navy veteran of World War II.

The Congressman's southeast Alabama congressional district, which includes Montgomery, the State capital and first capital of the Confederacy, is home to three of our major military installations—Maxwell Air Force Base, Gunter Air Force Base, and Fort Rucker. These bases play critical roles in the Nation's military structure and are vital elements of the local economies. BILL DICKINSON'S superb record of leadership on behalf of both his district's needs and this Nation's important defense readiness is one in which the good people of this area and, in fact, the whole State and country, can take great pride.

As ranking Republican on the House Armed Services Committee, BILL DICKINSON, among Congress' most prominent leaders on national security issues, was one of the chief architects of the defense buildup that made our twin victories in the cold war and Persian Gulf war possible. He wielded an enormous amount of influence over the committee in the early 1980's, pushing hard for funding of the strategic defense initiative, the MS missile system, and many other high-technology weapons systems.

Throughout his many years in Congress BILL exercised great responsibility and true leadership in shaping national defense policy, and this role is the one for which he will be most remembered. He was even chosen by President Bush to be his personal representative at the Paris International Air Show in 1989. This year, BILL represented the President at the Asian Aerospace '92 exhibition in Singapore.

Congressman DICKINSON'S voting record and attention to national defense issues has earned him numerous awards from important organizations that monitor Congress and inform the public. He received the American Conservative Union's Statesman Award; the Army Aviation Association of America's Congressional Appreciation Award for his role on behalf of Army aviation; and the Association of the U.S. Army Association's Distinguished Service to Soldiers Award.

The Reserve Officers Association of the United States presented BILL with their most prestigious award, Minute-

man of the Year. In addition, the American Security Council presented him its Peace Through Strength award for supporting a strong national defense; the American Defense Preparedness Association awarded him its Defense Industry Medal for distinguished service; and the Reserve Officers Association of Alabama honored him with its Nathan Hale Award. All these many awards and honors attest to Congressman DICKINSON's outstanding leadership and serious commitment to his duties as a Member of Congress and ranking member of the House Armed Services Committee.

As supportive of this Nation's defense efforts as BILL DICKINSON has been, the Congressman has never been just a rubberstamp for either the Pentagon or the Republican administrations. The best interest of his Alabama district always came first in any decision BILL made or in any vote he cast on the House floor. His impressive list of accomplishments includes seeing aviation become a full-fledged branch of the Army and Fort Rucker becoming the permanent home of Army aviation; getting the Nation's eighth Trident submarine named after Alabama; transforming Gunter Air Force Station in Montgomery into an Air Force base; securing authorization for military aircraft to fly civilian traffic and accident victims to hospitals; helping to establish an Air Force School of Law and Judge Advocate General School at Maxwell Air Force Base in Montgomery and the Senior NCO Academy at Gunter; providing matching funds for the new U.S. Army Aviation Museum building at Fort Rucker; and overseeing the approval of many military construction projects at Maxwell, Gunter, and Fort Rucker.

Congressman DICKINSON was also instrumental in attracting many businesses to the second district. He helped bring Martin Marietta, Sikorsky, and Miltope to Troy; Dow-UT to Montgomery; Teledyne to Abbeville; and Hughes Aircraft to Eufaula. These companies have proven to be vital to the economic life of the area.

In addition, BILL helped establish the State Farmer's Market in Montgomery, and has been a staunch supporter of the peanut program, benefiting wiregrass farmers immensely. He oversaw approval of Federal matching funds for the interstate bypass in Montgomery; helped to secure funding for a new national EPA Radiation Lab at Gunter; oversaw approval of a grant to fund ward renovations and expansions at the VA hospital in Montgomery; and helped secure FEMA and SBA assistance for the town of Elba in the aftermath of a disastrous flood in 1990. All these many achievements are a testament to Congressman DICKINSON's true concern for the people of his district.

Mr. President, BILL DICKINSON can be justly proud of his many years of excellent service in Congress on behalf of his second district and, indeed, the entire Nation. The Alabama delegation will miss its senior member's candor, tenacity, humor, and, most of all, his commonsense approach to national leadership. As I said back in March, his constituents will miss him just as one misses an old familiar friend, for they have had one for many years in their Congressman, BILL DICKINSON. As one editorial writer put it, "those aspirants to his congressional seat will find that BILL DICKINSON will leave a very big pair of shoes to fill.* * * " I hope that his successor is equally diligent in support of the district's interest.

Once again, I proudly commend and congratulate BILL on his life of exemplary public service, and wish him and wife Barbara all the best as they return to Alabama.

TRIBUTE TO JACK SIMMS

Mr. HEFLIN. Mr. President, I rise to pay tribute to an outstanding American and Alabamian who is retiring today after serving for more than 40 years as a distinguished journalist and devoted educator.

Mr. Jack D. Simms, who thus far has been the only person to chair the journalism department at Auburn University, has decided to retire after serving in that capacity for some 18 years. "Jack," as he is known by his friends, colleagues, and students, came to the department in 1974 after working with the Associated Press for more than 20 years.

While at the AP, Jack's assignments took him first to Atlanta, then Tampa, Louisville, and Boston, where he was bureau chief for five New England States. He was working at the wire service's headquarters in New York as deputy general sports editor when he was persuaded to return to his alma mater, Auburn University, in his hometown of Auburn, AL, where a fledgling journalism department had just been created. And although he officially retired from the day-to-day life as an editor, he continued to work with the AP at the summer Olympic games of 1976, 1980, 1984, and 1988.

Jack recruited numerous seasoned professionals to his department at Auburn who helped it earn a reputation as a place where students could go and learn how to be well-rounded journalists.

Many young people have been attracted to Auburn because of its journalism department, and graduates have gone on to become reporters and editors at newspapers throughout the Nation. Jack stressed that students be grounded in the basics of writing and reporting, but also was quick to point out if he felt someone did not have what it took to survive the rigors of a career in journalism. It was this back-to-basics concept that gave his department its famed reputation and that, perhaps, is the legacy that Jack Simms leaves his beloved Auburn.

Mr. President, I ask uanimous consent that this newspaper article on Jack's career from a recent edition of the Alabama Publisher, a publication of the Alabama Press Association, be placed in the RECORD immediately following these remarks. It was written by Mr. Ed Williams, a journalism instructor at Auburn University, and I believe it is a fitting tribute to the contributions Jack Simms has made to American journalism.

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

JACK SIMMS: TEACHER AND FRIEND STEPS DOWN AS AUBURN'S ONLY JOURNALISM DEPARTMENT HEAD

(By Ed Williams)

AUBURN—One Auburn journalism professor compared his departure to the legendary Bear Bryant's retirement at Alabama. His practical approach to journalism, his common sense, wit and friendliness, his dedication to students and faculty, have made him universally liked and respected.

He is on a first-name basis with Auburn students, faculty and administrators. Twice he has been selected Teacher of the Year at Auburn.

For retiring journalism department head Jack Simms, the praise of Auburn University students, faculty, colleagues, alumni and friends is a testimony to two successful careers, 23 years with the Associated Press and 18 years at Auburn.

"It's pretty amazing how well he's gotten along in the academic community. I think they're just bowled over by Jack's common sense," said Rheta Grimsley Johnson, an Auburn journalism graduate who was here when Simms arrived in 1974.

Simms, who retires Sept. 30, was paid tribute in June at the campus newspaper's annual banquet.

Guest speaker at The Auburn Plainsman banquet honoring Simms was Johnson, a former Plainsman editor and a syndicated columnist for The (Memphis) Commercial Appeal and Scripps Howard News Service. Johnson noted that her career "could have have been a lot different" had it not been for Simms.

The 1992 edition of the journalism department's laboratory newspaper, The Auburn Reporter, was dedicated to Simms. Entitled "The Auburn Years: 1974–1992," it featured a Time magazine-like design with Simms on the cover as its Man of the Year.

Plainsman reporters presented Simms a plaque of appreciation for his dedication to the students and to the student newspaper where Simms was editor 1948–1949.

The Auburn journalism faculty has planned a major banquet to toast and roast Simms on Sept. 11 at the Auburn University Conference Center.

Likely there will be other tributes to the individual who is Auburn's only journalism department head.

When John Cameron, editor of the Selma Times-Journal, heard in April that Simms was retiring, he wrote, "Newspapers in the state will definitely miss the services of one of the hardest-working journalism teachers ever when Auburn University's Jack Simms retires."

Cameron went on to say that Simms "has had a dramatic and positive impact on jour-

nalism in the state and has turned out many outstanding newspaper professionals. Through the years, Simms has attracted faculty members at Auburn who share his enthusiasm and dedication for preparing young people for the stresses of community journalism."

"Following Jack Simms as department head is like following Bear Bryant as football coach at Alabama," journalism professor Jerry Brown told The Auburn Reporter. Brown, who will become acting department head upon Simms' retirement, said the future department heads "will suffer in comparison" to Simms.

"Jack Simms really means a lot to the Auburn journalism department," said Rheta Johnson. "Like parental advice, as the years roll by you appreciate him more and more."

"Jack could have been a detached, disinterested fellow with set office hours," Johnson said. "It's really hard to think of him in any other capacity but teacher and friend."

The week following Johnson's banquet tribute to Simms, her syndicated column in The Commercial Appeal was headlined "Jack Simms: chronicler of life, molder of minds—this journalism professor rewrote an old adage: Those who can do, teach best".

Johnson recalled in her column that she attended a welcoming tea, "one of those punch-bowl-and-baloney affairs so popular at universities" when Simms arrived at Auburn in July 1974.

"How could someone accustomed to wire service excitement and constant deadlines face the drip-torture pace that is college bureaucracy?" Johnson wrote. "People who run universities love to hear themselves talk, and Simms had that built-in bull detector. I watched this practical fellow with his veteran newsman's attitude and shook my head in disbelief."

It is Simms' dedication to journalism, his "weeding out" Journalism 101 course in spelling, word usage and AP style in which students make 83 to pass, his keen interest in students' successes that have earned him such respect.

"Jack is a great teacher," said 1987 journalism graduate Chris Rouch, a business writer for The Tampa Tribune. "He's a real hands-on type person. He wants to help you with your specific problems and help you get better."

Rouch, a former Auburn Plainsman editor, went on to earn his master's degree in journalism at the University of Florida in Gainsville. While there he taught beginning newswriting using the journalism 101 handouts from the course Simms developed in Auburn.

At The Tampa Tribune the past two years and earlier as a police reporter at The St. Petersburg Times and The Sarasota Herald-Tribune, Rouch has been in contact with numerous Florida reporters holding degrees from journalism programs much larger than Auburn's.

"I find a lot of reporters who wish they'd had a more practical education." Rouch said. "A lot of journalists miss out on AP style, grammar and spelling, which just aren't emphasized at a lot of other schools. Some schools emphasize the concepts of mass communication more than some of the basics that you need to work on a newspaper."

Simms, 65, served two years in the U.S. Marines, seeing combat on Iwo Jima. He received his bachelor's degree in English/journalism from Auburn in 1949 and a master's degree from LSU in 1951. Associated Press assignments took Simms first to Atlanta, then Tampa, Louisville and Boston, where he was bureau chief for five New England states.

He was based in New York as deputy general sports editor for AP when Auburn called him to be head of a fledgling journalism department that had just been created. He continued to work with AP for the Summer Olympic Games in 1976, 1980, 1984 and 1988.

"There are some people in Tampa that still remember Jack and speak fondly of him," Rouch said. "And not just newspaper people—long-time attorneys, people in city hall."

In the Auburn Reporter tribute, journalism professor Gillis Morgan called Simms "a man for all seasons."

"He can talk about many subjects, and nearly everywhere he goes he knows someone," Morgan said. If Simms went to the White House "he would either know someone or start talking and be able to establish rapport."

Said professor Mickey Logue, "I doubt that any department head in the history of Auburn University has been better liked or respected than Jack Simms by faculty members, students and professionals in the field."

Bill Brown, executive editor of The Montgomery Advertiser and Alabama Journal and also a member of Auburn's Journalism Advisory Council, said "the battling average of Auburn journalism graduates, in my experience, has been excellent."

Brown he said has hired a number of Auburn graduates for the Montgomery newspapers and earlier when he was managing editor of The Columbus (Ga.) Inquirer.

"My experience over the years with Auburn's journalism department has been positive, largely thanks to the things instilled by Jack," Brown said. "You know when you hire an Auburn graduate, they know what a newspaper and a newsroom are about.

"They come prepared to be productive members of the staff almost immediately," Brown added.

Brown praised Simms for "giving kids some feel or insight into the real world. Working for AP all those years, and helping with the Summer Olympics has kept him in tune with reporting. He has turned out a whole passel of reporters who are doing some really good work."

Patrice Stewart, editor of The Monroe Journal where a number of Auburn graduates and interns have also worked said, "Jack has always been helpful when we've had an opening for a reporter, and he has sent us some good ones."

The first Auburn journalism graduates hired by The Journal where Rheta and Jimmy Johnson in 1976, she noted. Both have successful careers, Rheta as a syndicated columnist and Jimmy as creator of the syndicated comic strip Arlo and Janis.

"The fact that Jack has stayed in close touch with the newspaper field means a lot," Mrs. Stewart said. "His continued involvement with newspaper professionals has been the key to Jack's success."

"Any time we've had a vacancy here, the first thing we've done is call Jack Simms," said Steve Stewart, Monroe Journal publisher.

Sam Harvey, editor of The Advertiser-Gleam in Guntersville, said he first knew Simms in Louisville, Ky. Both worked in the same building, Harvey at The Louisville Times and Simms at the AP.

"My feeling about Jack is that he never lost sight of the primary role of a journalism school, which is to produce successful, practicing journalists—not researchers, not students of the media," Harvey said.

"And I think that type of philosophy has guided Jack in picking journalism instructors," Harvey added. "All of the journalism teachers at Auburn have solid backgrounds of newspaper experience and a desire to teach. That's caused the program to have the reputation that it has."

Harvey noted that his daughter, Anne, received her bachelor's degree in journalism from Auburn. "Anne talked about the ease with which students could go to Jack's office and talk to him," Harvey said. "She said he was excellent at making them feel at home whenever they had a problem."

Harvey, first vice president of the Alabama Press Association, said he often hears positive comments about Auburn's journalism department from other newspaper editors in the state. "It's well respected, and Jack has to take a bow for that."

The Selma Times-Journal editorialized that "Auburn has developed an excellent reputation for turning out students who are 'ready to go to work' and we hope that mission will be maintained when Jack Simms steps down."

Bill Keller, executive director of the Alabama Press Association, said that "every time the Auburn journalism program comes up in my conversations with editors and publishers, the consensus is that they feel they can hire a student from Auburn and put them right to work."

"Auburn students are grounded well in the basics of journalism, and in a good, broad liberal arts background," Keller said. "Editors credit Jack for bringing a faculty who worked at newspapers. Editors appreciate what he has done; they really do."

W.O. MOZINGO'S ORGANIZED LABOR HALL OF FAME INDUCTION

Mr. HEFLIN. Mr. President, it is my pleasure to rise today to congratulate W.O. Mozingo upon the occasion of his induction into the Alabama Organized Labor Awards Foundation Hall of Fame. He joins Barney Weeks, longtime president of the Alabama AFL-CIO, and Eula McGill, international representative of the Amalgamated Textile Workers, in becoming only the third inductee into the Hall of Fame.

W.O. Mozingo is a well-respected labor leader throughout Alabama. He is retired from the Amalgamated Transit Union Local 770, of which he was a member for 50 years. He served for 19 years as president of the Southwest Alabama Labor Council and 21 years on the United Way's board of directors. At United Way, he was instrumental in establishing the labor liaison position.

I am happy to congratulate and commend W.O. Mozingo for this outstanding and well-deserved recognition by Alabama's labor community, for he is a close friend and a person for whom I have the greatest respect. I ask unanimous consent that an article on Mr. Mozingo be printed in the RECORD immediately following my remarks.

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

UNIONS WELCOME MOZINGO ABOARD STATE HALL OF FAME

(By Royce Harrison)

To keep buses running when the old National City Lines went out of business in

1970, the city of Mobile took over the bus system. The change quickly elevated W.O. Mozingo, who had begun a 20-year career as president of Amalgamated Transit Union Local 770, to the status of a thorn at City Hall.

Right off the bat, Mozingo protested the city's move to sweep the bus system's employees, including ATU members, into the city's civil service system. The shift saved bus drivers' and mechanics' jobs, but the city refused to recognize the ATU's role representing Local 770.

Had Mozingo backed down then, his career probably would have taken a different turn that wouldn't have led him to the guest of honor's seat Saturday night at a banquet in Birmingham. As a labor leader respected statewide, Mozingo became the third person inducted into the state Organized Labor Awards Foundation Hall of Fame.

"He is Mr. America to everyone," said Jim Albright of Birmingham, vice president of the Alabama AFL-CIO.

Mozingo engineered a maneuver with the ATU international's leadership 21 years ago: They filed a complaint with the U.S. Department of Transportation that effectively blocked the city's $600,000 application for federal mass transit funds to buy new city buses.

Without the grant, city commissioners said they would have to abandon their newly acquired bus service. Most of the buses then were 20 years old and expensive to maintain.

The Urban Mass Transit Act of 1964 required cities to recognize employee organizations before federal funding could be given to mass transit systems, former Public Works Director Thomas K. Peavy recalled.

With the law on his side, Mozingo held fast to his position. A Mobile Register reporter stated it this way in March 1971: "The union said it would be glad to sit down with city and Department of Labor representatives to work out a fair and equitable arrangement for the restoration of our collective bargaining, pension and other rights, which were destroyed at the time the city took over the transit operation."

Former Mayor Lambert Mims likened the ATU's complaint to holding a club over the city's head: The union appeared to be holding the city's federal grant application hostage and the ransom was collective bargaining rights.

In a matter of weeks the dispute was resolved. The City Commission agreed to recognize the ATU's role without actually signing a contract, and it preserved ATU members' pensions by buying into the state pension plan for them.

In retrospect, Peavy said Mozingo always was more interested in working out a settlement than creating a confrontation. "He stood up for his people. If he didn't get to sit down and negotiate, he wouldn't hesitate to call a strike."

Strikes did occur. During the ATU's first strike against the city, Mozingo reportedly spent four sleepless nights fretting over whether city employees would breach the picket line set up at the Municipal Garage, which then served as the repair and fueling center for police cars, garbage trucks and city buses. Picket lines stayed intact during the four-day strike.

"His relationship with me was very good," Peavy recalls. "Nothing antagonistic. It was all every positive—what I thought was a good relationship."

The bus driver-turned-labor-leader would go on to represent other city employees. He served as field representative for Public Service Employees Union Local 1279 for 12 years.

"When a city employee had a problem with his retirement, when a single parent needed help finding a job or a union member was devastated by unemployment, strike or natural disaster, 'M.O.' was always there. There was no problem too small or too large for him to take a personal interest in," said Kirk Patrick, the AFL-CIO's community services liaison with the United Way of Southwest Alabama.

Mozingo, who has retired after 50 years as a member of ATU Local 770, served 19 years as president of the Southwest, Alabama Labor Council. He served 21 years on the United Way's board of directors, where he was instrumental in establishing the labor liaison position.

"He has always been above-board in all of his dealings with people," said Donald L. Langham, regional director and a vice president of the United Paperworkers International Union. "He's worked tirelessly for many civic organizations."

Langham said he would put Mozingo first in line to receive an honorary membership if the UPIA bestowed them. He worked behind the scenes to help union members buy food and pay bills during the 19-month lockout at International Paper Co., Langham said.

Mozingo joins Barney Weeks, long-time president of the Alabama AFL-CIO, and Eula McGill, international representative of the Amalgamated Textile Workers, in the Hall of Fame.

LINDA FINDLAY

Mr. DOMENICI. Mr. President, I think most of you know, when we go out of here in the next 3 or 4 days, I will have been here in the Senate 20 years. One would have to suspect that in that 20 years, that I have seen staff people who are competent. I have seen staff people who are not competent. I have seen staff people who are competent and considerate and very concerned about doing the right thing. There are not a lot of those. But on the 13th day of June 1977, a young woman came to work for me named Linda Findlay.

Many people on the staff of the Senate know Linda Findlay. She has just recently left my staff and tomorrow afternoon we—all of my staff people and others—will bid her formally adieu. She served from June 13, 1977, until just a few days ago.

Linda began working in the Senate under Senator Taft on June 21, 1976. She joined my personal staff a year later, and shortly thereafter began her impressive stint working for the Senate Committee on Environment and Public Works. Her involvement in national legislation such as the Superfund, the Clean Air Act, the Safe Drinking Water Act, and a myriad of other environmental laws is kind of legendary around here. She has left a legacy of knowledge, a legacy of consultation, a legacy of being able to work things out, and a legacy of being able to deliver my concerns to those who are working behind the scenes to put together these environmental laws.

In my own office on matters that concern the people of New Mexico, obviously every one of these laws that she worked on nationally were done in consultation with special groups of New Mexicans that we put together. Marvelous results came because this lady was able to grasp the New Mexico issues and filter them through her marvelous mind and she saw that they turned out in some way being addressed if need be in these laws. So she is held in high esteem by many of the people in New Mexico, many who have a lot to do professionally and otherwise with the environmental laws in New Mexico.

But in addition, when we had to get things done in our State that related to bringing people together on environmental issues, Linda took the lead. And I want to just thank her for the special efforts she always made to ensure that New Mexico's unique environmental—and, indeed, unique difficulties—were always taken into consideration when we worked on sweeping, national legislation, such as Superfund or Clean Air. Linda worked hard to remedy the unique problem that fugitive dust—found in New Mexico's naturally dusty air—presented in the context of the clean air bill. She worked hard to see to it that communities in New Mexico would have their clean water needs addressed in national legislation. She assisted the city of Gallup in its flood control problems caused by the Rio Puerco. And she fought to improve water quality in communities in Albuquerque's South Valley.

We are now in the midst of a rather historic commission working in our State. We have one of the few remaining—they are called bosque, is the Spanish word for cottonwood trees—that are in abundance because of a river system. We have one of the few left in America, running well over 150 miles, sort of a green river in New Mexico. She helped set in motion a commission that will tell New Mexicans, and perhaps the Congress, what we ought to do to protect, preserve, and make sure that it is there forever and how we manage it against the pressures of growth these days.

Many other things in New Mexico of that type were the domain of this wonderful woman. She has a great family. People around here know her husband, who works for the Department of Justice, Spinner. And they have two beautiful children, Reed and Eliza.

From my standpoint, it is always good to see a staffer get promoted or get a new and exciting job. I had very mixed feelings. I want that to happen for her, but clearly it was difficult to say I am glad that you have obtained a position that will give you more time with your family and pay you more money and perhaps give you more flexibility. But obviously I had to do that because I respect her so much.

And I do hope that, in her new assignment with Phelps Dodge Corp. of the United States as chief of their Washington office, that she will succeed for them as she did for me, and that her family will suffer less as she works for them than they did under the rigors of the Senate.

Having said that, in behalf of all of the staff of Senator DOMENICI and those who know her, we say thank you for making this a better place, for doing your work as a true professional and a concerned professional. We will miss you.

POW-MIA'S

Mr. ROTH. Mr. President, much has been both written and said about the recent hearings concerning the POW-MIA's that America may have left behind in Vietnam. For many years I have been vocal about this issue, that if there are American servicemen left behind we should dedicate our best resources to bringing them home. Then, with the wisdom gained by the Vietnam experience, we should turn our best attention toward seeking new methods of protecting our POW's and accounting for our MIA's in future possible engagements.

But Mr. President, as we consider what happened nearly two decades ago—as we come together in an effort to heal a wound that has tormented this Nation far too long—let's keep the past in perspective. To the honest in heart—the honest in mind—what happened in 1973, the Paris peace accords, the withdrawal of American fighting men and women from the soil of Southeast Asia, required the best and the brightest minds in America.

Dr. Henry Kissinger was one of those individuals pulled into the maelstrom to walk what may have been the most treacherous tightrope of public opinion our Nation has ever endured. Five hundred thousand American men and women had been committed to the longest undeclared war in history—America's streets were ablaze with antiwar sentiment, peace at any cost. It was Dr. Kissinger's job to bring Americans home.

He did just that. He did it honorably. He did it thoroughly. I recall that some 30 Senators, sitting here on Capitol Hill at the time, signed a resolution that the United States should withdraw unilaterally, without consideration of the POW issue. Kissinger had none of that. He wanted all of our servicemen home. From the beginning, he was concerned that the 591 POW's released did not account for all those captured. He argued that point in Hanoi 10 days after the Paris peace accords. He has written about the discrepancies of those missing in action and those accounted for in his memoirs since then. But there were two factors beyond Dr. Kissinger's power to control: First, the lack of honor of the government in Hanoi; second, the unwillingness of Congress to give the Executive the power to enforce the treaty and compel Hanoi to give a full and accurate accounting.

Throughout 1973, Dr. Kissinger registered 25 official protests and declarations, stating the administration's dissatisfaction with Hanoi's account of those missing in action. From the moment of the withdrawal, he has been completely honest about the possibility of POW's left behind. He has met regularly with their families. Frankly, I don't know what more could have been asked of him.

Dr. Kissinger is one of America's fine statesmen. Though one may not always agree with his policies—at times I have not—his dedication to the causes of peace, freedom, and America cannot be questioned. In academia as well in public service he has been willing to speak up and to lead at times when leadership was extremely difficult. His life has stood up to nearly three decades of public scrutiny and critical analysis. Throughout it all, he has served our Nation both honorably and well.

I ask that an editorial from the New York Times, written by A.M. Rosenthal, be printed in the RECORD.

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

KISSINGER, PEACE AND P.O.W.'S

(By A.M. Rosenthal)

In the winter of 1973, the Nixon-Kissinger team and its most passionate American enemies were in agreement on one overriding judgment: The war in Vietnam was lost and had to be ended.

About 17 years earlier, President Eisenhower had begun sending military advisers and intelligence operators into Vietnam—the first American involvement. Then Presidents Kennedy and Johnson each chose to deepen a war that tore apart American society long before it was over.

Richard Nixon became the only President to try, almost desperately, to end the war through negotiation. Without Henry Kissinger those negotiations would not have started, or ended in a peace agreement.

Two decades later Americans still want and deserve a full accounting of any U.S. prisoners of war not freed, and what was done about them, or left undone.

But the value of the Senate hearings on P.O.W.'s will be ruined if they become just one more arena for politicians, academics and journalists who cherish their vendetta against Mr. Kissinger, one more chance to treat a man without whom the peace agreement would have been impossible as some unindicted conspirator.

The very fact that he dares defend himself—with a kind of professional, respectful contempt—enrages them even more.

To select Mr. Kissinger as the target is unfair historically. And it lessens the chances of two central realities being made clear. One is that the villain was Hanoi, now cuddly Hanoi. Only the Communists could have kept any Americans hostage.

The other is that through callousness or sloth, every Administration during and since the war failed to clarify the P.O.W. story—else we would not still be asking questions.

As a condition of peace, Mr. Kissinger insisted on a Communist commitment to release all prisoners. Maybe tougher safeguards could have been written into the agreement. Would Congress and the peace activists have accepted the continuation of the war that might have meant?

Hardly likely. In 1971, two years before any peace agreement, John Kerry, a Vietnam veteran who became a peace activist, said that "points" presented by Hanoi-Vietcong delegations in Paris, and their conversations with him and other Americans, showed prisoners would be returned. So, he said, the U.S. should not "stall" any longer.

Mr. Kerry is now a talented Senator from Massachusetts. And now he is conducting a P.O.W. inquiry because so many Americans believe exactly what he thought could not happen—that the Communists kept some prisoners.

Not long after the peace agreement was signed, Mr. Kissinger and Mr. Nixon warned that some prisoners might still be held. Did the peace movement or Congress demand reprisal pressures against Hanoi?

Mr. Kissinger's essential role in ending the war does not wipe out the Senate's duty to investigate the fate of all P.O.W.'s, but it distorts reality to forget what happened in 1973.

Walter Isaacson, in his much-discussed biography "Kissinger," is often sharply critical of his subject. But he puts criticism of the peace negotiations in this perspective:

"By the beginning of 1973, Kissinger and Nixon had brought the nation's military misadventure in Vietnam to an end. Instead of slinking away as the Vietnamese factions continued the war, Kissinger had secured a cease-fire that, at least for the moment, curtailed the killing. In addition, America's ally had been given a decent chance to survive.

"Officials in the previous two Administrations, many of whom became preening doves as soon as their responsibility ended, had overseen a foolish deployment of close to 550,000 American troops over eight years. The Nixon Administration immediately reversed the process and began withdrawing * * *.

"The Paris agreement was the final element of a reshaped American foreign policy that—rather amazingly—provided the nation with the chance to play as influential a role in the world as it had before the paralyzing despair of its Vietnam involvement."

Senator Kerry can serve America by a full and fair inquiry. That opportunity will be lost if the investigation is influenced by any vendetta against Mr. Kissinger. The country deserves better. So does Henry Kissinger.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. KOHL). Morning business is closed.

EXECUTIVE SESSION

TREATY WITH THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS (THE START TREATY)—TREATY DOC. NO. 102-20

PROTOCOL TO THE TREATY WITH THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS—TREATY DOC. NO. 102-32

The PRESIDING OFFICER. The Senate will now go into executive session to resume consideration of Executive Calendar Nos. 45 and 46 which the clerk will report.

The legislative clerk read as follows:

Calendar No. 45, Treaty Document No. 102-20, treaty with the Union of Soviet Socialist Republics on the reduction and limitation of strategic offensive arms, the START Treaty (Treaty Document No. 102-20).

Calendar No. 48, Treaty Document 102-32, protocol to the treaty with the Union of Soviet Socialist Republics on the reduction and limitation of strategic offensive arms (Treaty Document No. 102-32)

The Senate resumed consideration of the treaty and the protocol.

Pending:

Wallop amendment No. 3270, to limit the enforcement of the treaties until the President certifies that all mobile ICBMs shall be eliminated.

AMENDMENT NO. 3270

The PRESIDING OFFICER. The Senate will now proceed to vote on the Wallop amendment. The question is on agreeing to amendment No. 3270. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE] and the Senator from North Carolina [Mr. SANFORD] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS] and the Senator from Pennsylvania [Mr. SPECTER] are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote "yea."

The result was announced—yeas 10, nays 86, as follows:

[Rollcall Vote No. 250 Leg.]

YEAS—10

Craig	McCain	Symms
Garn	Pressler	Wallop
Hollings	Seymour	
Lott	Smith	

NAYS—86

Adams	Bond	Bumpers
Akaka	Boren	Burdick, Jocelyn
Baucus	Bradley	Burns
Bentsen	Breaux	Byrd
Biden	Brown	Chafee
Bingaman	Bryan	Coats
Cochran	Hatfield	Nickles
Cohen	Heflin	Nunn
Conrad	Inouye	Packwood
Cranston	Jeffords	Pell
D'Amato	Johnston	Pryor
Danforth	Kassebaum	Reid
Daschle	Kasten	Riegle
DeConcini	Kennedy	Robb
Dixon	Kerrey	Rockefeller
Dodd	Kerry	Roth
Dole	Kohl	Rudman
Domenici	Lautenberg	Sarbanes
Durenberger	Leahy	Sasser
Exon	Levin	Shelby
Ford	Lieberman	Simon
Fowler	Lugar	Simpson
Glenn	Mack	Stevens
Gorton	McConnell	Thurmond
Graham	Metzenbaum	Warner
Gramm	Mikulski	Wellstone
Grassley	Mitchell	Wirth
Harkin	Moynihan	Wofford
Hatch	Murkowski	

NOT VOTING—4

Gore	Sanford
Helms	Specter

So the amendment (No. 3270) was rejected.

Mr. LUGAR. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order it is now in order to proceed with the resolution of ratification. Pursuant to that order the committee recommended amendment is considered and agreed to and the resolution of ratification as thus amended is thus considered original text for purpose of further amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. PELL. Mr. President, on behalf of the Committee on Foreign Relations I submit the resolution of ratification as recommended by our committee.

The PRESIDING OFFICER. The resolution of ratification is now before the Senate.

The resolution of ratification is as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms signed at Moscow on July 31, 1991, including Annexes on Agreed Statements and Definitions; Protocols on Conversion or Elimination, Inspection, Notification, Throw-weight, Telemetry, and Joint Compliance and Inspection Commission, Memorandum of Understanding (all transmitted within Treaty Doc. 102-20), the Corrigenda of December 19, 1991, and the Protocol to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms signed at Lisbon, Portugal, on May 23, 1992, between the United States of America and the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation and Ukraine, as successor states of the former Union of Soviet Socialist Republics in connection with the START Treaty (transmitted within Treaty Doc. 102-32 and hereinafter referred to as the May 23, 1992 Protocol); all such documents being integral parts of and collectively referred to as, the "START Treaty", subject to the following:

(a) CONDITIONS.—The Senate's advice and consent to the ratification of the START Treaty is subject to the following conditions, which shall be binding upon the President:

(1) BINDING OBLIGATIONS.—That upon entry into force of the START Treaty, including the May 23, 1992 Protocol, the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation and Ukraine shall be legally bound under international law to all the obligations of the Union of Soviet Socialist Republics set forth in the START Treaty, its two Annexes, six Protocols, Memorandum of Understanding and Corrigenda.

(2) LEGAL AND POLITICAL OBLIGATIONS OF USSR.—That the legal and political obligations of the Union of Soviet Socialist Republics reflected in the four related separate agreements, seven legally binding letters, four areas of correspondence, two politically binding declarations, thirteen joint statements and ten other statements on related issues transmitted in Treaty Doc. 102-20 for the information of the Senate with the START Treaty are included in the "obligations of the former Union of Soviet Socialist Republics under the Treaty" assumed by the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine pursuant to Article I of the May 23, 1992 Protocol, and that the legal obligations assumed therein are of the same force and effect as the provisions of the Treaty. The United States shall regard actions inconsistent with these legal obligations as equivalent under international law to actions inconsistent with the START Treaty. This condition shall be communicated by the President to the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation and Ukraine, in such form as he deems appropriate.

(3) BYELARUS, KAZAKHSTAN AND UKRAINE LETTERS.—That the letter from Chairman Shushkevich of the Supreme Soviet of the Republic of Byelarus to President Bush dated May 20, 1992; the letter from President Nazarbayev of the Republic of Kazakhstan to President Bush dated May 19, 1992; and the letter from President Kravchuk of Ukraine to President Bush dated May 7, 1992 (all having been submitted to the Senate as associated with the May 23, 1992 Protocol in Treaty Doc. 102-32), being obligations legally binding only in the event of ratification of the START Treaty, are of the same force and effect as the provisions of the Treaty. The United States shall regard actions inconsistent with these obligations as equivalent under international law to actions inconsistent with the START Treaty. This condition shall be communicated by the President to the Republic of Byelarus, the Republic of Kazakhstan and Ukraine, in such form as he deems appropriate.

(4) NUCLEAR NON-PROLIFERATION TREATY.—That the obligations of the Republic of Byelarus, the Republic of Kazakhstan and Ukraine to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968 as non-nuclear-weapon States Parties in the shortest possible time, set forth in Article V of the May 23, 1992 Protocol, are of the same force and effect as the provisions of the Treaty. The United States shall regard actions inconsistent with these obligations as equivalent under international law to actions inconsistent with the START Treaty. This condition shall be communicated by the

President to the Republic of Byelarus, the Republic of Kazakhstan and Ukraine in such form as he deems appropriate.

(5) IMPLEMENTATION ARRANGEMENTS.—If the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine have not made arrangements to implement the START Treaty's limits and restrictions, and to allow functioning of the verification provisions of the Treaty equally and consistently throughout the territory of the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine, as agreed to in Article II of the May 23, 1992 Protocol, or worked out a basis to participate in the Joint Compliance and Inspection Commission, as agreed to in Article IV of the May 23, 1992 Protocol, by the date of entry into force of the Treaty, then the President—

(A) shall consult with the Senate regarding the effect on the START Treaty of such developments; and

(B) shall seek on an urgent basis a meeting at the highest diplomatic levels to gain agreement on the completion of the aforesaid arrangements.

(6) ELIMINATION OF NUCLEAR WEAPONS FROM BYELARUS, KAZAKHSTAN AND UKRAINE.—If the Republic of Byelarus, the Republic of Kazakhstan and Ukraine have not eliminated all nuclear weapons located on their territory and have not eliminated, in accordance with the procedures of the START Treaty, all strategic offensive arms located on their territory, within seven years following the date of entry into force of the START Treaty, as agreed to in legally binding letters submitted to the Senate in connection with the May 23, 1992 Protocol in Treaty Doc. 102-32, then the President—

(A) shall consult with the Senate regarding the effect on the START Treaty of such developments,

(B) shall, if the President determines that failure to eliminate, within seven years following the date of entry into force of the START Treaty, all nuclear weapons, including all strategic offensive arms, located on the territories of the Republic of Byelarus, the Republic of Kazahhstan and Ukraine is of such significance as to constitute a changed circumstances affecting the treaty's object and purpose, and if the President decides not to invoke the withdrawal right under Article XVII of the Treaty, the President shall request a meeting of the Joint Compliance and Inspection Commission in accordance with Article XV of the Treaty, to assess the viability of the Treaty and to ascertain if an amendment is needed to accommodate the change of circumstance, or the President shall undertake other appropriate diplomatic steps; and

(C) shall, if the President has made the determination and decision described in subparagraph (B)—

(i) submit for the Senate's advice and consent to ratification any change in the obligations of the States Parties under the Treaty that is designed to accommodate such circumstance and is agreed to by all States Parties, unless such change is a minor matter of an administrative or technical nature; or

(ii) if no such change in the obligations of the States Parties is agreed to by all States Parties but the President determines nonetheless that continued adherence to the START Treaty would serve the national security interests of the United States, the President shall seek a Senate resolution of support of such continued adherence, notwithstanding the changed circumstance affecting the Treaty's object and purpose.

(7) PRESIDENTIAL REPORT ON TREATY COMPLIANCE.—Within 180 days of the Senate's giving its advice and consent to ratification of the Treaty, the President shall submit to the Senate an updated and expanded compliance report in classified and unclassified form, setting forth—

(A) a listing and discussion of the actions which are violations or probable violations of the obligations of the SALT I Interim Agreement, SALT II, ABM, INF and START Treaties, and the ultimate resolution of these issues;

(B) a listing and discussion of the actions which are in compliance with the SALT I Interim Agreement, SALT II, ABM, INF and START Treaties;

(C) a comparison of the military significance of those actions listed in subparagraphs (A) and (B).

(8) NUCLEAR STOCKPILE WEAPONS ARRANGEMENT.—In as much as the prospect of a loss of control of nuclear weapons or fissile material in the former Soviet Union could pose a serious threat to the United States and to international peace and security, in connection with any further agreement reducing strategic offensive arms, the President shall seek an appropriate arrangement, including the use of reciprocal inspections, data exchanges, and other cooperative measures, to monitor—

(A) the numbers of nuclear stockpile weapons on the territory of the parties to this Treaty; and

(B) the location and inventory of facilities on the territory of the parties to this treaty capable of producing or processing significant quantities of fissile materials.

(b) DECLARATIONS.—The Senate's advice and consent to ratification of the START Treaty is subject to the following declarations, which express the intent of the Senate:

(1) SUBSTANTIAL FURTHER REDUCTIONS.—Cognizant of the United States' obligation under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968 "to pursue negotitations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament and on a treaty on general and complete disarmament under strict and effective international control", the Senate finds that the President entered into a Joint Understanding of June 17, 1992, on behalf of the United States, with President Yeltsin, on behalf of the Russian Federation, agreeing to conclude promptly a treaty providing for substantial further reductions in strategic offensive arms. The Senate encourages the conclusion of such a treaty at the earliest possible date and will give it prompt consideration upon submission by the President for advice and consent to ratification. In anticipation of the completion, ratification, and entry into force of a treaty with the Russian Federation for substantial further reductions in strategic arms, the Senate calls upon the other nuclear-weapons-states to give careful and early consideration to corresponding reductions of their own nuclear arsenals.

(2) MISSILE TECHNOLOGY CONTROL REGIME.—The Senate urges the President to seek the adherence by the Republic of Byelarus, the Republic of Kazakhstan and Ukraine to the guidelines of the Missile Technology Control Regime.

(3) ELIMINATION AND DISMANTLEMENT OF NUCLEAR WARHEADS.—The Senate commends the Republic of Byelarus, the Republic of Kazakhstan, and Ukraine for eliminating the tactical nuclear warheads from their territories and urges the rapid elimination of the strategic nuclear warheads from their territories pursuant to their obligations under the START Treaty. The Senate urges the President to instruct the Safety, Security and Dismantlement negotiators to proceed expeditiously to obtain the destruction of all nuclear warheads from eliminated systems and to facilitate secure safeguarded storage of the special nuclear material withdrawn from eliminated weapons.

(4) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the Resolution of Ratification with respect to the INF Treaty, approved by the Senate on May 27, 1988.

(5) FURTHER ARMS REDUCTION OBLIGATIONS.—The Senate declares its intention to consider for approval international agreements that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in a militarily significant manner only pursuant to the treaty power set forth in Article II, Section 2, Clause 2 of the Constitution.

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana.

Mr. LUGAR. Mr. President, I have been authorized by Senator WALLOP to withdraw his amendment No. 3283 from the list of amendments in order to be offered to the resolution.

Therefore, Mr. President, I ask unanimous consent that the Wallop amendment No. 3283 no longer be eligible for consideration under the previous unanimous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered. So the amendment (No. 3283) was withdrawn.

Mr. LUGAR. I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. WARNER. Mr. President, I rise to address two amendments relating to the pending treaty and most particularly the resolution of ratification. If adopted, these two amendments would be amendments to the resolution of ratification.

Before doing so I want to state my unqualified respect for President Bush and former Secretary of State Baker, for their work through the years together with the National Security staff and particularly General Scowcroft in achieving this historic treaty.

I intend to support the treaty irrespective of how the Senate may address these two amendments.

Nevertheless, I think the treaty is a major step forward in the security of this Nation and indeed of the free world. I also wish to pay my respects to the managers, the distinguished chairman of the Foreign Relations Committee, the Senator from Rhode Island, and the ranking minority member, the Senator from Indiana for their tireless work on this treaty and also their very clear, I think quite clear, interpretation of the many provisions and their cogent arguments in support thereof.

I recently read what I felt was a rather almost abusive criticism of the man-

ner in which the managers have handled this treaty. It only came from one source and in due course I may join others in addressing that particular source of criticism, because I felt it was certainly out of order and not appropriate.

I also wish to pay my respects to the senior Senator from Wyoming [Mr. WALLOP]. He serves on the Armed Services Committee with great distinction. He serves as a conscience really for those who are deeply concerned by a considerable number of portions of this treaty. He has taken the floor in the past several days, and again I felt that he has put forward in an incisive and cogent manner arguments which should be weighed as they have been and considered by this body before we move forward to give our advice and consent as required by the Constitution.

I think he has done this in a very fair and objective manner.

I hope that the fact that we had to invoke cloture will not be misconstrued in any manner. The Senator from Wyoming and others felt there was an obligation on the part of this body to pace itself in a more cautious and prudent manner as it deliberated on the various provisions of the treaty. And for that reason, I supported and continue to support the manner in which he has approached his viewpoints. I disagreed and voted against both amendments; indeed, the one this morning. But nevertheless, he added, I think, a very important factor in the deliberations that we must accord this treaty.

I also wish to thank two members of my staff, Mr. Tucker and Miss Sauer—who is with me this morning—for their support in helping me work up these two amendments.

AMENDMENT NO. 3243

Mr. WARNER. Mr. President, I call up amendment No. 3243.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. THURMOND, Mr. NUNN, Mr. WALLOP, Mr. COHEN, Mr. MACK, and Mr. MCCAIN, proposes an amendment numbered 3243.

Mr. WARNER. 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:

In the fifth condition to the resolution of ratification recommended by the Committee on Foreign Relations, strike all after "If" in the first sentence through the end of the condition, and insert in lieu thereof the following: ", by the date which is one day before the date upon which the President of the United States proposes to exchange the instruments of ratification of the START Treaty, the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and the Ukraine have not made arrangements to implement the START Treaty's limits and restrictions or to allow functioning of the verification provisions of the Treaty equally and consistently throughout the territory of the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine, as agreed to in Article II of the May 23, 1992 Protocol, or have not worked out a basis to participate in the Joint Compliance and Inspection Commission, as agreed to in Article IV of the May 23, 1992 Protocol, then—

"(A) the President—

"(i) shall consult with the Senate regarding the effect on the Treaty of such developments; and

"(ii) shall seek on an urgent basis a meeting at the highest diplomatic levels to gain agreements on the completion of those arrangements, and

"(B) and the President shall take no action to allow the Treaty to enter into force until such consultation and such meeting have taken place".

Mr. WARNER. Mr. President, I ask unanimous consent to send a modification to the desk and that the amendment be so modified.

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

The amendment (No. 3243), as modified, is as follows:

In the fifth condition to the resolution of ratification recommended by the Committee on Foreign Relations, strike all after "If" in the first sentence through the end of the condition, and insert in lieu thereof the following: ", by the date which is ten days before the date upon which the President of the United States proposes to exchange the instruments of ratification of the START Treaty, the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and the Ukraine have not made arrangements to implement the START Treaty's limits and restrictions or to allow functioning of the verification provisions of the Treaty equally and consistently throughout the territory of the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine, as agreed to in Article II of the May 23, 1992 Protocol, or have not worked out a basis to participate in the Joint Compliance and Inspection Commission, as agreed to in Article IV of the May 23, 1992 Protocol, then—

"(A) the President—

"(i) shall consult with the Senate regarding the effect on the Treaty of such developments; and

"(ii) shall seek on an urgent basis a meeting at the highest diplomatic levels to gain agreements on the completion of those arrangements, and

"(B) and the President shall take no action to allow the Treaty to enter into force until such consultation and such meeting have taken place".

Mr. WARNER. Mr. President, I am pleased to announce that the following Senators have indicated a desire to be cosponsors: Senator THURMOND, Senator NUNN, Senator WALLOP, Senator COHEN, Senator MACK, and Senator MCCAIN.

I ask unanimous consent that they be added as original cosponsors of the amendment.

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

Mr. WARNER. Mr. President, let me say at the outset that I will support the ratification of this START I Treaty, but I believe the Senate should seriously consider certain conditions to its ratification which address changes in world circumstances since the time of the treaty's submission to the Senate. I intend to offer two amendments to address my concerns and, indeed, I think the concerns others in this body have, and I would like to discuss these concerns briefly at this time.

As my colleagues know, since the START Treaty was signed more than a year ago, the world has witnessed the disintegration of the former Soviet Union and the formation of 15 new independent nations in its place. These developments are reflected in the May 1992 protocols in the START I Treaty signed at Lisbon, Portugal. This protocol brings Ukraine, Byelarus, and Kazakhstan into the treaty regime and commits these independent countries to eliminate the nuclear weapons on their soil and become non-nuclear parties to the nuclear Non-Proliferation Treaty.

In addition, the joint understanding reached on June 17 of this year between President Bush and President Yeltsin will hopefully result in a treaty to further reduce strategic nuclear arms in our two nations. These significant achievements should be recognized by the Senate and the American people as historic events toward peace in our world.

Again, I applaud President Bush for these further significant achievements.

Let me note, however, that I have some concerns about the inter-operability, otherwise referred to as linkage, between these three significant agreements as well as the apparent progress, the rate of progress, to implement the terms.

The President submitted to the Senate last year the START I Treaty, which is over 1,000 pages long, including protocols, and annexes. Its provisions are complex, technical, and complete.

In contrast, the May protocol, which essentially changes the partnership of the START I Treaty and which outlines the commitments of the three new parties to the treaty, is only four pages of broadly written language.

I find it particularly difficult to assess the prospects for implementation of the START Treaty among the four former Soviet Republics based on the content of this protocol. I expect that a number of my colleagues likewise share a similar concern.

The administration has repeatedly assured the Senate that the four former Soviet Republics are working among themselves toward reaching agreement on allocation of costs and assignment of both rights and obligations under START I. However, several disturbing public statements in the past few months seem to cast some doubt—I repeat some doubt—on these assurances.

For example, in the July 13, 1992, issue of Defense News, there appeared an article entitled "Kravchuk Waffles on Nuclear Issue." The article includes this quotation by Ukrainian President Kravchuk; "We would like to have some form of control over the nuclear potential that is deployed in our territory."

The article also cites a comment by Steven Meyer, a professor at MIT, who specializes in nuclear command control issues, and he states as follows: "He's"—that is Kravchuk—"being pressured by nationalists to assert more nationalistic control over these strategic aspects. Only 2 weeks ago, during a visit to Washington, a member of the defense committee of the Ukrainian Parliament, Mr. Kostenko, asserting that he represented the views of Ukrainian leadership, stated that Ukraine must have the status of a nuclear weapons state while it carries out its responsibility as a party to the START I Treaty to destroy the nuclear weapons on its territory."

In addition, he refused to specify a date by which all nuclear weapons would be removed from Ukraine so that Ukraine could then accede to the Nonproliferation Treaty as a nonnuclear weapons state. And last, he said that in Ukraine, and I quote him, "there is a very strong position of some parties who demand that we temporarily suspend the process of unilateral nuclear disarmament."

Mr. President, these comments are very disturbing to me because they indicate that it may not be a simple matter for the four former Soviet Republics to agree on implementation of the START I Treaty. Nationalist tensions, which, among other things, drove a dissolution of the former Soviet Union, will not disappear in a matter of a few months or perhaps even years. These longstanding conflicts between the former Soviet Republics are affecting the desires of the new States to ensure their own security and interests in their relationships with each other.

We must recognize that these tensions will continue to dominate relations among the member States of the Commonwealth of Independent States and will continue to affect relations of those new States with the United States and other Western nations. That could take place for many decades to come.

While we acknowledge some of the reasons for delay in reaching an agreement on implementation procedures, lack of such agreement raises serious questions in my mind as to the ability of the United States to exercise all of its rights under the treaty.

If, for instance, Ukraine were to refuse United States inspectors access to start inspecting facilities on its territory, who is accountable for that breach of the treaty?

How could this issue be resolved in the Joint Compliance and Inspection Commission, if Ukraine were not fully participating in that organization?

What impact might repeated instances of this type have on U.S. ability to maintain confidence in our ability to effectively monitor the provisions of the treaty? These are legitimate questions, and I hope my colleagues will consider them carefully.

Mr. President, I spoke yesterday with Gen. Edward L. Rowny, formally chief U.S. negotiator for START in 1982.

This is a man who has had a long, distinguished career in the service of his country; first as a professional Army officer and subsequently as a negotiator, not only on this treaty but an adjunct negotiator on many arms control, disarmament agreements.

General Rowny shares the views I have stated this morning, that an agreement on implementation procedures among the four former Soviet Republics is an integral part of our support of the START I Treaty as a whole. I ask unanimous consent to include in the RECORD, following my remarks, a letter addressed to myself and other Members of the Senate dated September 28, 1992, in support—and I repeat—in support of the START I Treaty. He is unequivocal about his support of that treaty.

But I would note I do not agree with General Rowny's comments about the START II agreement. And I will discuss this issue at a later time. Nevertheless, the contents of this letter support some of the arguments that I have stated here this morning in relation to the first amendment most specifically.

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

(See exhibit 1.)

Mr. WARNER. Mr. President, I intend to offer an amendment which is now at the desk which would require the President to delay temporarily the entry into force of the START I Treaty if the four former Soviet Republics have not resolved these issues related to the implementation of the treaty.

If all other parties have ratified the treaty and implementation arrangements have not been finalized among Russia, Ukraine, Byelarus, Kazakhstan, the President should consult with the Senate and must conduct a meeting at the highest diplomatic levels, in an effort to resolve these issues.

However, if the President determines, following these consultations and meetings, that entry into force of the START I Treaty is still in the national security interests of the United States, then nothing in my amendment precludes the President from proceeding to exchange the instruments of ratification to the treaty.

That is a very important point, Mr. President, The purpose of the amendment, again, is to put him on notice about the concerns of this body. We asked him to, in a prudent manner, address those concerns both by consultation with this body and beforehand, having convened a meeting with the appropriate officials of the parties to the treaty. But after those two steps are completed, he still has complete discretion within which to proceed to exchange the instruments of ratification of the treaty.

The PRESIDING OFFICER (Mr. BRYAN). The Chair informs the Senator the time allocated to him under the previous time agreement has expired.

Mr. WARNER. Mr. President, I ask unanimous consent the time allocated to the Senator from Virginia under the next amendment be available to the Senator at this time.

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

Mr. WARNER. In conclusion, Mr. President, this amendment would merely require the President and the Senate to have a prudent and reasonable pause to reassess the advisability of assuming the significant obligations of the START I Treaty in the absence of assured implementation by the other four parties to the treaty. I am of the opinion that this amendment would be acceptable and, therefore Mr. President, I urge its adoption.

EXHIBIT 1

INTERNATIONAL NEGOTIATING CONSULTANTS. INC.,
Arlington, VA, September 28, 1992.

Hon. JOHN W. WARNER,
Armed Services Committee, U.S. Senate, Washington, DC.

DEAR JOHN: Since there will not be an opportunity for me to testify before the Senate Armed Services Committee, I am enclosing a statement giving my views on the START Treaty.

As you will recall, I was the chief U.S. negotiator for START in 1982, and until July 1, 1990, served as special advisor to Presidents Reagan and Bush on arms control matters.

As a result of having closely monitored START since its inception, I believe that the treaty, provided the Lisbon Protocols are improved and included, is in our national security interests. The protocols would allow the United States to deal with only one power, the Russians, while at the same time giving us inspection rights in the other three nuclear republics.

Those critics who would not ratify START believe that the United States would be off if it adopted the more sweeping reductions which were agreed to in principle by Presidents Bush and Yeltsin earlier this year. The agreement would eliminate all MIRVed ICBMs, and as a consequence, any Russian first strike capability. This would, however, take months to conclude since the newly independent republics of the former Soviet Union would insist upon negotiating directly with the United States as sovereign independent powers.

My judgment therefore is that the U.S. should ratify START together with a set of improved protocols, which would force the other republics to transfer their missiles to Russia and begin immediately the process under which the missiles would be destroyed.

Respectively,

EDWARD L. ROWNY.

STATEMENT FOR THE RECORD BY AMBASSADOR EDWARD L. ROWNY, SEPTEMBER 28, 1992

Mr. Chairman, the treaty that was signed by Presidents Bush and Gorbachev on July

31, 1991 represents the culmination of almost 10 years of dedicated effort and difficult negotiations. As the first chief of the U.S. START negotiating team, I have followed its progress closely. As you are well aware, I have never favored ratification of arms control agreements as a matter of course. My current assessment is that despite its flaws, the United States should, provided important conditions are met, give its advice and consent to ratification.

My decision to recommend that the Senate ratify START was not arrived at easily or quickly. Those who argue against ratification oppose it on the grounds that Presidents Bush and Yeltsin earlier this year have gone far beyond the modest achievement of the Treaty by agreeing to de-MIRV all ICBMs. Were this to be accomplished, it would indeed be a landmark and long sought after achievement in that it would take away the Russians' first strike capability. The flaw in this argument is that the June 1992 Summit resulted in only a two page framework that is at least months away from being developed into treaty text. Moreover, it leaves unanswered the important question of whether the three other nuclear states, Ukraine, Kazkhstan, and Belarus, would as they have under the Lisbon protocols, allow Russia to be the sole nuclear power with which the United States would need to deal. Accordingly, I'm convinced that the U.S. would be better off settling for START, the bird in the hand being better than two in the bush.

The START bird in the hand may, however, take flight unless the protocols developed at Lisbon are made ironclad and part and parcel of the START Treaty itself. The loophole in the protocols that is most in need of plugging is the insistence of Ukraine, Kazakhstan, and Belarus that an international inspection regime be established in lieu of all parties abiding by START's verification provisions.

HOW THE START TREATY WAS COMPLETED

President Bush, of course, signed START shortly before Mr. Gorbachev fell from power and the Soviet Union split up. When Mr. Yeltsin took office, he and the leaders of the other three nuclear states agreed to assume the legal obligations, including START, of the former Soviet Union. This fortuitous set of circumstances is not likely to present itself again. It is particularly important that we seize this opportunity since Ukraine, Kazakhstan, and Belarus agreed in Lisbon to become signatories of the Non-Nuclear Proliferation Treaty (NPT).

THE CURRENT WORLD SITUATION

Before I discuss the criteria by which the treaty should be judged, I want to comment upon how the treaty fits into the current world situation. Specifically, the breakup of the Soviet Union created an issue over the successor state obligations for an agreement reached between the United States and the former Soviet Union (FSU). Whereas the FSU represented a unified entity as a nuclear weapons power, its breakup created the potential for three additional nuclear states. Those states each possess small but nonetheless important portions of the nuclear arsenal of the FSU. This arsenal includes silo-based SS-18s, SS-19s, and SS-24s, road-mobile SS-25s, SLBMs, and heavy bombers. The Bush Administration engaged in serious diplomacy to bring about an outcome whereby the Russian Republic would assume the obligations of the other members of the FSU pertaining to START. However, time and the march of events did not allow the United States to achieve that outcome. We were able to achieve simply an agreement in which the other "nuclear" republics became parties to START. Nevertheless, it is encouraging that the other three republics have indicated that they wish to be free of the burden of nuclear weapons. They committed themselves to accede to the Nuclear Non-Proliferation Treaty as non-nuclear weapon states. Additionally, they have agreed to eliminate all their strategic offensive arms within seven years after START enters into force. This arrangement was fortunately codified in the Lisbon protocols to the START Treaty. Although the United States would have preferred a Russia-only solution, the arrangement reached is an acceptable one. Indeed, it may in fact be the only solution which would permit START to be ratified. However, it will still encounter hurdles during its implementation as the parties move from a bilateral to a multilateral context. Each party now has a vote, and with it the right to exercise a veto.

CRITERIA UNDER WHICH START SHOULD BE EVALUATED

Let me turn to the criteria under which I believe START should be evaluated;

First and foremost, the treaty must enhance our national security;

Second, it must be verifiable; and

Third, it must, after the reductions take place, result in greater stability.

During my testimony in 1981 for confirmation as the first START negotiator, I said: ". . . It is essential that we negotiate agreements with the Soviet Union that are balanced and equal and thus serve the national security needs of the United States and our allies. Such agreements can and should make a positive contribution to our security objectives." I stated clearly that I was committed to "genuine" arms control.

As you all know, I resigned from my post as the military representative on the SALT II negotiating team and retired from the Army in order to oppose the SALT II Treaty. I remained with the SALT II delegation until the treaty was signed in the hope that it could be made equal and verifiable. However, in the end I reached the sad but inevitable conclusion that SALT II posed unacceptable risks to the security of the United States. I believe then, as I believe now, that the SALT II Treaty signed in 1979 was inequitable and unverifiable. It would have permitted the USSR to possess strategic forces greater than our own. And because it would have granted the USSR a unilateral right to heavy ICBMs, it would have been highly destabilizing.

When President Reagan selected me to become the chief of the U.S. START negotiating team, the task he assigned me was simple. He instructed me to reach an agreement which would reduce the risk of nuclear war. He told me to strive for deep reductions in the strategic weaponry of both sides. He ordered me to enhance strategic stability.

President Reagan had already set the tone for his talks by declaring in his Eureka College speech in May 1982 his desire to "reduce significantly the most destabilizing systems—ballistic missiles, the number of warheads they carry and their overall destructive potential." His objective, which was consistently pursued, was to reduce the huge advantage which the Soviets had in numbers and destructive power (throw weight) of ICBMs. Part and parcel of that objective was to eliminate the Soviets' heavy ICBMs—it was these missiles which made the greatest contribution to strategic instability. We sought throughout our negotiations to arrive at forces, once the reductions were achieved, which consisted of less destabilizing systems, that is, heavy bombers and cruise missiles.

SHOULD THE SENATE RATIFY START?

It is not my intention to bore you with what is by now ancient history. But I feel it necessary to set the framework for remarks which follow on whether or not a more comprehensive START Treaty should be ratified. I believe that the responsibility of the United States Senate would not be fulfilled if you were simply to hear testimony which rubber stamps the treaty.

Once again let me be clear and state that the START Treaty, although flawed, is, on balance, better than no treaty at all. It would enhance our national security and increase stability. In my opinion its importance has been increased as a result of the Summit agreement of mid-June 1992 on further reductions and a ban on MIRVed ICBMs; both are positions I have long advocated. At the same time, let me caution that this treaty is far from perfect and will require much time and effort before it achieves its basic objectives. Let me first outline START's major achievements and then turn to its shortcomings.

START'S ACCOMPLISHMENTS

The foremost START accomplishments are a reduction in total warheads to 6000, and reductions in ballistic missile warheads—those on ICBMs and SLBMs—to 4900. Secondary accomplishments are the further limits of 1450 on heavy ICBM warheads and 1100 on mobile ICBM warheads. These actions will require actual reductions in the number of deployed launchers of ICBMs and SLBMs. Not inconsequently, the START agreement would result in a 46 percent reduction in ballistic missile destructive potential (throw weight). This figure is close to our original goal of a reduction of 50 percent. Moreover, in consonance with our original objectives, heavy bombers are subject to fewer reductions than are fast-flying ballistic missiles. We were able to sustain the Raykjavik bomber counting rule—each deployed heavy bomber equipped for nuclear armaments other than long-range nuclear ALCMs will be attributed with one warhead. Additionally we were able to achieve a warhead discount of 50 percent for up to 150 U.S. and 180 Soviet ALCM equipped heavy bombers. Above those numbers such bombers will be attributed with the maximum number for which they are equipped. The effect on our force structure should be minimal and apply only during the period in which reductions are taking place. Since the Russians continue to be tough negotiators, we had to pay a price for this discount rule. We had to agree to a minimum range of 600 kilometers as the threshold for nuclear ALCMs. In the broadest sense, START achieved its goal of reducing the most destabilizing systems and treating the slower-flying air-breathing systems more leniently.

START'S SHORTCOMINGS

Some of our objectives were not achieved: I believe they could have been obtained had we been tougher and more patient negotiators. The most important of these was the failure to achieve the original goal of completely doing away with all the Soviets' heavy ICBMs. The mission of this system is simple and clear; it is to mount a preemptive strike on our hardened silo-based ICBMs and launch control facilities. The Soviets' heavy missiles are the single most destabilizing weapon system in either side's nuclear arsenal. Not only did we fail to achieve the elimination of such missiles, but we also sanctioned their modernization. We gave the

Soviets the right to improve the accuracy and destructive potential of their SS-18s, thus permitting the reduced force to have the same destructive potential as the original force. In short, we failed to take advantage of the less belligerent attitude fostered by a crumbling Soviet Union. This situation could become more acute as we decrease our silo-based ICBMs.

Fortunately, this destabilizing situation has the potential of being alleviated by the agreement between Presidents Bush and Yeltsin to eliminate, over the next decade, MIRVed ICBMs. This agreement, which will need to be codified in a separate treaty, establishes an intermediate limit of 650 heavy ICBMs within a limit of 1,200 for MIRVed ICBMs by 2000 and the elimination of all MIRVed ICBMs not later than 2003. If this latest agreement is codified, it will result in the elimination of all SS-17, SS-18, SS-19, and SS-24 ICBMs possessed by the states of the former Soviet Union. The United States will have to eliminate all of its Peacekeeper MX ICBMs and download its Minuteman III ICBMs from three to one recovery vehicle. This will be an achievement of monumental proportions, one that is long overdue. It will greatly stabilize the strategic posture on both sides, especially since it will eliminate the FSU's first-strike potential. This agreement is all the more remarkable in that it will permit the retention of an insurance policy in the form of MIRVed SLBMs, albeit at lower levels of warheads. The price the United States had to pay for retaining MIRVed SLBMs was the elimination of the bomber discount rule and the relaxation of some of the START downloading provisions. It was a price we can afford to pay, one we can live with. While the bomber discount was essential, under START, the change to an "as equipped counting rule" is acceptable if reductions occur as foreseen. The next step will be to persuade the Russians to eliminate their remaining heavy ICBMs prior to 2003. However, recent reports from Moscow indicate dissatisfaction with the agreement on the part of the military and the defense industry. In such a climate the United States should proceed with caution. It should refrain from further unilateral reduction initiatives until it is assured that the codification process is back on track.

Now an entirely new area of concern involves the disposition of non-deployed missiles once the deployed launchers are eliminated. "Elimination" as defined in the legally binding letters accompanying the Protocol implies that START procedures will be utilized. Under START, only launchers and those ballistic missiles subject to non-deployed missile limits (i.e., mobile ICBMs and silo-based variants) in excess of agreed limits must be destroyed. While other nuclear republics are legally obligated to destroy or return to Russia their nuclear warheads, the existence of non-deployed missile, which can under START, be legally used for space launch purposes, represents a potential for covert ICBM deployments. Maintaining such a covert capability creates the risk of political loss that would outweigh any marginal military gain. Accordingly, it is necessary for the United States to remain aware that such a covert capability does exist.

START permits mobile ICBMs. The FSU has deployed them—we have not. The Bush-Yeltsin agreement of 1992 did not address this important matter. It should be the objective of any future agreement to include a ban on mobile missiles.

THE CRUCIAL ISSUE: VERIFICATION

If the proposed reductions are to be in fact achieved, verification will take on greater importance. Fortunately, one of the most important outcomes of START has been a more comprehensive and intrusive inspection regime. Formerly, the means to enhance verification were confined largely to national technical means (i.e., spy satellites and listening devices). Twelve different types of on-site inspections, if implemented, will ensure a steady stream of inspectors on former Soviet soil performing a variety of tasks. In addition, our capability to monitor ballistic missile tests and to determine throw weight will be enhanced by the ban on data denial. This agreement includes the obligation to provide actual tapes of raw data as well as the explanations to interpret the data. This should provide the means of determining the important performance parameters for ICBMs and SLBMs that are essential for verification.

THE OUTLOOK FOR THE FUTURE

In an article in Strategic Review (Winter 1991), I made the following observation:

While START looks relatively good from today's vantage point, its long-term outlook is disturbing. Although it represents a marginal plus for stability when looked at in the present—as a snapshot—in the long run—as a moving picture—the trend leads to greater strategic instability. START's failure to zero out heavy missiles will allow the Soviets to maintain a dangerous first-strike capability into the indefinite future. START's failure to reduce adequately the concentration of warheads on MIRVed ICBMs will not force the Soviet General Staff to abandon its first strike nuclear doctrine. And finally, START will have an inexorable lulling effect on Congress and the American public that will further undercut necessary U.S. strategic force modernization efforts. In considering objectives for START follow-on negotiations, American policy makers must, therefore, concentrate on the crisis stability problems left over from the START Treaty. American objectives in the START follow-on negotiations should include the complete elimination of heavy missiles and a phase-out of multiple of warhead land-based missiles.

What a difference the last year has made: The Soviet Union has completely disintegrated. As I recommended and dared hope for, Presidents Bush and Yeltsin have now agreed to eliminate both MIRVed and heavy ICBMs, addressing the most important flaw contained in the START Treaty.

Still, the best way to "seize the moment" is to begin the process of eliminating Soviet missiles under the landmark verification provisions contained in START. Even these provisions must be significantly strengthened, to include an inspection regime to account for non-deplayed missiles. But, we should codify the myriad short notice inspections, continuous monitoring, data denial ban, and the data exchange. These are the real gains of the START Treaty. They will make viable the START reductions and provide the foundation for further stabilizing reductions.

Failure to ratify START now would run the risk of creating a rerun of the Post-SALT II fate which committed us to abide by the terms of the unratified document. Because START is an improvement over the fatally flawed SALT II Treaty, political commitments to observe the limits will be ineffective without the comprehensive verification provisions that accompany the reductions. Indeed, the START Treaty could be the foundation upon which we can confidently reduce strategic offensive arms to lower overall warhead levels.

SUMMARY

I believe it is important that the United States ratify START once the Lisbon protocols and subsequent letters are refined and incorporated into the treaty. It will provide a solid basis upon which to make further reductions and codify farreaching verification provisions. In my opinion, we have seen the last of the "old-style" of arms control negotiations. We should take advantage of the good and effective provisions of the treaty. I think we should enter into this treaty with our eyes open and acknowledge that it does have important flaws. In short, I believe that a START Treaty clarified and improved as I have indicated, will make positive contributions to our national security, and its ratification would be in the best interests of the United States.

The PRESIDING OFFICER. The Chair informs the manager he controls 10 minutes on the amendment.

The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, might I inquire of the Senator from Virginia as to whether his amendment changes the period for consultation prior to entry into force, from 1 day to 10 days?

Mr. WARNER. Mr. President, I inform the distinguished manager and chairman of the committee that I have done so.

Mr. PELL. In my mind this is a good amendment which modifies condition 5 of the committee resolution of ratification. I would agree that we want the Joint Compliance and Inspection Commission to operate effectively. I believe that the amendment of the Senator from Virginia will underscore the importance of this. The original thought of 1 day was obviously an impossibility and the modification to 10 days is an improvement. And I would say from this side of the aisle, the amendment is a beneficial and good one, and we have no objection to it.

Mr. WARNER. Mr. President, I thank the distinguished chairman.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I commend the distinguished Senator from Virginia on an amendment that clarifies a very important issue.

I would just take this opportunity to mention the extraordinary leadership the Senator from Virginia has given, not only in his role as ranking Republican member on the Armed Services Committee but with the Arms Control Observer Group, in travels to the former Soviet Union and to the republics subsequently.

The Senator has seen firsthand, situations that have been very important in our debate; and his contacts with the administration in thinking through very logical positions with regard to this treaty are certainly commendable.

Let me just reiterate, for a moment, points that the Senator from Virginia has made and which I commend specifically. The amendment he has introduced requires that the consultations on the implementing agreement occur

before entry into force and that is consistent with both the Foreign Relations Committee's intent and the administration's understanding of the resolution of ratification.

Thus, in principle, the administration has indicated no objection to this condition and of course, as the distinguished Senator from Rhode Island, the chairman of the Foreign Relations Committee, has indicated, he is prepared to accept that amendment and so am I on our side of the aisle.

Finally, I would just say that we are all searching for ways to try to think through the implications of a five-country treaty. We started down the trail of START with just two countries in mind. It is important that we think through all the implications of the additional countries and the importance that they play and the respect we must have for their roles, as well as for our own situation.

So, for all these reasons I commend the Senator for his amendment and on our side of the aisle we are prepared to accept it at this time.

The PRESIDING OFFICER. The Chair informs the manager he still controls 6 minutes and 49 seconds on this amendment. Does he intend to yield the time back?

Mr. PELL. Mr. President, I am glad to say we yield back the remainder of our time.

The PRESIDING OFFICER. All time has been yielded back. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3243), as modified, was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia [Mr. WARNER] is recognized.

Mr. WARNER. First I wish to thank again both managers and in particular the distinguished Senator from Indiana for his thoughtful remarks and his reference to the Senate observers group. It, indeed, has been a privilege for me to serve with that group since its inception. The managers have been the leaders, standing in for the respective majority leader and distinguished Republican leader of this body, who indeed are the foursome who manage it, primarily.

It has been a very effective and innovative step in the history of this body. It has enabled a group of us to begin to study the arms control agreements from the very inception. We have carefully avoided any participation in the negotiations. Nevertheless, we have through these years met on numerous occasions with the negotiators on both sides. And it has enabled us to learn from the ground up the steps by which these various agreements have been put together. I am hopeful the future leadership of this body will continue this tradition, because it has enabled the group of roughly 8 to 10 to learn about all aspects of these agreements from the beginning and thereby, I think, enabled them to take a more active role in assisting other Members of this body to gain a comprehension and understanding of these agreements.

AMENDMENT NO. 3240

(Purpose: To condition the entry into force of the treaty on consultation with the Senate and foreign governments under certain circumstances)

Mr. WARNER. Mr. President, I turn to my second amendment and call up amendment No. 3240 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3240.

Mr. WARNER. 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 the resolution of ratification of the Treaty, add the following new condition:

( ) CONDITION OF ENTRY INTO FORCE.—If, by the date which is one day before the date upon which the President of the United States proposes to exchange the instruments of ratification of the START Treaty,

(A) the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine have not made arrangements to implement the START Treaty's limits and restrictions or to follow functioning of the verification provisions of the Treaty equally and consistently throughout the territory of the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine, as agreed to in Article II of May 23, 1992 Protocol, or have not worked out a basis to participate in the Joint Compliance and Inspection Commission, as agreed to in Article IV of the May 23, 1992 Protocol, or

(B) if the President has not submitted to the Senate for its advice and consent to ratification a treaty between the United States and the Russian Federation pursuant to the June 17, 1992, Joint Understanding on further reductions in strategic offensive arms, then—

(i) the President shall—

(I) consult with the Senate regarding the effect on the Treaty of such developments, and

(II) seek on an urgent basis a meeting at the highest diplomatic levels to gain agreements on the completion of the aforesaid arrangements, and

(ii) the President shall take no action to allow the Treaty to enter into force until such consultation and such meeting have taken place.

AMENDMENT NO. 3240, AS MODIFIED

Mr. WARNER. Mr. President, I send a modification of the amendment to the desk and ask that it be so modified.

The PRESIDING OFFICER. The Senator has a right to modify his amendment. The amendment is so modified.

The amendment, as modified, is as follows:

At the end of the resolution of ratification of the Treaty, add the following new condition:

( ) CONDITION OF ENTRY INTO FORCE.—If, by the date which is one day before the date upon which the President of the United States proposes to exchange the instruments of ratification of the START Treaty, the President has not submitted to the Senate for its advice and consent to ratification a treaty between the United States and the Russian Federation pursuant to the June 17, 1992, Joint Understanding on further reductions in strategic offensive arms, then—

(i) the President shall—

(I) consult with the Senate regarding the effect on the Treaty of such developments, and

(II) seek on an urgent basis a meeting at the highest diplomatic levels to gain agreements on the completion of the aforesaid arrangements, and

(ii) the President shall take no action to allow the Treaty to enter into force until such consultation and such meeting have taken place.

Mr. WARNER. Mr. President, I ask unanimous consent that the following Senators be added as original cosponsors: Mr. THURMOND, Mr. COHEN, Mr. WALLOP, Mr. MACK, Mr. MCCAIN, and Mr. SMITH.

Mr. LUGAR. Mr. President, I ask unanimous consent that I be listed as a cosponsor.

Mr. WARNER. I thank the Senator.

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

Mr. WARNER. Mr. President, a second area of concern to me and others is the rate of progress in achieving agreement on a treaty document pursuant to the June 17 joint understanding between President Bush and President Yeltsin on further strategic offensive arms reduction. Such an agreement, which is commonly referred to as START II, is yet to be completed.

The Senate, I note, was given certain assurances by the Secretary of State, at that time Secretary Baker, that this treaty would be concluded very quickly. My recollection of his assurances are that he said first in 4 to 6 weeks after the signing of the joint understanding in June and subsequently then the statement was made that we would receive it by September 1.

Yet, the Washington Post reported last week, "U.S. officials say no work was done over the summer and Russia had not responded to a U.S. draft that had been sent to Moscow for consideration."

The article refers also to a less than optimistic attitude among administration officials about a quick result to negotiations for a START II Treaty.

Mr. President, there also have been reports that Acting Secretary Eagleburger has stepped in and begun to conduct certain continuing negotiations. I think they have been constructive. Last night, I received a visit from Mr. Lehman, the Director of ACDA, together with members of the President's National Security Council.

Later in my remarks, I will address that information which was very important and highly influenced this Senator with respect to this amendment. For the moment, I would like to continue with my remarks and then at the end address the developments which I learned of last night.

Mr. President, the Senate should be asking why this second significant treaty has not materialized on the schedules that were originally laid out by the executive branch. I fear that the delay could be due in part to the continuing battle that we read about and learned about between the civilian leadership of Russia and a group commonly referred to as the hardliners, many of whom remain in power throughout the military structure.

There are, in my view, many possible reasons for the opposition of the Russian military to arms reduction agreements, including Russian nationalists' fears vis-a-vis the new Independent States' loss of superpower status, loss of individual status and power, and possibly general resistance to change from the established patterns of the past.

However, a recent study by the Hudson Institute suggests that the current Russian defensive military doctrine, which focuses on the threats posed by the presence of foreign troops in contiguous States and the buildup of forces near the Russian borders, represents a compromise between hardliners and reformists within the military itself. This distinguished institute and the study specifically refers to comments by Colonel General Rodionov, head—I repeat—the head of the Russian General Staff Academy.

In a keynote speech at a conference on Russian military doctrine, the general said the following: He proposed a much stronger Russian military doctrine, including a statement of "vital national interests" which include all the territory of the entire former Soviet Union, as well as the countries of the former Warsaw Pact, a focus on the threat to Russia from the rapidly increasing military might of the United States and NATO, and a recommendation that Russia publicly declare its intention to use massive nuclear retaliation in the event of aggression of any kind against Russia's interest.

The study concludes, in part, that the military is reasserting a measure of its dominance over the development of this doctrine, despite talk about the ascendants of civilian control over the military.

Mr. President, the information contained in this informal study gives this Senator a measure of concern and, indeed, to others. I believe the Senate should take note of these important discussions with the Russian military organization. There is much other information to bear on this particular point, and I am certain Senators in their independent and private study are aware of other sources which clearly indicate the controversy going on now in Russia, the push-pull struggle for dominance and control.

As stated earlier, there may be other reasons for the delay in achieving agreement on a START II Treaty. The Russian Government may also be seeking to slow the pace of change in order to reassess their own interest and priorities, including economic concerns.

For example, President Yeltsin unexpectedly canceled a trip to Japan to discuss economic issues and the situation with respect to the Kuril Islands. In addition, recent press reports indicate that despite strong pressure from the United States, Russia continues to sell arms for hard currency, including—and I must say a disturbing development—diesel-powered submarines to Iran and rocket engines and other missile components to India.

Some believe that delay in negotiating a START II agreement is a result of disarray rather than disagreement within the Russian Government. These are legitimate concerns which some of us must consider in the context of the ratification process of this treaty. And we are concerned why the delay persists on the progress reports relating to the START II Treaty.

Mr. President, I believe that the United States must continue to press the issue of further strategic offensive arms reductions, particularly the elimination of all land-based MIRV intercontinental ballistic missiles. The most significant advantages to the United States of such an agreement is that it accomplishes a major negotiating objective that was not achieved in START I. Land-based MIRVed ICBM's are the most destabilizing—I repeat, the most destabilizing—and threaten all the forces of the former Soviet Union to the security of the American people.

Failure to achieve a START II agreement would, in my view and in the view of others, diminish significantly the advantages of the existing START I Treaty.

Consequently, it is the view of this Senator that there is certainly a linkage between START I and START II which should be considered by this body in the context of the ratification process of START I.

Therefore, I offer this second amendment that would require the President to delay entry into force of the START I Treaty if a START II Treaty has not been submitted to the Senate for advice and consent to ratification prior, and I repeat, prior to the proposed date of exchange of the instrument of ratification.

Mr. President, I point out that there is a direct parallel in language and in operation of this amendment to the amendment that has just been adopted by the Senate. I carefully drew both amendments to put a burden on the President which is parallel to amendment No. 1 in every respect.

The President would be required under this condition to consult with the Senate and meet with Russian officials in order to discuss the reasons for and possible solutions to any ongoing delay in achieving a START II agreement. And the President would still be permitted to exchange instruments of ratification of START I after such consultations if he deemed entry into force of that treaty to be in the national security interests of the United States.

I repeat, nothing in this amendment prohibits the President from going forward if he believes in his judgment it is within his constitutional powers to bring this treaty into full force and effect.

Mr. President, this amendment is intended to provide an impetus to Russia as well as Ukraine, Byelarus, and Kazakhstan to move forward with these important strategic arms reduction agreements. Our treaty partners under START must be made aware that the United States expects to be assured full implementation of that treaty, a treaty which serves the interests of all parties. In addition, Russia must be encouraged to move quickly to negotiate a START II agreement as envisioned in the June 15 joint understanding between the two Presidents. The further significant reductions contemplated in that agreement serve the interests of both our nations as well as the interests of world peace. A treaty to implement the straightforward requirements of the joint understanding must be concluded as quickly as possible.

Mr. President, I seek to inject a note of caution in the Senate's—as I view it—rather swift consideration of this particular historic agreement, START I, and that is the purpose of this amendment. To date, only Kazakhstan has acted to ratify the treaty itself. No implementation agreement has yet been reached among Russia, Ukraine, Byelarus, and Kazakhstan. And a START II Treaty has not yet been agreed upon.

This amendment would impose a brief delay on entry into force of the START I Treaty only if a START II Treaty is not yet submitted to the Senate, a delay which would permit the President and the Senate a reasonable and prudent opportunity to study if in fact there is a continuing desirability of entering into the legal obligations of the START I Treaty. Such a reassessment, as I said, is a prudent step to assure that the START I Treaty would serve the future national security interests of our Nation.

Mr. President, I continue to believe that the START I Treaty together with a follow-on START II Treaty, if ratified, represent a significant step toward reducing the threat to the Amer-

ican people posed by the remaining strategic nuclear arsenal of the former Soviet Union.

Now, Mr. President, last evening I had the opportunity for an indepth consultation with Ron Lehman, the head of ACDA, together with several members of the President's National Security Council. I also had the opportunity to consult with General Scowcroft, the head of that Council, and I must say that since I introduced my amendment I have received new and encouraging information from these parties on the progress toward the START II Treaty, to implement the further substantial reductions of strategic offensive forces including the elimination of MIRV'd ICBM's. The information that these parties imparted to me was very beneficial, quite reassuring, and gave this Senator a completely different perspective on what has been taking place, I would say, in the last 60 days.

The joint understanding concluded and signed by President Bush and President Yeltsin on June 17, 1992, was clear and detailed. It substantially eased recording the agreement in treaty language. The United States took the initiative to draft the complete text of a treaty to implement the June 17 joint understanding and provided—this is a key point of information—provided it to Russian Foreign Minister Kozyrev on his recent visit.

Following a review of the United States draft, the Russian foreign minister has advised the United States that there are no policy issues remaining to be addressed. These have all been resolved at the June summit meeting.

The Russian Government posed, however, a number of detailed technical questions regarding the United States draft. Thereafter, the United States promptly, within a matter of a very brief period of time, provided comprehensive answers. I further understand that the administration is pressing for a rapid turnaround of the draft treaty and is prepared to meet to finalize the text. It is clear to me now that substantial progress is being made toward recording the joint understanding in a formal treaty which will be submitted to the Senate for advice and consent to ratification.

I have also been assured that the administration will remain in close touch with the Senate as these steps are being taken, and therefore, Mr. President, I will withdraw at the appropriate time my proposed amendment now pending with the expectation that approval of a START Treaty now will lead in a short period of time to a conclusive new treaty providing for substantial further reductions and the elimination of MIRV'd ICBM's, my principal concern.

Mr. President, I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. I should like to associate myself with the remarks of the Senator from Indiana about the leadership of the Senator from Virginia, the contribution he has made to this debate and the beneficial effects of the arms control observers group and the work he has done in leadership there.

With regard to this amendment, as I understand, it would apply pressure upon our President to conclude START II before he is allowed to proceed with entry into force of START I. Our Committee on Foreign Relations has already assessed the prospective START II Treaty. It has tremendous merit, and I think we all hope it will be concluded at an early date. But START II should not be allowed to interfere with START I. The START I Treaty is a good one worthy of approval on its own merits. Given the political situation in the former Soviet Union, it is very important that we get the START I Treaty into place and the parties bound by it at the earliest possible date. I think this is a view that is shared by most of us.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I share many of the concerns which were expressed by the distinguished Senator from Virginia in offering this amendment. He has indicated that at an appropriate time he will withdraw the amendment, and I appreciate the reasons he has given.

But I think the difficulties that would be occasioned by an overly strict interpretation of the amendment are important to point out. The Senator has recognized those concerning the distinguished chairman of the Foreign Relations Committee. He has spoken to that. I commend the Senator, and see the importance of his amendment and his discussion today as a marker for the administration. I think, with that marker, the Senator's efforts ought to be applauded as well as his action in deciding to withdraw the amendment.

I just take this occasion, while the Senator's amendment is before us for consideration, to mention as a matter of historical interest, Mr. President, that in 1970 the distinguished Senator from Virginia [Mr. WARNER] negotiated the Incidents at Sea Agreement with the then Soviet Union. He was then Secretary of the Navy for the United States of America, some 22 years ago. So his interest and his expertise, in fact, his hands-on experience, in these negotiations goes back a long way. That is why his words have a special import in our debate this morning.

I want to take, also, the occasion of the Senator's mention of the arms control observer group to make an additional point, Mr. President. Just as a marker of history, the arms control observer group came into being in 1985 at the beginning of the second 4 years of Ronald Reagan's administration. And it came about because of negotiations with the then Soviet Union that indicated that it would be useful for the parties to reenter negotiations on the strategic arms treaty. Indeed, that was the beginning of the negotiations that led us to the point of our discussion of ratification of START I to date.

Throughout that period of time many Senators have had an opportunity—the Senator from Virginia, the Senator from Rhode Island, and I have been among those—to meet with the former Soviet negotiators, now Russians, Byelorussians, Ukrainians, those from Kazakhstan, in face-to-face conversations. The distinguished occupant of the chair has accompanied the group on its journey on occasion.

These have been very, very important, instructional, educational sessions that have led, Mr. President, to at least some Members of this body having a degree of expertise with regard to what are extremely complex matters.

It was the wisdom of the then majority leader, Senator DOLE, and the minority leader, Senator BYRD, to appoint members to the arms control observer group to cover a wide spectrum in the Republican and Democratic Parties within the Senate so that there would be those who had some natural enthusiasm for arms control issues as well as those who are highly skeptical of those issues.

I point this out because we have had a spirited debate for the last 3 days, and one who has contributed substantially to that has been the distinguished Senator from Wyoming [Mr. WALLOP], a member of the Senate arms control observer group, who, along with those who have been proponents of this treaty, has observed with his own eyes, has had an opportunity to engage in vigorous conversation with experts on these subjects in both the former Soviet Union as well as our Government on the issues that finally come before us.

I say, Mr. President, the quality of the debate, the ability of some understanding to occur, I believe, is attributable largely to the many years of intense association with these issues that the Senate arms control observer group has made possible for a number of Senators and a number of those appointed for specific journeys by the leadership of this body.

Therefore, I commend the distinguished Senator from Virginia for his work throughout the year, first as the Secretary of the Navy, and then throughout the last 8 years as a very active member of the Senate arms control observer group, and, of course, as ranking member of the Senate Armed Services Committee, which gave great consideration to this treaty and to

each arms control treaty as it has come along the pike.

I thank him for his discussion of this important issue, and, by my cosponsorship of his amendment, I indicated my enthusiasm for that quest. I thank him, also, for his candid discussion of meetings that he had even as late as last evening with Brent Scowcroft, with Mr. LEHMAN, and with others that have led him to a decision to ultimately withdraw the amendment this morning.

I thank the Chair.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank both managers for their kind comments.

I hope that the managers will consider putting in the RECORD at an appropriate place a brief resume of the number of trips and the number of meetings here in S-407 that the arms control observer group has held in preparation for their contribution toward the work on this treaty. I think it would be a helpful documentation of the work of the group.

Mr. LUGAR. If I may respond to the distinguished Senator, on behalf of the distinguished chairman of the Foreign Relations Committee and myself, we will be very pleased to formulate such a resume, which I believe would be very useful as part of this record.

Mr. President, I ask unanimous consent that the document be printed in the RECORD.

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

ACTIVITIES OF THE SENATE ARMS CONTROL OBSERVER GROUP

This following is a summary of the activities of the Senate Arms Control Observer Group since its organization in 1985 and its initial visit to the Geneva in March to the opening session of the renewed arms control negotiations with the Soviet Union.

In January 1985, after an interruption of 15 months, the Soviet Union announced that it would resume negotiations on the Intermediate-range Nuclear Forces (INF) and Strategic Arms Reduction Treaty (START). In an effort to fulfill more adequately the Senate's constitutional role in the treaty-making process, the Senate Arms Control Observer Group was created in 1985 to observe and monitor the renewed arms control negotiations with the Soviet Union. The Group is a bipartisan group of Senators, with a designated core staff, who act as observers, and monitor arms control negotiations to which the U.S. is a party to reduce nuclear, conventional and chemical weapons, to provide more regular and systematic involvement of the full Senate in the negotiations, to assist the Senate leadership, the Foreign Relations committee, and other committees that would have an interest in the outcome of the arms control negotiations and the impact to national security interests in the U.S., the full Senate, when and if agreements are presented to the Senate for its advice and consent. The Group does not act as negotiators, but consults with and advises our negotiating teams, in order to report to the Senate on the progress and development of the talks. The creation of the Group was welcomed by the Administration in an enthusiastic and positive manner. Secretary Schultz designated Ambassador Paul Nitze to meet with the Group on a regular basis to update it on the status of negotiations. During the Bush Administration, Ambassador Ron Lehman took over the responsibilities of Ambassador Nitze.

Since its creation in 1985, the Group and core staff have received substantive briefings from administration representatives and members of U.S. arms control delegations, as well as met with foreign representatives to the arms control negotiations. The briefings by executive branch and administration representatives on the negotiations have been conducted with the complete understanding that the Group would treat this information as confidential. Additionally, the Group has traveled to Europe to observe and monitor the negotiations, and met with the U.S. delegations and the Soviet delegations, as well as with representatives of U.S. allies.

In the Senate hearings on the ratification of the INF Treaty, the Protocols to the Threshold Test Ban Treaty and Peaceful Nuclear Explosions Treaty (TTBT/PNET), the Conventional Forces in Europe (CFE) Treaty and more recently, the Strategic Arms Reductions Treaty (START), representatives of the executive branch and the U.S. negotiators have repeatedly praised the Group for the pivotal role it played during the negotiating process as well as through the ratification process.

The following is a summary of activities of the Group since its organization in 1985.

During 1985, the Group held the following meetings:

February 4, briefing by Brent Scowcroft, Walter Slocombe and Eugene Rostow on lessons of SALT 1, SALT II, START; Ambassador Nitze on "New U.S. Strategic Concepts.

February 5, briefing by Admiral Thomas Moorer, Jim Woolsey and Lawrence Kupperman on strategic and theater offensive forces.

February 7, briefing with Dr. Zbigniew Brzezinski, Dr. James Schlesinger, Dr. Barry Blechman and David Williamson on strategic defensive forces.

February 19, briefing by General Richard Ellis and Doug George on Soviet compliance. Members were also invited by Chairman Goldwater and Senator Nunn to attend a Senate Armed Services Committee (SASC) hearing on Soviet Strategic Force Development.

February 20, Group invited to attend SASC hearing on Soviet Arms Control Compliance.

February 21, attend American Association for the Advancement of Science briefing on SDI, and SASC hearing on SDI.

February 25, Group invited to attend SASC hearing on Strategic Doctrine.

February 26, briefing by Lawrence Eagleburger and Paul Warnke on allied interests, members invited to attend SASC hearing on Strategic Modernization.

February 28, meeting with Soviet Ambassador to the U.S. Anatoly Dobrynin.

February 28, meeting with Ken Dam on trip to Geneva.

March 7, briefing with Secretary of State Shultz, Paul Nitze, Ambassador Edward Rowny and Ken Adelman on U.S. preparations for Geneva talks.

March 11, briefing in Geneva on U.S. negotiating positions by Deputy Chief Negotiators.

March 25, meeting with Ambassador Max Kampelmen on MX and progress in Geneva.

April 1, briefing by Norm Clyne, Assistant to Ambassador Nitze on the progress in Geneva.

April 15, briefing on progress in Geneva.

April 22, meeting with Ambassador Paul Nitze to review the first round of negotiations and discuss options for the round commencing on May 30.

April 30, Group attended a SFRC briefing given by Ambassadors Max Kampelman, John Tower and Maynard (Mike) Glitman of the U.S. delegation to the Nuclear Space Arms Talks, to review the course of the initial round of the Geneva arms control talks, to offer their judgements on Soviet motives and negotiating behavior, and outline issues requiring decisions prior to the resumption of the negotiations at the end of May.

June 10, meeting with Ambassador Paul Nitze, briefing the Group on the opening of the second round of negotiations and the Administration's decision on SALT restraint.

June 17, meeting with Norm Clyne regarding progress in Geneva.

June 25, briefing by Ambassador Paul Nitze on the progress to date on Round 2 of the Nuclear and Space Arms Talks, in preparation for its trip to Geneva.

September 18, meeting with Ambassador Paul Nitze on preparations for Round Three of the negotiations.

September 23, briefing by Norm Clyne, Assistant to Ambassador Nitze on the opening negotiating sessions of Round Three in Geneva.

October 1, meeting with Ambassador Paul Nitze on the new U.S. counter proposal.

October 16, briefing by Ambassador Gerard Smith, former chief negotiator for SALT I and John Rhinelander, legal counsel for U.S. SALT I Delegation, Ambassador Paul Nitze, and Judge Abraham Sofaer, Legal Advisor to the Department of State, on interpretations of the ABM Treaty as they apply to SDI development and testing.

October 23, briefing by Robert Dean, Deputy Director, Bureau, Politico-Military Affairs, Department of State, Dr. Edward T. Warner of RAND Corporation and Dr. Alton Frye, Director of the Council and Foreign Relations (Washington Office) on their assessment of the recent Soviet proposal.

October 31, briefing with Ambassador Nitze regarding the new U.S. counterproposal.

November 1, briefing by Ambassador Nitze on new U.S. counterproposal.

December 18, meeting with Doug George of the CIA on mobile missile verification issues.

On March 9-15, 1985, Senators Robert Dole, Ted Stevens, Richard Lugar, John Warner, Don Nickles, Robert C. Byrd, Claiborne Pell, Sam Nunn, Edward Kennedy, Albert Gore traveled to Geneva, Switzerland, to the opening session of the Nuclear and Space talks to receive briefings on the U.S. approach and objectives in the negotiations. On the opening day of the negotiations, the members received a private briefing by Ambassador Kampelman prior to the Heads of Delegation Meeting. During the Group visit to Geneva, Soviet President Chernenko passed away. The Group went to the Soviet embassy to express its formal condolences.

In April 1985, Senator Stevens traveled to Geneva, Switzerland to meet with the U.S. Delegation to the Nuclear and Space Talks, to receive an update on the status of the negotiations.

On June 27-July 7, 1985, Senators Ted Stevens, Sam Nunn, Claiborne Pell, Edward M. Kennedy, Charles Mathias, Gary Hart, Albert Gore, Jr., traveled to Geneva, Switzerland, and the United Kingdom. In addition to

meetings, briefings and debriefings with Ambassadors Max Kampelman, John Tower, Ron Lehman, Hank Cooper, and Mike Glitman to discuss the progress on negotiations with the Soviet delegations on the Intermediate-range Nuclear Forces, Strategic Arms Reductions and Space Defense, and with Ambassador Lowitz, U.S. Representative to the Conference on Disarmament regarding verification of a multilateral comprehensive test ban, the members participated in a conference on nuclear nonproliferation and nuclear winter hosted by the Sadruddin Aga Khan in Geneva. Members traveled to Bonn for the day and met with the West Germans to discuss their views on the debate over "Eureka", the French research initiative in space versus our Strategic Defense Initiative. In London, in addition to meetings with the U.S. Ambassador to Great Britain, Charles H. Price, II, members met with Prime Minister Thatcher and discussed the interrelationship of the Strategic Defense Initiative, and the role SDI might play in strengthening the Alliance's deterrent posture, and the French "Eureka" research initiative; with Sir Geoffrey Howe, the Foreign Secretary on SDI, issues related to Soviet compliance with existing strategic arms control agreements; Sir Michael Heseltine, Secretary of Defense on SDI and matters of importance to the Alliance.

In July 1985, Senator Ted Stevens traveled to Geneva, Switzerland, where he received briefings from members of the U.S. Delegation to the Nuclear and Space Talks on the status of negotiations.

On October 24–28, 1985, Senators Ted Stevens, Sam Nunn, Edward M. Kennedy, Malcolm Wallop, Pete Wilson, Albert Gore, Jr., traveled to Geneva, Switzerland. During their visit, the Group received an overview briefing by Ambassadors Kampelman, John Tower and John Woodworth at the Botanic Building on current negotiating status; received briefing from General Richard Ellis of the Standing Consultative Commission (SCC) at the U.S. Mission; attended a reception where members met with Soviet delegations to the negotiations on Nuclear and Space Arms Talks at the U.S. Mission; met with Swiss Parliamentarians as well as with Swiss businessmen and civic leaders, held a working luncheon with press; met with U.S. delegation and Ambassador Gerald Carmen for a wrap-up discussion on negotiations on Defense and Space, START and INF negotiations.

In 1986, the following meetings were held by the Group:

January 21, briefing by Ambassador Nitze on General Secretary Gorbachev's January 15 arms control proposal.

January 27, briefing conducted by Ambassador Ron Lehman, Chief START negotiator and Special Assistant to the President for National Security Affairs.

February 3, briefing by Norm Clyne on status of negotiations in Geneva, followed by meeting with Dr. Jeremy Stone, Director, Federation of American Scientists (FAS), and Colonel Archie Wood (USAF, Ret.) to discuss outline of FAS-sponsored proposal for achieving arms control agreement in NST negotiations.

March 10, briefing by Ambassador Nitze discussed the status of negotiations in Geneva, as well as reviewed General Secretary Gorbachev's speech and its impact on negotiations.

May 19, Ambassador Nitze provided an update on the status of the negotiations in Geneva.

June 9, Ambassador Nitze briefed on President's May 27 statement on U.S. policy on SALT restraint and Soviet's May 30 proposal in Defense and Space Group.

June 16, Ambassador Nitze provided an update on the negotiations in Geneva.

June 19, Group invited by Senator Stevens to meet with members of the Subcommittee on Arms Control and Disarmament of the Foreign Affairs Committee of the West German Bundestag.

June 20, members hosted a special working luncheon with Strobe Talbot, Washington Bureau Chief of Time magazine, to discuss a special all day conference sponsored by Time and attended by top administration officials and outside experts to discuss current SDI issues. Participants of that conference were Lieutenant General Abrahamson, Ambassador Nitze, Assistant Secretary of Defense Perle and Walter Slocombe. Mr. Talbot provided further insights on these proceedings, as well as explored the Group's perceptions of the progress of talks in Geneva.

June 23, Ambassador Rowny on recent developments in Geneva.

July 15, Ambassador Richard Ellis, Chairman of the U.S. Delegation to the U.S./Soviet Standing Consultative Commission (SCC), on recent developments.

August 7, Ambassador Max Kampelman and Ambassador Ron Lehman to review recent U.S. proposals at Geneva talks.

August 8, Group hosted a special working luncheon with press luncheon, which was off the record to discuss ABM Treaty access.

August 12, received briefing on a report on strategic nuclear policy and programs, arms control and SDI, prepared by Harold Brown, James Schlesinger, Brent Scowcroft, Melvin Laird and Cyrus Vance.

September 18, met with Ambassador Paul Nitze and received a briefing on the upcoming negotiating round in Geneva and on recent discussions with the Soviets on arms control issues.

September 30, met with Ambassador Nitze who briefed them on the Shultz-Shevardnadze meetings and the last week of negotiations in Geneva.

October 6, met with Malcolm Mackintosh, Special Intelligence Advisor to Prime Minister Margaret Thatcher on prospects of a mini-summit in Iceland and general political trends in the Soviet Union.

On February 7–16, 1986, Senators Ted Stevens, Albert Gore, Gary Hart, Daniel Patrick Moynihan, Sam Nunn, Claiborne Pell, Warren Rudman, Malcolm Wallop, and John Warner traveled to Brussels, Geneva, Switzerland, and the United Kingdom. During this trip, the Group with U.S. Ambassador to Belgium Geoffrey Swaebe and U.S. Ambassador to NATO David M. Abshire and participated in Conference on High Technology and Alliance Security; participated in round table discussion on U.S. politics, high technology and Alliance security; participated in discussions with Sir Michael Palliser and DeFred Seitz on the Challenge to the Alliance. In Geneva, Switzerland, members met with the Chief of the U.S. Delegation to the Nuclear Space Talks, Max Kampelman and the U.S. Ambassador to the U.S. Mission Gerald Carmen. Participated in briefings by the U.S. delegations to the Defense and Space Negotiating Group meeting, the START Negotiating Group and the INF Negotiating Group; later met with Soviet and U.S. Negotiators at a reception. Attended a pre-briefing for the Defense and Space Plenary; met with U.S. negotiators to the START negotiating group; received a debrief re the Defense and Space Plenary; met with INF Negotiating Group; attended a pre-brief presented by U.S. negotiators for START Plenary with Soviet delegation; attended a Defense & Space Negotiating Group meeting; received a debrief by U.S. negotiators regarding the START Plenary. In London, in addition to meeting with the U.S. Ambassador to the United Kingdom, Charles Price, II, the members met with Secretary of Defense George Younger at the Defense Ministry; received a country team briefing from the Charge d'Affaires Ray Seitz and other embassy officials; met with senior arms control officials at the British Foreign and Commonwealth office; participated in an informal working luncheon with members of the House of Commons Select Committee on Defense; and met with senior officials of the Defense Ministry to discuss the UK Trident program; participated in a discussion at the International Institute of Strategic Studies (IISS) on "The Military and Arms Control Implications of Deploying Anti-Tactical Ballistic Missiles in Europe.

On May 28–31, 1986, Senators Ted Stevens, Albert Gore and John D. Rockefeller traveled to Geneva, Switzerland. Major issues discussed with U.S. delegations to the Nuclear Space Arms Talks were status of negotiations; Nitze criteria for SDI Deployments; U.S. Policy on Nuclear Testing; U.S. SALT Restraint Policy; and, Allied Views on Key Geneva Issues; also met with members of the Soviet delegations to the NST.

In October 1986, Senator Stevens traveled to Geneva, Switzerland and met with U.S. delegations to the Nuclear Space Talks to discuss Reykjavik proposals.

On November 11, 1986, Senator Albert Gore, Jr., traveled to Geneva, Switzerland and met with members of the U.S. Delegation to the Nuclear Space Talks to discuss Reykjavik proposals.

Senator Pell traveled to Geneva, Switzerland on November 11–12, 1986 and met with members of the U.S. Delegations to the Nuclear Space Talks to discuss Reykjavik proposals.

From March-May 1987, committees of the Senate were involved extensively in hearings regarding the issue of the reinterpretation of the ABM Treaty.

In 1987, the Group held the following meetings:

January 20, briefed by Ambassador Nitze on the status of the Geneva negotiations.

February 2, briefed by Ambassador Nitze on the status of negotiations.

February 17, received a briefing on the status of the negotiations in Geneva from Norm Clyne.

February 23, Ambassador Nitze provided an update on the negotiations in Geneva.

March 16, Ambassadors Kampelman and Lehman briefed the Group on the status of the negotiations in Geneva.

March 25, met to discuss issues related to the negotiations in Geneva and its impact on the ABM Treaty.

April 9, Ambassador Nitze on Secretary Schultz's trip to Moscow and issues related to the arms control negotiations.

May 5, Ambassador Nitze on the new Soviet offer on INF.

May 19, Ambassador Max Kampelman on status of negotiations in Geneva.

June 2, Ambassador Nitze on current status of Geneva talks.

June 9, Ambassador Nitze regarding the current status of negotiations.

June 16, Ambassador Nitze on status of negotiations in Geneva.

July 8, Ambassadors Kampelman and Nitze on recent developments in the negotiations in Geneva.

July 28, Ambassadors Kampelman and Ambassador Nitze on the status of the negotiations in Geneva.

July 31, Ambassador Maynard (Mike) Glitman requested to meet with Group to discuss the current situation in Geneva on the INF negotiations.

August 7, Ambassadors Kampelman and Lehman and discussed recent developments in negotiations in Geneva.

September 14, Ambassador Nitze briefed a joint meeting of the Group and members of the SASC on the current status of the INF negotiations and the upcoming Shultz-Shevardnadze meetings.

October 6, Ambassadors Kampelman and Nitze on actions by the U.S. delegation to implement and act on agreements reached during the Shultz-Shevardnadze meeting.

December 1, Ambassador Kampelman and Nitze to discuss recent Shultz-Shevardnadze meeting in Geneva.

From February 26-March 3, 1987, Senators Claiborne Pell, Albert Gore, Jr., Ted Stevens, Richard G. Lugar, John W. Warner, Arlen Specter, Don Nickles traveled to Geneva, Switzerland. While in Geneva, Group received briefings from the START and Defense and Space Team on the status of the negotiations; attended a reception at Ambassador Joseph Petrone's residence; attended an INF Negotiating Team Meeting; met with General Richard Ellis of the Standing Consultative Commission; participated in a working luncheon with the Nuclear and Space Talks negotiators; met with the Soviet Delegation; attended a press conference; attended a dinner with U.S. and Soviet Ambassadors to the negotiations.

From June 19-23, 1987, Senators Claiborne Pell, J. Bennett Johnston, Daniel Patrick Moynihan, Arlen Specter traveled to Geneva, Switzerland, where they attended briefings by the U.S. Delegations to the Nuclear and Space Talks on INF, START and Defense and Space and met with the Soviet Delegation to the talks, as well as met with Yuri Vorontsov.

During October 9-13, 1987, Senators Claiborne Pell, Ted Stevens, John H. Glenn, Richard G. Lugar, Don Nickles traveled to the United Kingdom and Geneva, Switzerland. While in London, the Group met with U.S. Ambassador Charles Price and discussed issues related to arms control and the United Kingdom. While in Geneva, the Group attended an INF Negotiating team meeting; met with General Richard Ellis of the Standing Consultative Commission; participated in a working luncheon with the Nuclear and Space Talks; met with the Soviet Delegation; attended a press conference; attended dinner with the U.S. and Soviet Ambassadors to the Nuclear and Space Talks.

On January 25, 1988, the intermediate-range Nuclear Forces (INF) Treaty was submitted to the Senate and referred to the Committee on Foreign Relations. The Senate Foreign Relations Committee held hearings in January, February and March. The Senate Select Committee on Intelligence held closed hearings on the INF Treaty between September 27, and March 22, 1987. Upon completion of its hearings the SSCI presented a report to the Senate Foreign Relations Committee on the intelligence implications of the Treaty. From January to March, the Senate Armed Services Committee held hearings on the Treaty, and upon completion of its review on the military implications of the Treaty, reported its views to the Senate Foreign Relations Committee. The Senate held debate on the Treaty May 18-27, and adopted the resolution of ratification on May 27, by a vote of 93-5.

During 1988, the Group held the following meetings:

February 24, met with Ambassadors Kampelman and Nitze on recent developments in START and Defense and Space talks in Geneva. Additionally, they were briefed on Secretary Shultz's recent trip to the Soviet Union.

March 1, met with Ambassadors Kampelman and Nitze on recent developments in the arms control negotiations in Geneva.

March 29, met with Ambassadors Kampelman and Nitze who briefed them on their recent meetings with NATO Ambassadors, Secretary Shultz's meetings with Foreign Minister Shevardnadze, as well as gave them an update on the negotiations in Geneva.

April 12, met with Ambassador Kampelman and Ambassador Nitze and received a briefing on the recent developments in the INF, START and Defense & Space negotiations in Geneva. Principal Deputy Assistant Secretary of State Charles Thomas accompanied them to brief the group on U.S. and NATO planning for conventional arms control.

June 21, Ambassador Nitze and Ambassador Kampelman briefed on the status of negotiations in Geneva.

June 28, Ambassador Reed Hamner, chief negotiator for START and Ambassador Hank Cooper, chief negotiator for the Defense and Space delegation, on issues that would be discussed in Geneva, upon the resumption of the negotiation on July 12.

August 2, Ambassador Kampelman discussed the current situation in START and the Defense & Space negotiations. He also discussed the Five Year ABM Treaty review.

August 12, met with Madeline Albright, advisor to Democratic Presidential candidate Michael Dukakis to discuss issues related to arms control.

In 1989, the Group held the following meetings:

January 14, with Secretary of State James Baker.

April 2, Ambassador Ron Lehman briefed on the status of negotiations in Geneva and Vienna.

April 24, Ambassador Lehman gave an update on the status of arms control negotiations in Vienna and Geneva.

May 3, Group met to discuss organizational matters.

June 14, Ambassador Ron Lehman briefed on recent development in Vienna-based negotiations between NATO and the Warsaw Pact on Conventional Armed Forces (CFE) and the 35-nation CSCE-sponsored talks on Confidence and Security Building Measures, also known as CDE II. He also discussed preparations for the resumption of the Nuclear Space Talks in Geneva on START and Defense and Space.

June 22, with Lieutenant General Brent Scowcroft (USAF-Ret.), Advisor to the President for National Security Affairs on the Administration's preparations for the resumption of the Nuclear Space Talks in Geneva the following week, and other arms control matters. He was accompanied by Arnold Kantor, Senior Director for Arms Control and Defense Policy, National Security Council.

July 18, Ambassador Lehman and Ambassador Burt on the status of the negotiations in Geneva, specifically START, and the status of negotiations on the CFE Treaty, taking place in Vienna.

September 12, Ambassador Ron Lehman and Ambassador Richard Burt, Head of the Nuclear Space Talks Delegation and Chief Negotiator and Ambassador Hank Cooper, Chief Negotiator for Defense and Space, provided an update on the current status of the CFE Talks in Vienna, START negotiations and the Conference on Disarmament (Chemical Weapons) and the Nuclear Testing Talks in Geneva.

September 28, Ambassador Lehman and Ambassador Edward Rowny on recent Baker-Shevardnadze meeting and its outcome, the recently tabled NATO proposal of verification and stabilizing measures at the CFE Talks in Vienna, as well as the status of the Nuclear and Space Talks, the Conference on Disarmament (Chemical Weapons) and the Nuclear Testing Talks in Geneva.

October 26, Senator Lugar hosted a meeting to which the Group was invited to meet with West German Ambassador to the Conference on Disarmament, Paul Von Stultpnagel, to discuss chemical weapons negotiations in Geneva.

October 27, Senator Byrd hosted a luncheon for Mr. Yevgeniy Primakov, an alternate member of the Politboro, who is also a close associate of President Gorbachev to discuss arms control and developments in matters between the U.S. and the USSR.

On June 24-30, 1989, Senators Claiborne Pell, Paul Sarbanes, Dale Bumpers, John Warner, Patrick Leahy, Carl Levin, Richard Lugar and Jake Garn, traveled to Vienna, Austria and Geneva, Switzerland. While in Geneva, members met with Ambassador Joe Petrone, U.S. Ambassador to the UN and other International Organizations and Ambassador Richard Burt, Head of the U.S. Nuclear Space and Arms Talks Delegations. Also met with Ambassador Morris Abrams. Received overview from U.S. delegation on START and Defense and Space negotiations; met with Soviet delegations to the Nuclear Space Talks; received a briefing by Ambassador Max Friedersdorf, U.S. Representative to the UN Conference on Disarmament; met with Ambassador Paul Robinson, U.S. Representative to the UN Conference on Disarmament (Chemical Weapons) for the status on the bilateral and multilateral negotiations; attended working luncheon hosted by Ambassador Paul Joacham von Stultpnagel, Ambassador from the Federal Republic of Germany to the Conference on Disarmament to discuss the conduct of private chemical suppliers; met with U.S. negotiators to the Bilaterial Discussions with the Soviet Union on Nuclear Testing TTBT/PNET. In Vienna, members attended a working luncheon hosted by Ambassador Maresca, with the members of the CSMB delegation. Members were then given an overview of the CSBM discussions. U.S. Ambassador Grunwald hosted a dinner for the Group, which was attended by senior Austrian officials. Group met with the U.S. Delegation to the CFE Negotiations for an overview of recent proposals; met with NATO/Allied Delegations to the CFE negotiations for their reaction to the U.S. and Soviet proposals for reductions in troops and conventional weapons. On the Group's return to the U.S., they stopped in Keflavik, Iceland to refuel, and while there met with the Commander of U.S. forces.

From November 26-December 5, 1989, Senators Claiborne Pell, Ted Stevens, Richard G. Lugar, Jake Garn, John H. Chafee, Paul S. Sarbanes, Daniel Patrick Moynihan, John W. Warner, Don Nickles and Richard Bryan, traveled to Vienna, Austria, Geneva, Switzerland, Bonn and Berlin, West Germany and Paris, France. In Vienna, the Group met with U.S. delegation to the CFE Negotiations for an overview of the negotiations; attended a luncheon with East European negotiators to the CFE and CSBM negotiations; met with U.S. CSBM delegation (CDEII—

Conference on Disarmament in Europe) for an overview on the status of negotiations; attended a dinner with U.S. negotiators and Allied negotiators; met with neutral and non-aligned negotiators to the CFE and CSBMs negotiations. In Geneva, the Group received an overview from the U.S. delegations to the START and Defense and Space negotiations; attended working luncheon with U.S. negotiators; met with U.S. negotiators to the Bilateral discussions with the Soviet Union on Nuclear Testing (TTBT/PNET); attended dinner with U.S. delegation to the Nuclear Space Talks and their counterparts on the Soviet Delegation; conducted an informal discussion with the U.S. negotiators and the Soviet negotiators at the U.S. Mission; and met with Mr. Benson Adams, Acting Commissioner, Standing Consultative Commission (SCC); received an update on the discussions in the Conference on Disarmament (CD) on Chemical Weapons. In Bonn, the Group met with the U.S. Ambassador to the Federal Republic of Germany, Vernon Walters, who gave them an overview on the current political situation in the FRG and in volatile political situation in East Germany and the impact on West Germany; met with Bundestag Arms Control Subcommittee and Foreign Affairs Committee; met with BND Hans Georg Wieck; met with Foreign Minister Hans-Dietrich Genscher; participated in luncheon meeting with Chancellor Helmut Kohl; met with Defense Minister Gerhard Stoltenberg. In Berlin, the Group met with West Berlin political leaders and discussed impact of the current political situation in East Berlin on West Berlin. In Paris, the Group met with the U.S. Ambassador Walter Curley, attended a round table discussion with French officials; met with Defense Minister Jean-Pierre Chevenement regarding the fragile geopolitical balance in Eastern Europe, the Warsaw Pact and NATO.

In 1990, the Senate gave its advice and consent to ratification to two very significant treaties, the Protocols to the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions (TTBT/PNET). During the Group's visits to Geneva, it held discussions with both the U.S. and Soviet delegations to the negotiations on the verification protocols to the Nuclear Testing Treaties (TTBT/PNET).

The Senate Foreign Relations Committee (SFRC) held hearings on the Protocols to the TTBT/PNET in July 1990. On September 13, the Senate Select Committee on Intelligence (SSCI) provided the SFRC a report on the ability of the U.S. to monitor compliance by the Soviet Union with the Treaties. In September, the Senate Armed Services Committee (SASC) held a hearing on the national security implications of the nuclear testing agreements. On September 25, the Senate adopted the resolution of ratification on the Protocols to the TTBT/PNET by a vote of 98–0.

During the Group's visits to Europe in November-December 1989 and a subsequent visit in March 1990, the Group traveled to West and East Germany and met with U.S. representatives as well as the German representatives to discuss the implications of the Treaty on the Final Settlement with Respect to Germany on U.S. national security interests and on-going arms control negotiations. On September 26, the President transmitted the Treaty on the Final Settlement with Respect to Germany.

The SFRC considered the treaty in October. The Senate Armed Services Committee held a hearing on the implications of the Treaty on NATO Strategy and U.S. military presence in Europe. The Senate adopted the resolution of ratification by a vote of 98–0 on October 10.

In August 1990, Iraq invaded Kuwait, which led to the involvement of the United States and a multi-national coalition in a war to expel Iraq from Kuwait, in 1991. The Persian Gulf War occupied the attention of the Congress through much of 1991.

During 1990, the Group held the following meetings:

February 21, Under Secretary of State for Security Assistance Reginald Bartholomew, senior State Department official with the responsibility for arms control matters, briefed the Group on the recent ministerial meetings in Moscow between Secretary Baker and Foreign Minister Shevardnadze and President Gorbachev.

March 8, Ambassador James Woolsey, Chief Negotiator to the CFE Negotiations in Vienna, on issues related to the current CFE proposal in Vienna and agreements reached recently between Secretary Baker and Foreign Minister Shevardnadze at the Ottawa Conference.

May 10, Ambassador Lehman on the status of the Conventional Forces in Europe (CFE) negotiations in Vienna, progress in the START negotiations, the Nuclear Testing Talks and the Chemical Weapons negotiations in the Conference on Disarmament in Geneva.

May 18, core staff met with representatives from Los Alamos National Laboratory to discuss arms control verification issues.

May 24, Ambassador Lehman on the status of negotiations in Geneva and Vienna on START, Defense & Space, discussions in the Conference on Disarmament on chemical weapons, nuclear testing talks and the CFE Treaty in Vienna.

June 6, Ambassador David Smith with core staff regarding Joint Statement on future negotiations on Nuclear and Space Arms and Further Enhancing Strategic Stability.

June 7, Ambassador Lehman on the recent Washington summit between President Bush and President Gorbachev and the Joint Statement on START, the Chemical Weapons Agreement, the Protocols to the TTBT/PNET Treaty and the status of the CFE negotiations in Vienna.

June 14, Secretary Baker on the recent Washington Summit on START, Chemical Weapons, the TTBT/PNET Protocols and CFE, as well as his recent meetings in Copenhagen and Turnberry.

From March 3–10, 1990, Senators Richard Lugar, Paul Sarbanes, Dale Bumpers, Trent Lott, traveled to Geneva, Switzerland, Berlin, West Germany, and East Germany. In Geneva, members participated in a working luncheon with U.S. Delegations to the Nuclear and Space Talks; attended briefings by Ambassadors Brooks and Smith on START and Defense and Space at U.S. Mission; participated in luncheon with Soviet and U.S. Ambassadors and key officials to the Nuclear and Space Talks; received briefing by Ambassador Paul Robinson on the Nuclear Testing Talks; received briefing by Ambassador Stephen Ledogar on status of negotiations in the Conference on Disarmament on chemical weapons. In Bonn, Group attended working breakfast at U.S. Ambassador Vernon Walter's residence and received briefing on German developments; met with Chancellor Helmut Kohl and National Security Advisor Horst Teltschik; met with Foreign Minister Hans Dietrich Genscher; met with members of the Bundestag Foreign Affairs and Arms Control Committee and the Committee on Unification. In East Germany, met with U.S. Ambassador to East Germany, Richard Barkley, who briefed them on the current political situation in East Germany. The Group met with opposition party leaders; traveled to Leipzig and visited U.S. exhibits at Leipzig Trade Fair taking place there. Attended a luncheon with religious leaders and candidates of GDR and GDR economists and discussed the current political situation in East Germany. Met with Opposition Church Leaders at the Nikolaikirche; met with members of the Leipzig Citizens' Committee; met with SPD Deputy Chairman, Markus Meckel; met with Kurt Masur. In West Berlin, the Group met with governing Mayor Momper and other West Berlin officials.

In January 1991, the U.S. and the multi-national coalition went to war to expel Iraq from Kuwait. Until the withdrawal of U.S. and multi-national forces from Iraq in April 1991, the attention of the Congress was almost totally focused on this historical event. The Persian Gulf War also precluded the Group from any foreign travel during this time period due to the threat of terrorism.

During 1991, the Senate of the Senate Foreign Relations Committee, the Senate Armed Services Committee and the Senate Select Committee on Intelligence held hearings on the Conventional Forces in Europe (CFE) Treaty, which was signed by the President in November 19, 1990, and transmitted on July 9, 1991 to the Senate for its advice and consent to ratification. In November 23–27, the Senate debated the issues on the CFE Treaty, and on the 27th, adopted the resolution of ratification by a vote of 90–4. The CFE Treaty was provisionally entered into force on July 17, 1992 for a period of 120 days.

In July, the President signed the Strategic Arms Reduction Treaty (START), which was submitted to the Senate for its advice and consent to ratification in November.

In 1991, the Group held the following meetings:

January 18, briefing from Interagency Group headed by Avis Bohlen, Deputy Assistant Secretary of State for European Affairs and Janet Andres, Political Counselor, CFE Negotiations regarding the CFE Treaty.

January 30, Ambassador Lehman on the high level negotiations on START, President Bush and Secretary Baker's meeting with Foreign Minister Alexander Bessmertnykh to discuss START.

April 17, Ambassador Lehman debriefed on the status of the CFE Treaty and START, as well as on President Bush's recent letter on the CFE Treaty to President Gorbachev, and President Gorbachev's counterproposal.

May 22, met with General Mikhail Moiseyev, Chief of the Soviet General Staff for an informal discussion on current arms control issues, specifically the dispute over the Soviet's interpretation of Article III and naval forces, affecting signature of the CFE Treaty.

Immediately prior to this meeting, the Group was debriefed by Ambassador James Woolsey and Ambassador Ron Lehman on the outcome of the negotiations between Secretary of State Baker and General Moiseyev.

May 23, briefing from Ambassador James Woolsey, Ambassador Ron Lehman, Ambassador Steven Ledogar, and Assistant Secretary of Defense Stephen Hadley on the outcome of the negotiations between the U.S. and the Soviet Union aimed at ironing out the remaining disagreements over the CFE Treaty and the chemical weapons initiative announced by the President.

October 22, Ambassador Lehman on President Bush's new initiatives on nuclear arms control reductions, the status of the Conven-

tional Force in Europe (CFE) Treaty and Strategic Arms Reductions Treaty (START) and follow-on negotiations after the Soviet coup. Ambassador Lehman also discussed the recent U.S. proposal on Global Protection Against Limited Strikes (GPALs) tabled in the Defense & Space Talks in Geneva, as well as an update on the status of the chemical weapons negotiations.

October 23, met with delegation of Soviet nuclear weapons experts for discussions on nuclear warhead storage and dismantlement verification.

In August 1991, Senator Ted Stevens traveled to Geneva, Switzerland and met with U.S. representatives to the Conference on Disarmament (CD) on Chemical Weapons, and members of the Defense and Space Talks.

The Strategic Arms Reduction Treaty (START) was signed in July 1991, and transmitted to the Senate on November 25. From February through September, the Senate Foreign Relations Committee has held hearings on the Treaty. In July and August, the Senate Armed Services Committee (SASC) held hearing on the military implications of the Treaty and further reductions in strategic arms. The Senate Select Committee on Intelligence (SSCI) held hearings on the intelligence implications of START. Both the SASC and the SSCI forwarded reports to the Senate Foreign Relations Committee on its comments, which are included in its report, which was submitted to the Senate on September 18. There is a strong possibility that the Senate will commence debate on START before the Senate adjourns sine die in October.

On March 24, the Open Skies Treaty was signed in Helsinki and transmitted to the Senate for its advice and consent of August 12. The date the Senate Foreign Relations Committee has held one hearing on the Treaty.

In 1992, the following meetings were held:

February 25, Ambassador Ron Lehman and Read Hanmer on Secretary Baker's recent trip to the former Soviet Union and the status of his negotiations and discussions with President Yeltsin on reaching an agreement on new cuts in strategic nuclear weapons and the sharing of ballistic missile defense technology; status of the proposed quadripartite agreement between the four nuclear republics on implementation of START; and ratification by the republics of the former Soviet Union on the CFE Treaty; as well as the status of the negotiations on CFE 1A, Open Skies, the multilateral negotiations on chemical weapons and the defense and space negotiations. Ambassador Hanmer filled the group in on Ambassador Bartholomew's recent trip to discuss the destruction of nuclear weapons in the Russian Republic.

March 19, Ambassador Lehman on the status of recent negotiations in Brussels between Secretary Baker and Russian Foreign Minister Andrey Kozyrev on new cuts in strategic nuclear weapons; update on discussion with representatives from republics of the Former Soviet Union (FSU) on plans to bring them into compliance with the CFE Treaty; agreement signed by four nuclear republics (Ukraine, Belarus, Kazakhstan, and Russia) to consolidate and eliminate long-range nuclear weapons on Russian territory and quadripartite agreement which would provide for the implementation of START; and President Kravchuk's recent assertion claiming the strategic nuclear missiles and warheads remaining in Ukraine. He also commented on President Yeltsin's recent announcement of the creation of a Russian armed force and the possible impact on the CFE 1A follow-on negotiations; the status of the Open Skies Treaty and the Chemical Weapons Convention; and the destruction program under the U.S.-Soviet Bilateral Chemical Weapons Agreement.

April 30, Ambassador Stephen Ledogar, U.S. Representative to the UN Conference on Disarmament (Chemical Weapons) on the status of the Chemical Weapons Convention, and Mike Moody, Assistant Director of Multilateral Affairs at ACDA, and Ambassador Ron Lehman who updated the group on the NATO High Level Group meetings with former Soviet republics on apportionment of the former USSR's treaty-limited equipment (TLE) under the CFE Treaty, and on the status of the four-party agreement on START between Russia, Belarus, Ukraine and Kazakhstan.

May 7, Lieutenant General Anatoliy Kuntsevich, Chairman of the Russian Republic Committee on Elimination of Chemical Weapons, to discuss Russian chemical weapons destruction plans.

May 14, Ambassador Read Hanmer, deputy director of ACDA, and former START negotiator, on President Kravchuk's visit last week and his discussions with the administration pertaining to START; President Nazarbayev's meeting the following week and discussions on START; status of negotiations with the republics of the former Soviet Union on equipment allocations under GFE Treaty; CFE 1A talks (the form in which it will be submitted to the Senate) and the announcement regarding the status of the Chemical Weapons Convention (CWC).

May 20, Chairman of the Supreme Soviet of Kazakhstan, Seikbolsyn Abdildin, and other members of the President of Kazakhstan, Nursultan Nazarbayev, and discussed efforts to resolve issues related to nuclear weapons issues and ratification of START.

From July 9–11, 1992, Senator John Warner traveled to Geneva, Switzerland and Vienna, Austria. While in Geneva, Senator Warner met with U.S. Representative to the UN Conference on Disarmament (Chemical Weapons) to discuss multilateral chemical weapons convention, U.S. Representative to the Bilateral Consultative Commission to discuss nuclear weapons testing issues with the Russian Federation, and the Representative to the Standing Consultative Commission to discuss issues related to ABM Treaty. In Vienna, Senator Warner met with the U.S. Representative to discuss the CFE 1A Mandate, issues related to the provisional implementation of the CFE Treaty and the Open Skies Treaty.

Mr. WARNER. I thank him, Mr. President, and I also thank him for his reference to my very modest contribution to the 1972 Incidents at Sea Agreement. It is interesting, as I reflect back on that history, the then Secretary of Defense, Melvin Laird, had a very progressive approach toward United States-Soviet relations. He fostered the original concept of the exchange of high-ranking officers, and he felt that the more the Soviet people learned about the United States the more there was opportunity to lessen the fear, intense fear, that existed during that period of history. These confidence-building measures, for which the Incidents at Sea Agreement formed the landmark, did serve a purpose: the sort of adjunct agreement goes to the more formalized treaty that flowed and the Incidents at Sea Agreement was signed in Moscow in May 1972, the day before SALT I.

I think that agreement is indeed a landmark in the current series of arms control arrangements. I want to acknowledge that, in the work over 2 years on that confidence measure, Acting Secretary Eagleburger was a full partner to the Senator from Virginia working under the leadership and direction of the then Secretary of Defense, Mr. Laird.

Mr. THURMOND. Mr. President, the START Treaty represents an historic step in arms control and in the relationship between the United States and Russia. As President Bush stated in his letter of transmittal, it "will be the first treaty that actually reduces strategic offensive arms. START will lead to stabilizing changes to the composition of, and reduction in, the deployed strategic offensive nuclear forces of both countries. START represents a critical watershed in our long-term effort to stabilize the strategic balance through arms control. Stabilization of the strategic balance will help cement one of the most fundamental tenets of our preferred world order—that conflict must not and shall not be resolved through the use of nuclear weapons."

Mr. President, I believe we all agree that reductions in nuclear weapons are in the Nation's and humanity's best interest. I am also confident that the START I Treaty is a significant step in that direction. However, the Senate has an obligation to ensure that this treaty, along with its dramatic reductions in nuclear weapons, is verifiable. We also have a responsibility to examine the treaty in view of the current situation in the former Soviet Union. Specifically, will the independent Republics comply with the treaty in terms of dismantling and securing the thousands of nuclear warheads? Finally, we must ask ourselves, "What is the relationship between this treaty and the June 17, 1992, Bush-Yeltsin joint understanding on nuclear arms reduction?"

These are important questions which require close examination and discussion by the Senate. To act hastily on this treaty would be shirking our constitutional obligations and responsibilities.

Mr. President, although the Committee on Foreign Relations, the Select Committee on Intelligence, and the Armed Services Committee held a series of hearings on the START Treaty, they did not go into the same detail as prior arms control measures such as the INF and CFE Treaties. For that reason I do not support all their findings and recommendations, although I advocate their conclusion that we ought to ratify this historic and comprehensive document.

Mr. President, in regard to my concern on the verifiability of the treaty,

I believe the Intelligence Committee has adequately addressed these concern. In its report, the committee indicated the United States is prepared to meet the challenges of verifying the conditions of the treaty. However, the members are concerned that the compliance of the successor State—Ukraine, Belarus, and Kazakhstan—will remain in doubt until they agree to undertake all the obligations of the so-called Lisbon protocol. Under that agreement these three former Soviet Republics and Russia formally pledged to remove all nuclear weapons and strategic offensive arms from their territories and accede to the Nuclear Non-Proliferation Treaty as nuclear-free States.

Mr. President, this concern is also identified in the reports of the Armed Services Committee and the Foreign Relations Committee. Regrettably, despite these concerns the Foreign Relations Committee recommends only limited conditions in regard to the START I Treaty. It merely requires the President to consult with the Senate and hold high level diplomatic meetings if the independent States are unable to reach agreement on implementation of the treaty. The strongest action the committee recommends in regard to this issue is to give the President the discretionary power to delay the date of entry into force by withholding the United States' ratification papers if there is no progress on the implementation issues of the Joint Compliance and Inspection Commission. Mr. President, in my judgment this is not strong enough.

My second concern regarding the ratification of this treaty is the lack of progress in negotiations of the so-called START II Treaty. As my colleagues know, Presidents Bush and Yeltsin signed an historic joint understanding on nuclear weapons reduction on June 17, 1992, in Washington. This agreement includes many provisions which were not obtained during the START I negotiations—the most significant being the elimination of the land-based missiles with multiple independently targeted reentry vehicles [MIRV] warheads.

Although the Secretary of State indicated that this joint understanding would result in a treaty by September 1, 1992, no such agreement was reached. In fact, it is my understanding that little if any headway has been made toward such a goal. This lack of progress is attributed by some sources to:

Opposition by elements of the former Soviet military establishment to the joint understanding;

Bureaucratic disarray and competing priorities in the Russian Government; or,

A desire to acquire greater financial assistance from the United States to fund Russian nuclear weapons dismantlement and material storage.

Regardless of the reason for the delay, it brings into question the ability to reach a treaty agreement on the statement of understanding. In my judgment, the benefits of the June 17, 1992, joint understanding are too important to world peace to cast aside. We must have some leverage on both the administration and the Russian Government to encourage negotiation on a START II Treaty.

Mr. President, for these reasons I join the ranking member of the Armed Services Committee Senator WARNER in his effort to condition the entry into force of the START Treaty to:

First, agreement among Russia, Belarus, Ukraine, and Kazakhstan on implementation of the treaty in accordance with the Lisbon protocol; and

Second, the President submitting to the Senate a treaty between the United States and the Russian Federation pursuant to the June 17, 1992, joint understanding on further reductions in strategic offensive arms.

Mr. President, I urge the Senate to support these conditions.

They will put pressure on the parties to the START I Treaty to carry out their part of the bargain to reduce their nuclear weapons, and at the same time they will give added impetus to the START II negotiations.

Mr. President, let there be no doubt that the START I Treaty is an historic achievement. Unfortunately, the equally historic events which resulted in the end of the cold war and the demise of the Soviet Union force us to consider it in a new light. I believe it is critical that we not allow the treaty to enter into force until we have a true understanding that all parties involved are supportive and the nuclear arms reduction process will continue. Mr. President, the Warner conditions support these goals. I urge their adoption and the adoption of the treaty.

Mr. COHEN. Mr. President, the treaty before the Senate represents a monumental achievement, albeit an incomplete one. A decade in the making, the START I Treaty would produce the first negotiated reductions in broad categories of strategic offensive nuclear arms.

More importantly, the START I Treaty provides a foundation on which was constructed the June 17, 1992, joint understanding between Washington and Moscow, which provides for much more drastic reduction in strategic offensive forces, including the elimination of MIRV'd ICBM's.

START I, however, is incomplete for two reasons.

LISBON PROTOCOL REQUIREMENTS UNMET

First, the break up of the Soviet Union eliminated the other signatory to the treaty, leaving in its place four independent republics on which were deployed the strategic offensive nuclear forces of the former Soviet Union. To address this unanticipated situation, in May the United States and these four Republics negotiated what is referred to as the Lisbon protocol, which is also now before the Senate for its advice and consent.

The Lisbon protocol requires these four Republics to assume the obligations under the treaty of the U.S.S.R. It also requires Byelarus, Ukraine, and Kazakhstan to remove all strategic nuclear weapons from their territory and accede to the Nuclear Nonproliferation Treaty [NPT] as nonnuclear weapon states.

Under article II of the Lisbon protocol, the four Republics are required to make arrangements among themselves to implement START I's limits and restrictions, to allow functioning of the verification provisions equally and consistently throughout the territory of all four states, and to allocate costs among them. Article IV provides that the four former Soviet Republics will participate with the United States in the Joint Compliance and Inspection Commission and that the four Republics will work out the basis for their participation.

ACDA Director Lehman wrote the Foreign Relations Committee two weeks ago to state that "significant progress has already been made toward the completion of the tasks mandated by the Lisbon protocol." As of now, however, the four Republics have not finalized these arrangements, and we do not have clear indications of when these arrangements will be completed. The administration, in fact, has stated that "there is no formal time-table for doing so."

For this reason, the Foreign Relations Committee adopted condition five of its proposed resolution of ratification. Under condition five, if these arrangements among the four Republics have not been completed "by the date of entry into force" of the treaty, the President shall be required to consult with the Senate and seek on an urgent basis a meeting at the highest diplomatic levels to gain agreement on the completion of these arrangements.

As discussed in its report to the Foreign Relations Committee, the Armed Services Committee found this proposed condition five to be wanting. The committee noted that administration testimony was quite optimistic that portions of the required arrangements among the four Republics would be completed prior to the Senate's return from the August recess. Moreover, the committee expressed strong concerns that if the treaty were allowed to enter into force before this requirement under the Lisbon protocol were met, it could be interpreted by some as a signal that other requirements of the Lisbon protocol could be disregarded. In particular, officials in Ukraine and Kazakhstan opposed to the removal of all strategic nuclear arms from their territory and accession to the NPT as

nonnuclear weapon States might be emboldened in seeking to slip out of these crucial requirements of article five of the Lisbon protocol and the associated letters.

To correct this problem with the proposed condition five, the Armed Services recommended two possible changes in the condition. The Senate could prohibit entry into force of the treaty until the required arrangements among the four former Soviet Republics are completed. Alternately, the Senate could make clear that the consultation with the Senate and urgent, high-level diplomatic meeting specified in condition five be accomplished prior to entry into force.

The ranking Republican on the Armed Services Committee, Senator WARNER, has submitted an amendment that would accomplish this second, much less stringent correction to condition five. I would hope that the managers would find it not only acceptable, but a desired clarification of the Senate's intent.

START II INCOMPLETE

A second reason the START I Treaty before the Senate is not complete is that the June 17, 1992, joint understanding between the United States and Russia has not yet been reduced to treaty form and submitted to the Senate.

As noted in the Armed Service Committee's report to the Foreign Relations Committee, in late June Secretary Baker testified that "in the most pessimistic case" the START II Treaty would be submitted to the Senate by September 1. It now appears that progress on negotiating the START II text is being impeded by a variety of factors, including possibly resistance to the June 17 joint understanding from some elements of the Russian military. This raises concerns that, even if a text is negotiated, it might deviate in substance from the June 17 joint understanding.

As I indicated already, the principal functions of the START I Treaty before the Senate is to serve as the foundation for the prospective START II Treaty. We are giving our advice and consent to the START I Treaty based on the assumption that the START II Treaty will be negotiated and that it will correspond to the provisions of the Joint Understanding. If we believed it likely that such a START II Treaty would not be negotiated, I question whether the Senate would give its advice and consent to the treaty now before us.

In fact, before the June 17 joint understanding was negotiated, a leading Member on the other side of the aisle was floating proposals to amend this START Treaty to require even deeper reductions of the sort embodied in the joint understanding. And Senator WALLOP has already offered amendments to, in effect, incorporate key provisions of the joint understanding into the START I Treaty. So I believe it is fair to state that there was bipartisan sentiment that the START I Treaty, standing alone, could and should be improved upon. The only reason we are not acting to amend the treaty today is because we are assuming that it does not stand alone, but is merely the forerunner for START II.

For these reasons, most Republican members of the Armed Services Committee expressed their view that entry into force for START I be delayed until a START II Treaty has been submitted to the Senate. In an effort to promote consensus on this important issue, however, the condition that we proposed to the Foreign Relations Committee merely would require that the President consult with the Senate and seek an urgent meeting at the highest diplomatic levels if the START II Treaty text has not been submitted to the Senate by the time the President wishes to proceed with entry into force on the START I Treaty.

This is all that is required by the amendment offered by Senator WARNER on behalf of several of us. It does not require that the START II Treaty text be submitted to the Senate before START I can enter into force. It merely requires that the Senate be consulted and a high-level diplomatic meeting held before START I enters into force.

I would hope that this modest amendment would be accepted by the managers. It protects the Senate's prerogatives by ensuring that the Senate will be consulted if the assumption underlying our action today is called into question. It protects our national interests by giving a modicum of leverage to our negotiators to achieve progress in the START II negotiations and to get a treaty that corresponds to the provisions of the June 17 joint understanding. And it may even help protect Boris Yeltsin by maintaining the pressure for consummation of the joint understanding he signed; his increasingly powerful reactionary challengers seem to oppose the joint understanding, and a defeat on such a major issue could erode Yeltsin's authority in other areas, as well.

Mr. President, we would have been justified offering a much more stringent amendment to prevent entry into force of START I until START II is submitted to the Senate. But we are offering a far more modest amendment.

It simply says that if START II is not finished by the time START I is ready for entry into force, then the President should consult with the Senate and hold a high-level diplomatic meeting with Moscow. Once he has done his, he could proceed with the entry into force of START I, even if START II were not finished. He would do so, however, with the benefit of consultation with the Senate and after a high-level diplomatic meeting with Moscow to determine the reasons for the delay and to press for quick action on finalizing START II.

And so I regret that the amendment will be withdrawn.

Mr. WALLOP. Mr. President, I rise to express regret that Senator WARNER has decided to withdraw his amendment. I believe that conditioning the START Treaty's entry into force pending the completion of the so-called START II Treaty would be a wise and useful addition to the resolution of ratification. Although this would not have fixed the numerous flaws in the START Treaty, I do believe that it would have made it more likely that we ultimately would have a better agreement.

All Senators should agree that the START Treaty is outdated. When, on June 17 of this year, President Bush and President Yeltsin signed a joint understanding requiring deeper cuts and a ban on multiple warhead ICBM's, they also acknowledged that the START Treaty was deficient. As I've mentioned repeatedly over the last days, the Armed Services Committee dedicates twice as many pages in its report to the so-called START II Treaty as to START I. It's obvious that the Senate's willingness to accept many of the flaws and deficiencies in START is based on the belief that START II is just around the corner.

But this may not be the case, Mr. President. We have begun to get worrisome signals from the former Soviet Union that the Russian military is resisting a ban on heavy MIRV'd missiles. If we prematurely ratify START, as we clearly are going to do, we will remove a significant degree of leverage in our attempts to achieve a more effective follow-on agreement. The Warner amendment would merely have reinforced our ability to attain those reductions.

The administration's insistence that there be no linkage between START and START II, I believe, is short-sighted. The worse outcome that I can imagine is if we ratify the flawed START Treaty and never get to more meaningful constraints on the former Soviet arsenal. As we speak, American strategic modernization has unilaterally been stemmed to the point of atrophy. Yet we know that the Russians are producing a follow-on to the SS-25 and developing yet another follow-on to the SS-18.

Mr. President, I firmly believe that we should not ratify the flawed START Treaty, and if we do, not before we have guarantees that a follow-on agreement is attainable. Although the June 17, 1992 joint statement on deep cuts will help the problem with its ban on deployed MIRV'd ICBM's, even this agreement will not fix many of the loopholes in the START framework. In my view, a serious follow-on agreement

must include at least three key elements: A MIRV ban, a ban on mobile ICBM's and a verifiable limit on nondeployed missiles. Over the last 2 days, I have offered amendments that would have required these elements be included in START, making it a more effective and meaningful agreement. I regret that the administration did not insist on these provisions before signing the treaty in the first place.

With the exception of the MIRV ban, these meaningful limits are not part of the June 17 joint understanding. Mr. President, I firmly believe that all three must be included in any follow-on agreement to fix the serious weaknesses in the START Treaty. A mobile ICBM ban is essential if a follow-on agreement is to be verifiable and equal. I would remind the Senate that such a ban was the U.S. position in START for years. Falling off this position only made sense in the context of the U.S. having its own mobile ICBM program. Obviously, today this situation does not obtain. I would quote again, as I did the other day, from Ambassador Lehman's 1988 Strategic Review article:

> It is hard to conceive of a worse START Treaty than one that would permit a large number of Soviet mobile ICBM's—especially if, for domestic reasons, the United States were to deploy few, if any, mobile ICBM's of its own.

This is precisely the treaty we will vote to ratify tomorrow morning.

Mr. President, in closing I would simply say that if we cannot achieve more meaningful limits—such as a MIRV ban, a mobile ICBM ban, and a meaningful limit on nondeployed ballistic missiles of all types—in the near future, it will be clear that arms control has failed in the post-cold war era as it failed during the cold war and before the cold war.

Mr. WARNER. Mr. President, I ask unanimous consent that Senator SMITH be added as an original cosponsor of this amendment No. 3243. That was the previous amendment, which was adopted.

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

Mr. WARNER. Mr. President, in recognition of the contributions by the various members of the executive branch that I was party to last night and have described here in my statements this morning, and in recognition of the leadership of the two managers of this bill, and after consultation with the cosponsors of this amendment, I ask unanimous consent that the amendment number 3240 be withdrawn.

I do so with the assurance of the executive branch that in the furtherance of this clear, constitutional authority as the negotiators of treaties—and that is set forth explicitly in our Constitution, and it is their judgment that this continuing negotiation which I have described in some detail today as being now, I perceive, one of, I think, prudent progress and expeditious progress—together with their assurance that an early date of conclusion is anticipated, I think those new assurances provide an adequate foundation for the withdrawal of this agreement so as to give them absolute and total flexibility in the negotiations that will be conducted to conclude what, I hope, will be a very favorable and constructive START II agreement.

I thank the Chair. I thank the managers. I thank those for the courtesies accorded the Senator from Virginia.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from Virginia [Mr. WARNER] is withdrawn.

The amendment (No. 3240), as modified, was withdrawn.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota [Mr. PRESSLER] is recognized.

AMENDMENT NO. 3227

(Purpose: To provide for a method of eliminating ICBM silo launchers in the United States in such a way as to minimize the impact on the environment, including water wells and aquifers)

MR. PRESSLER. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The Chair is informed that is amendment No. 3227. Under the previous order, the clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from South Dakota [Mr. PRESSLER] proposes an amendment numbered 3227.

MR. PRESSLER. 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:

> Strike out the period at the end thereof and insert the following: ", subject to the following, which shall be included in the instrument of ratification of the Treaty:
>
> "( ) DECLARATION:
>
> "In accordance with Article II of the Protocol on the Joint Compliance and Inspection Commission (relating to convening a session of the Commission), the United States declares its intention to request the convening of a session of the Joint Compliance and Inspection Commission for the purpose, among others, of discussing the elimination of ICBM silo launchers located in the United States of America in ways that would minimize the impact of such elimination on the environment, including the impact on water wells and aquifers.

AMENDMENT NO. 3227, AS MODIFIED

Mr. PRESSLER. Mr. President, it is my understanding that with certain minor modifications, my amendment would be acceptable to both sides. Therefore, I ask unanimous consent that I be allowed to modify my amendment. I send that modification to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment is so modified.

The amendment (No. 3227), as modified, is as follows:

> At the end thereof insert the following declaration:
>
> "ELIMINATION OF ICBM SILO LAUNCHERS IN AN ENVIRONMENTALLY SOUND MANNER:
>
> "In accordance with Article II of the Protocol on the Joint Compliance with Inspection Commission (relating to convening a session of the Commission), the United States upon the convening of a session of the Joint Compliance and Inspection Commission shall place on the agenda for discussion the elimination of ICBM silo launchers located in the United States of America in ways that would minimize the impact of such elimination on the environment, including the impact on the water wells and aquifers.".

Mr. PRESSLER. Mr. President, I want to explain the amendment and the reasons I am offering it today. Yesterday morning, I met with a group of farmers and ranchers at a breakfast, and some of them raised the issue of how the water in western South Dakota will be affected by the destruction of the missile silos as required by the START Treaty. This was sort of foreign policy meeting small Main Street as the towns and the counties there are dependent on subterranean water for their cattle and for their very existence. Also some of the waters of western South Dakota flow into major aquifers or into the Missouri River, and some ultimately go to the Mississippi. Other States look upon the vast water supplies in our State as a potential source of water.

So, it is an environmental question of the first order for more than just South Dakota.

Under the terms of the START Treaty, 150 Minuteman II missiles will be removed from my home State of South Dakota. This is a historic operation, as it means the end of an era in which these 1.5 acre missile sites dotted the landscape of western South Dakota.

As you drive along the country roads of my State, unless you know what to look for, you likely would not even notice the fenced areas housing these sites that provided the first line of defense against Soviet missiles.

Most of the Minuteman II missiles were deployed in South Dakota in 1966, replacing Minuteman I missiles installed 4 years earlier. These 58-foot tall, 36-ton missiles were armed with 1.5-ton nuclear warheads and had a range of 7,500 miles. They could travel at 17,000 miles per hour. The silos housing the missiles penetrate some 90 feet into the pasture lands of western South Dakota.

I had the opportunity on one or two occasions to go down into these silos, these amazing war machines, in which you could actually see an atomic bomb, and a missile that could be fired to a range of 7,500 miles.

As part of the process of deactivating the Minuteman II missiles, these silo launchers for the ICBM's must be

eliminated. The silo launchers will be deactivated under the terms of article II, paragraph 6(a) of the Protocol on Procedures Governing the Conversion or Elimination of items subject to the START Treaty which mandates that "the silo door shall be removed, dismantled, or destroyed and the silo headworks and the silo shall be destroyed by excavation to a depth of no less than 8 meters, or by explosion to a depth of no less than 6 meters."

If the procedure is carried out by explosion, the top part of the missile silo will be blown up and the ranchers and some hydrologists in the area fear that these explosions will result in tremors that will hurt some of the wells and disrupt some of the flows of water and may cause other severe environmental damage in the area.

The Air Force has two alternatives for destruction. It can either excavate the silos to a depth of more than 26 feet, or it can demolish the silos to a depth of approximately 19½ feet using explosives. After studying both options, it was determined that explosions would be the more cost effective means of destruction.

Mr. President, ranchers in western South Dakota who have hosted these missiles for 30 years are concerned. These ranchers' livelihoods depend on a very basic commodity—water. Good water is often scarce in western South Dakota. Ranchers, quite understandably, are concerned over the impact of the destruction of the missile silos on their wells and underground aquifers.

The Air Force prepared an environmental impact statement evaluating the potential environmental impacts associated with the deactivation of the Minuteman II's in South Dakota. I have a copy of the Air Force's environmental impact statement with me. The Air Force acknowledged that there is risk to the water supply in western South Dakota.

Mr. President, I ask unanimous consent that the portion of the Air Force study relating to water resources be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1).

Mr. PRESSLER. Mr. President, I want to take a moment to outline some of the risks the ranchers fear—and not just the ranchers, but the smaller cities and also the towns which are downstream, so to speak. By that I mean those communities dependent on either the aquifers or rivers in the area.

One concern is the potential damage exploding the silos could cause to water wells in the area. Some of these wells are over 50 years old, and they are a critical resource for those raising livestock. Some ranchers have told me they fear what the explosions might do to the casings of their wells.

Another concern involves the aquifers which feed the wells. The Air Force study notes that:

> Shock waves from an explosion could also cause a local change in the aquifer's gradient, changing the direction of flow and possibly water quantities and quality for local users.

Mr. President, what we are talking about here are major underground supplies of water that make the difference between some of the finest range land in this country and the beautiful, but agriculturally useless, Badlands consisting of hard-packed clay, cactus, and long dead river beds.

Finally, there is the question of water contamination. The interiors of the silo launchers have been painted with industrial paint that, in some cases, contains lead, chromium, and mercury. In this regard, the Air Force study indicates that, "after salvage operations and demolition of the launcher headworks, the residual lead-based paint inside the launchers * * * could leach into the ground water. Groundwater could enter the launcher * * * and leach lead and other heavy metals from the paint." Should this happen, much of western South Dakota's water supply would be in jeopardy of being poisoned.

Mr. President, the Air Force environmental impact statement considered these issues and found "the quality of the water in the development area would not likely be significantly affected by any deactivation activities." In addition, the Air Force held several meetings with ranchers in South Dakota to discuss the detonation procedures and the finding of its environmental impact statement.

I commend the Air Force for its efforts in this regard, but because all concerns have not been fully addressed, I believe more must be done to ensure that all possible risk is considered and mitigated.

Yesterday morning, in my meeting with some of the ranchers from that area, their fears came forward. They are not satisfied with the explanations. They are fearful that if the process continues as currently planned they will be hurt. They are fearful that the basic direction of some of the underground aquifers will be changed. They are fearful, frankly, that in the worst-case scenario some of the beautiful grassland will turn into what we call Badlands.

For that reason, I am offering this amendment. It declares the intention that the United States "upon the convening of a session of the Joint Compliance and Inspection Commission shall place on the agenda for discussion the elimination of ICBM silo launchers located in the United States of America in ways that would minimize the impact of such elimination on the environment, including the impact on water wells and aquifers."

Mr. President, article XV of the treaty establishes a Joint Compliance and Inspection Commission, which, among other things, is charged with the duty of agreeing upon additional measures necessary to "improve the viability and effectiveness" of the START Treaty.

My amendment is designed to put on the Commission's agenda the issue of minimizing the impact of missile silo destruction on water resources. I consider such environmental considerations to be a vital part of the Commission's duty to "improve the viability and effectiveness" of the START Treaty.

In addition, this Commission has the ability to negotiate amendments to the START Treaty and proposes such amendments to the signatory governments. If it is determined that the existing terms of the START Treaty are not flexible enough to ensure that the deactivation of the Minuteman II silo launchers does not harm our water resources, then the Joint Compliance and Inspection Commission, in carrying out its mandate, should negotiate an amendment to the treaty. However, I do not think an amendment to the treaty will be necessary. I believe the objective I have raised can be carried out within the framework of the existing treaty documents.

The Air Force environmental impact statement indicates that the Air Force could require any deactivation contractor to mitigate the chance for harm to wells and aquifers by conducting detailed site surveys and, where potential danger to the water supply is found, using "modified, less-disruptive blasting techniques * * * perhaps along with more labor-intensive dismantlement procedures, such as using a jackhammer." The longer-term risk of harmful materials leaching into the water table could be minimized by removing the lead-based paint and other harmful materials from the silo launchers.

Mr. President, these are just two ways in which the issues I raise could be addressed. The Joint Compliance and Inspection Commission is charged with the serious task of seeing to it that the terms of the START Treaty are carried out. It is the opinion of this Senator that in carrying out this task, the commission should consider the environmental impact of its decisions. My amendment seeks to make sure that happens.

I encourage all of my colleagues to support this amendment.

EXHIBIT 1

[Final Environmental Impact Statement, October 1991

DEACTIVIATION OF THE MINUTEMAN II MISSILE WING AT ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA

(Department of the Air Force Headquarters, Strategic Air Command, Offutt AFB, NE)

EXECUTIVE SUMMARY

* * * * *

Water Resources.—Ground-water and surface-water quality and quantity could be adversely affected by MM II system deactivation. If the hardened intersite cable system was excavated, over 1,000 miles of land would be disturbed, thus creating the potential for erosion of sediments and silting of streams. Excavating fill from a shallow aquifer could significantly decrease the quantity of shallow ground water available to a user through a volumetric reduction in the recharge areas. There are a number of shallow wells (less than 100 feet deep) in the deployment area that depend on ground water for potable uses. Although unlikely, ground attenuation from explosive or mechanical demolition could cause some microfracturing of brittle shale and could modify the quantity of ground water in shallow aquifers, as well as potentially cause seepage of water from reservoirs. The yield of the aquifer could decrease or increase, depending on the structure of the area. Because of the amounts of explosives likely to be used, wells would not likely be affected and the characteristics of reservoirs and shallow aquifers would only change minimally, if at all. Deep aquifers are not anticipated to be affected under any alternative because of the prevalence of thick layers of shale, a rock of very low permeability.

Seepage of ground water into some launch tubes and launch control centers (LCCs) is inevitable. A lead-based paint, which may also contain mercury, chromium, and other common heavy metal paint additives, was used to paint the interiors of the launch tube and LCCs. Some cadmium electroplating was also performed in these areas. Ground-water seepage into these areas could cause these heavy metals to leach into the ground water and possibly migrate from the immediate area. The predicted concentration of lead is less than 0.3 micrograms per liter, more than an order of magnitude lower than the maximum contaminant level (MCL) set by EPA; concentrations of other heavy metals are expected to be similar to or less than this level and would also be below the MCLs for those metals. The quality of water in the deployment area would not likely be significantly affected by any deactivation activities. With the exception of surface water quantity effects from fracturing or excavating for fill, the projected adverse impacts are only short term. Surface water seepage would eventually return to original rates because of weathering of fractured shale and filing of the fractures with clays.

The no action alternative, which does not involve demolishing the launcher headworks would negligibly affect water resources. Air dispersion of material from explosive or mechanical demolition or increased erosion would negligibly affect surface water quality.

4.4 Water Resources

Water is a naturally renewable, yet finite, resource. Physical disturbances and the introduction of chemicals can degrade the quality and quantity of water. Therefore, the destruction of MM II missile launchers may have an adverse impact on the water resources. An impact would be considered potentially significant if an aquifer or surface water body is damaged, resulting in a measurable change in a user's water supply, or the water quality is affected so that it exceeds Federal or State maximum contaminant levels (MCLs). An impact would be negligible if the change in the water quality or quantity were unmeasurable. Increased recharge or improved water quality would be a beneficial impact.

4.4.1 Analysis Methods

The analysis methods centered on concerns related to the removal of MM II missiles and the elimination and destruction of the missile launchers. Other activities were also assessed that could involve potential siltation of streams or movement of contaminants to ground or surface water. Historical records of spills at LFs and LCFs and herbicide use at the LFs were evaluated to assess the potential for water contamination. An early process in the analysis was to define the extent of the deployment area and examine its water resources. Documents from previous studies of ground water, surface water, and water quality were examined to determine whether relevant information had been collected to support the analysis of the elimination/destruction action. These documents included Federal and State reports, geotechnical papers from the USGS and the State of South Dakota, and USGS topographic maps (7½ minute series). The review centered on the proximity of launchers to dams, perennial streams, and other bodies of water, in addition to the regional hydrogeology and water quality.

Computer models, CREAM (Chemicals, Runoff, and Erosion from Agricultural Management Systems) and GLEAMS, were used to assess the likelihood of pesticide residue accumulation, leaching, and runoff. Appendix A describes the models, provides the assumptions used in modeling the environmental fate of the pesticides, and presents some graphs of herbicide residues over time. Results from the modeling are summarized in section 4.4.2.1.

The interior of the launchers and launch control center (LCC) have been painted with industrial paint that may contain 15 to 20 percent lead by weight. Destroying the launcher headworks with explosives could rupture the launch tube and allow ground water to seep in, come in contact with the lead-based paint, leach the lead, and migrate to private or public water supplies. As previously discussed in section 3.7, other heavy metals such as chromium and mercury may also be in the paint and be leached by ground water. Also, cadmium electroplating in the LF and support buildings might undergo leaching.

The LFs were designed to withstand the shock of a nuclear blast, and the launch tube would probably not be ruptured from explosive demolition of the headworks. The launch tube is not directly connected to the headworks; it is linked by a rattlespace which would allow differential movement of the tube and headworks.

The potential also exists for ground water to seep into the launcher without demolition of the launcher headworks. Any alternative that would involve disabling the cathodic protection well, present at all LFs, or the dewatering well, present at seven LFs, could eventually allow ground water to seep into the launcher either through corrosion of the concrete and steel, or by seepage through joints. The environmental fate and transport of lead in the launch tubes is evaluated by a modeling study in which assumptions and calculations are made. Appendix B provides details of this technique. Results of the analysis are summarized in section 4.4.2.1.

4.4.2 Potential Impacts of the Proposed Action (Full Deactivation)

4.4.2.1 Ground Water

The local ground-water quantity and quality could be affected if aquifers were damaged by deactivation and destruction activities. Obtaining fill material through excavation and removing pieces of the LF should minimally affect aquifer recharge or quality because most of the aquifers are deep and are primarily recharged through the Black Hills area. If the HICS was excavated it would likely affect some discharge/recharge areas. Deep aquifers are also unlikely to be disrupted by mechanical or explosive demolition of the headworks. However, shallow, unconfined aquifers of alluvium or weathered and fractured shale could be adversely affected by headworks demolition or fill excavation. (Seven LFs [B-2, K-8, L-2, L-8, M-5, M-8, and M-10] have shallow aquifers where dewatering wells have been installed. The dewatering wells were installed to prevent ground water from migrating to the launch tube.)

The potential adverse effects to shallow aquifers include changes in water quantity and quality resulting from one or more possible mechanisms. The shock from the explosions could disrupt the top aquifer or disrupt the low permeability material below the aquifer. Disruption of the lower unit could allow water in the aquifer to drain or percolate at higher velocities through underlying units and thereby lower the top of the water table. This situation has been noted in the Pierre Shale aquifer (Gries, 1942; see also section 3.4.1). This same mechanism could also connect aquifers of different yields and water qualities, leading to changes in supply and water quality for nearby users of either aquifer. Shock waves from an explosion could also cause a local change in the aquifer's gradient, changing the direction of flow and possibly water quantities and quality for local users.

Studies done on the blasting effects on shallow, low-yield wells drawing from fractured rock in Appalachia indicate that a level of 2.0 inches per second peak velocity, the maximum allowable under the proposed blasting specifications (about 80 to 85 percent of maximum resultant particle velocity) for that program as well as the proposed action, was not high enough to damage the wells. Results of the blasting did include lateral stress relief, which increased the fracture width and the storage space in the aquifer, which, in turn, lowered the static water levels in local wells (U.S. Bureau of Mines, 1980).

It is unlikely that the integrity of a private or public well located near an LF, in consideration of a recent State requirement for recasing improved wells, would be adversely affected by the demolition of the launcher headworks. It appears that the hydraulic conductivity, yield, and transmissivity of an aquifer could be slightly increased or decreased from explosive demolition. Mechanical demolition could cause similar impacts but they are anticipated to be incurred in a smaller area and to a lesser extent.

Although some shallow fracturing of the Pierre Shale could occur from explosive demolition (and to a limited extent from mechanical demolition) of the launcher headworks, it is unlikely that waters from the weathered shale zone would mix to any extent with waters from a shallow, unconfined aquifer above the Pierre Shale. Gradients around the LFs are fairly gradual, approximately 250 feet or less per mile. The low gradient, and low hydraulic heads in the shallow unconfined aquifers, would tend to inhibit mixing of the water from the mineral-rich Pierre Shale aquifer (Gries, 1942; personal communications with USGS, 1991) with a shallow aquifer.

Many of these possible effects on aquifers could be beneficial—not decreasing but rath-

er increasing yields, for example. However, it cannot be assumed that all such impacts would be beneficial.

Ground water in the deep, confined aquifers (Newcastle, Inyan Kara, Minnelusa, Madison, and Deadwood) would be negligibly affected by the explosive demolition event and potential leaching of metals from the LFs and LCFs. The great depth to the aquifers and the confining units between many of the aquifers would isolate them from the effects of demolition. It is unlikely that adverse effects to ground-water quality would occur in the deep aquifers. Lehr (1991) presented a number of reasons for western South Dakota being ideal for the storage of hazardous wastes. Those reasons are listed below:

The confining layers of Upper Cretaceous shales cover a large geographic area of western South Dakota.

These shale confining units vary in length from between 200 to 2,000 feet.

Both the vertical and horizontal hydraulic conductivity of the unweathered shale is extremely low. On a regional basis, the lateral ground-water flow is negligible because of the low potentiometric surface gradients in the region.

Increased vertical and horizontal hydraulic conductivity will exist in the upper weathered portion of the shale rock unit. This weathered area will allow some local horizontal movement of ground water, but notable horizontal regional movement of the ground water would be impeded by the low hydraulic conductivity (both vertical and horizontal) of the weathered shale and the shallow ground-water regime with its low regional gradients.

The ground water in the deep aquifers beneath western South Dakota is under artesian pressure. Artesian pressure will produce flowing wells or allow water to rise to near land surface. The high hydraulic pressure in the deep aquifers and the low hydraulic conductivity of the shale greatly reduces or prevents the vertical movement of water into the deeper aquifers.

Several Air Force facilities in the deployment area are in or near recharge areas of deep aquifers. As discussed in section 3.4, the Black Hills area is the main recharge source for the deep aquifers. The beds dip eastward in this area; thus as horizontal distance increases from the Black Hills, the beds extend deeper. LFs K-4, K-5, K-11, L-5, and L-7 are located in the Mowry Shale and are the closest LFs west of the Inyan Kara Group (which includes the Fall River [Dakota] Aquifer); no LFs or LCFs are located in this important aquifer. Based on the dip of the beds (Danton, 1901), it is estimated that the Inyan Kara Group is greater than 500 feet below these LFs. It is highly unlikely that this ground-water resource would be affected from the proposed activities at the LFs and LCFs. The Sundance Formation has an LF (K-10) and an LCF (K-1) in the aquifer recharge area. Demolition is not planned for the LCFs. Explosive demolition of K-10, if it affected the Sundance Formation, would likely infinitesimally increase its recharge capacity (a beneficial impact) through microfracturing the formation near the LF. No other LFs or LCFs are in or near aquifer recharge areas for confined, deep aquifers.

After salvage operations and demolition of the launcher headworks, the residual lead-based paint inside the launchers and LCCs could leach into the ground water. Ground water could enter the launcher or LCC and leach lead and other heavy metals from the paint. This is especially likely at LFs where it was necessary to install dewatering wells because of high water tables. Because the cathodic protection system and the dewatering wells would be dismantled and disabled, any LFs in an area that has an unconfined aquifer with a depth of less than approximately 60 to 90 feet would have eventual seepage of ground water into the launch tube.

The rate at which lead leaches and migrates to adjacent, shallow private/public wells used for potable water is calculated in appendix B. The assumptions used in the quantification of contamination were based on the study of aquifer characteristics (water quantity and quality parameters, proximity and topographic relationship of wells to LFs, concentration and volume of lead-based paint in the launch tube, and rate of lead leaching from the paint by ground water). The computer model selected for the analysis predicted negligible movement of lead in ground water in the vicinity of the MM II LFs. Concentrations of less than 0.3 micrograms of lead per liter of water (µg/L) were predicted in the immediate vicinity of the launch facility and concentrations were less than 0.1 µg/L approximately one-quarter mile away (where the closest private wells are located).

Typical background levels of lead in ground water from potable wells within the deployment area range from non-detectable (less than 1 µg/L) to 47.3 µg/L (above the 15 µg/L MCL standard designated by EPA) with a mean average of approximately 5 µg/L (South Dakota Department of Water and Natural Resources, 1986). Later testing of the well with 47.3 µg/L revealed a level of less than 1 µg/L; because both samples were whole water, unfiltered samples, the 47.3 µg/L lead level was likely an anomaly from particulate contamination. Water samples from the seven wells with depths of less than 100 feet revealed an average lead concentration of 6.6 µg/L. Of these seven wells, one had a lead level of 26.0 µg/L. Based on sampling data from these wells, the water quality would be negligibly affected by the migration of lead in ground water.

Because the interior of the LCCs were painted with lead-based paint, there is a possibility that lead could leach from the LCC and migrate to the potable wells at LCFs. The average depth of the LCCs is approximately 40 feet. One well is 100 feet deep and the others range from 150 to 3,272 feet deep. Ground-water modeling indicated that lead concentrations in the immediate vicinity of the area in which leaching is occurring is less than 0.3 µg/L. As previously discussed, the deep aquifers and wells are not projected to be adversely affected by the proposed action. Even if the contamination reaches the shallow wells, concentrations of lead are projected to be well below the MCL (15 µg/L).

As previously stated, cadmium electroplating and other heavy metal additives in the paint (chromium and mercury) might also undergo leaching. Based on the amounts of these heavy metals with respect to lead, it is anticipated that the concentrations of leachate would be appreciably lower than that calculated for lead. With MCLs of 2 µg/L for mercury, 10 µg/L for cadmium, and 50 µg/L for chromium, the leachate is anticipated to be at least an order of magnitude lower than the MCL for these heavy metals.

It is likely that the LFs and LCFs, once deactivated, will not be Resource Conservation and Recovery Act (RCRA) sites regulated under Subtitle C (see section 4.7). Because the predicted concentrations of heavy metals are significantly below health-based levels, no long-term ground-water monitoring of the sites is necessary. However, if they were regulated as hazardous waste sites, monitoring wells would need to be installed at each site. To allow closure of the LF and LCF sites according to State standards, it may be advisable to monitor a site that is considered most likely to involve leaching of heavy metals into the ground water.

Modeling of pesticide degradation and migration showed that nearly one-quarter of the prometon residues remain after 1 year. The results indicate that after some rain storms, the residue level at approximately 9 inches was in the 0.1 parts per billion (ppb) range, but that leaching beyond 3 feet in depth is not expected. Other than simazine residues that are undetectable at year 3 of the model, all other pesticides showed no residues within several months of application in the spring and no significant accumulation of residues from one year to the next at any soil depth.

Therefore, although the area that has been treated with herbicides may not be suitable for growing food crops until these residues break down or leach out of the growing zone, the prometon residues are not likely to have reached even the shallow aquifers around some of the launchers. Discontinuation of soil sterilization would therefore not adversely affect the ground-water quality. Beneficial results from discontinuation of pesticide application could be realized if vegetative growth was considered desirable to the new landowner.

During excavation and regrading of the LF areas, prometon-contaminated soil would be disturbed and soil layers would be reworked. Because all soil around the vicinity of the LF is already prometon-treated, disturbing it is unlikely to cause any new impacts.

As discussed in section 2.2.4, the liquid and solid contents of the lagoons at each LCF (excluding G-1) would be tested prior to deactivation. Based upon the test results the contractor may be permitted to discharge the effluent directly into the surface waters or utilize other proper disposal methods. The dismantlement plans and specifications require the contractor to drain the lagoons, level and grade the berms for proper area drainage, and to stabilize (mulch) and seed the area with native grasses. The soil preparation and seeding activities will be based on the Soil Conservation Service technical specifications for South Dakota. Closure of the lagoon would have a slight beneficial effect on the surrounding environment, including the ground-water quality.

4.4.2.2 Surface Water

Surface water hydrology could be altered by the destruction and removal activities. Some streams may be diverted by headworks demolition. Explosive and mechanical demolition of the launchers would cause dust to settle in nearby surface water bodies and would increase the erosion potential of the typically highly erodible soils at the LFs. Airborne dust and runoff would temporarily increase turbidity. Because western South Dakota is a fairly dry region, storm runoff is sporadic and minimal. The potential for impacts to surface water quality from runoff would be negligible and short term, that is, until the removal process is completed and vegetation reestablished.

The deployment area has many small impoundments for irrigation and stock watering, as well as some water supply reservoirs. Although unlikely, explosive demolition of the launcher headworks could cause some dams to leak. The specifications for blasting are designed to keep ground attenuation below damaging levels. All dams in the de-

ployment area are earthen dams. Mechanical demolition would not have the immediate shock of a blast but would occur over a long timeframe. In the extremely unlikely event of a dam rupture, the water supply would be adversely impacted in the short term, and catastrophic effects would be evident downgradient of the dam. Section 4.3.2.3 discusses the potential negative impacts of removing Pierre Shale from the reservoir part of surface impoundments. If the HICS was removed, over 1,000 miles of land would be disturbed and increase the likelihood of erosion and siltation of streams. Such removals could allow a considerable amount of surface water seepage. Activities associated with the proposed action could have a significant adverse effect on the quantity of water in impoundments and other water bodies in the deployment area.

If diesel fuel or hazardous materials such as sodium chromate solution or polychlorinated biphenyls (PCBs) are spilled and not promptly contained, runoff to adjacent water bodies could have a significant adverse effect on surface water quality. However, this is an extremely unlikely scenario because this region receives little precipitation. Except for spills, the surface waters are not expected to experience any long-term effects.

4.4.3 Potential Impacts of Continued Operation (No Action)

The no action option would not produce the extensive physical disturbances of full deactivation. Underlying aquifers would not be damaged or altered by this alternative. No significant impacts to ground water currently occur or are projected to occur.

Continuing operation of the MM II missile system would perpetuate the potential for runoff of herbicide-laden water to adjacent water bodies. The no action option would not produce the same kinds of physical disturbances, such as disruption of shallow aquifers from excavations or explosive demolition, as full deactivation. Existing traffic would continue to generate airborne dust, to degrade roads, and to cause siltation of nearby water bodies. Continued operation of the MM II missile system would have no significantly adverse impacts on water quality.

4.4.4 Potential Impacts of the Implementation Alternative-Reuse of Aboveground Facilities

Reusing the facilities for such things as areas to temporarily place mobile radar units would have a negligible impact on water resources. However, under this option, traffic would affect siltation of adjacent water bodies.

4.4.5 Mitigation Measures

Potentially significant impacts to the water resources in the deployment area have been identified. The following mitigation measures that the Air Force could require of the deactivation contractor could lessen adverse effects of the destruction and removal process:

Detailed site surveys and, where appropriate, geotechnical investigations could be conducted to identify launchers close to aquifers susceptible to blast damage. At such locations, modified, less-disruptive blasting techniques could be used, perhaps along with more labor-intensive dismantlement procedures, such as using a jackhammer.

Sediment traps and liners could be used to avoid degrading surface water quality during the proposed action.

Intermittent light watering of roads and the sites would decrease the amount of airborne dust that increases siltation of water bodies.

Removal of lead-based paint and cadmium electroplating from the launcher and LCC interior would mitigate potential groundwater contamination.

Restrict fill excavations from where they would interfere with water recharge areas.

The Air Force could perform the following actions to mitigate potential effects on water quality:

Continued operation of the cathodic protection well would inhibit the launcher's corrosion.

Continued operation of the dewatering wells or installation of other dewatering wells at LFs that have not had seepage problems but are in areas with a high water table could inhibit ground-water seepage into the launcher tube.

4.4.6 Unavoidable Impacts

Explosive and mechanical demolition of the headworks would increase the potential for ground-water incursion into the launch tube. If lead-based paint and cadmium electroplating are not removed, heavy metals could gradually leach from the LCC or launch tube into the ground water.

Soils in the deployment area are very erosion prone. Although different actions can minimize erosion with subsequent increased siltation of surface water, some minimal increase in turbidity through wind or water transport is unavoidable.

The PRESIDING OFFICER. The Chair will advise the Senator from South Dakota the time allocated to him has expired.

Mr. PRESSLER. Mr. President, I thank my colleagues and urge adoption of the amendment.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. PELL] is recognized.

Mr. PELL. Mr. President, the Senator from South Dakota is correct and justified in raising this amendment. It is a real problem as to what will happen from the destruction of the Minutemen silos and whether they should be destroyed with explosives or whether they should be destroyed by mechanical means. This information is not known fully as yet. We have sought to get an answer and we do not have one.

Accordingly, I think that the Senator is very justified in wanting this issue raised high on the agenda of the Joint Compliance and Inspection Commission.

I concur completely with him. I am willing to accept his amendment for this side of the aisle.

Mr. LUGAR. Mr. President, I commend the distinguished Senator from South Dakota [Mr. PRESSLER] for his active, constructive, and able leadership in the Foreign Relations Committee.

As he has stated in advancing this amendment today, he is considering this obviously in the best interest of our country with regard to the START I Treaty, but likewise the implication of that for his constituents and he detailed specifically their fears and concerns as he has attempted as a Senator to meet those, even as he meets his obligation in behalf of the security of our country with this treaty.

As I understand the amendment, the amendment does not mandate any changes to the treaty assigned. Instead, it simply declares the Joint Compliance and Inspection Commission should meet to discuss ways of mitigating the adverse effect on the environment from the elimination of the U.S. ICBM silos.

I am informed that the administration has no objection to the proposed amendment and I am prepared on this side to indicate that we support it and accept it.

The PRESIDING OFFICER. Without objection, the amendment offered on behalf of the Senator from South Dakota as modified is agreed to.

The amendment (No. 3227), as modified, was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. PRESSLER. I thank my colleagues very much.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, the Senator from Wyoming [Mr. WALLOP] raised the question of the last sentence in the May 7 letter from President Kravchuk of Ukraine, obligating Ukraine to eliminate all nuclear weapons and strategic offensive arms within 7 years after entry into force of START. The administration has informed the committee that this is a legally binding obligation. If one reads closely this letter, you will find the word "should" in the last sentence and not "shall." The entire sentence reads:

> In addition, I should like to note that the process of elimination of nuclear weapons in Ukraine should be carried out under reliable international control which should guarantee the non-use of nuclear charge components for repeated production of weapons and should prevent their export to other countries.

The legal interpretation from the administration is that this last sentence is not legally binding because of the word "should." I have asked the administration to further clarify this matter. In response, the ACDA chief counsel, Thomas Grahm, stated:

> There is no question that the Lisbon sideletters are legally binding. Their language and terms are formal and binding in form, the article by article analysis describes them as legally binding and the Foreign Relations Condition removes any possible doubt. However, the final sentence of the Ukraine letter referring to "international control" is intend to be non-binding. The word "should" is used in that last sentence rather then the "shall" used elsewhere in the letter and the article by article analysis labels this one sentence (and it alone) as non-binding.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. What is the business before the Senate at this time?

The PRESIDING OFFICER. The resolution of ratification, as amended, is pending subject to debate.

Mr. PELL. That will be voted on tomorrow at 9:30.

The PRESIDING OFFICER. The Senator is correct.

Mr. PELL. There is nothing more on the START Treaty at this time until tomorrow morning at 9:30.

The PRESIDING OFFICER. No further amendments are in order.

The matter is still pending until the time specified for the vote tomorrow.

Mr. LUGAR. Mr. President, the distinguished Republican leader wishes to make a statement and he will be available imminently I am advised. So 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. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Republican leader is recognized.

START TREATY

Mr. DOLE. Mr. President, the START Treaty is at once both a cold war treaty and a post-cold-war treaty. It represents 9 years of arduous negotiations—negotiations which were begun during the cold war, but completed on the eve of the collapse of the Soviet Union. While the START Treaty and its associated protocol of May 23, 1992, brings the cold war era to an end by initiating substantial reductions in our nuclear arsenal, it also ushers in the post-cold-war era by establishing the foundation for deeper cuts, a restructuring in United States and Russian nuclear forces, and finally, a denuclearization of the three other former Soviet Republics which possess nuclear weapons. Ukraine, Kazakhstan, and Byelarus.

The fact that we have this groundbreaking treaty before us today can be attributed to the hard-nosed and realistic arms control policies of the Reagan and Bush administrations and the tireless perseverance of a number of individuals who served as our negotiators in Geneva. These negotiators deserve mention and praise: Gen. Edward L. Rowny, Ron Lehman, S. Reid Hanmer, Richard Burt, and Linton F. Brooks. They are all talented and dedicated. They also shared another trait: The ability to listen to the Soviets say nyet time and time again, never giving up on their job to get the best deal for United States national security.

And we cannot forget Jim Baker, who not only presided over START negotiating policy during the Bush administration, but who personally led the final shuttle diplomacy phase of the talks and the negotiations on the Lisbon protocol. Without his efforts this treaty may never have been completed.

Now, there are some who would argue that the START Treaty is irrelevant in the post-cold-war era, especially in light of the commitments to further dramatic reductions made by President Bush and President Yeltsin at the June summit.

It seems to me though, that while there is an element of truth to that argument, the reality is more that the START Treaty is a transitional agreement. Sure, the reductions discussed at the June summit are more drastic not only in number, but in their impact on the United States and Russian nuclear force structures.

However, the START Treaty together with the Lisbon protocol, should not have been seen as an end point, but as the bridge to the next treaty—a treaty which we anticipate will reflect more accurately the new state of United States-Russian relations—a truly post-cold-war agreement.

In addition to achieving the goals the United States sought during the 9 years of its negotiation—namely, to enhance crisis stability, to reduce strategic arsenals, to reduce inequalities and attain effective verification—the START Treaty will set the stage for further reductions. Through its detailed requirements and extensive verification regime, it will provide a framework for the follow-on de-MIRV'ing Treaty.

Moreover, START as amended by the Lisbon protocol, will solve the successor State problem and significantly contribute to U.S. nonproliferation objectives by establishing Ukraine, Byelarus, and Kazakhstan as nonnuclear State parties to the Nuclear Nonproliferation Treaty [NPT]. This is a significant benefit of the START Treaty particularly as proliferation is becoming one of our greatest concerns as we move into the 21st century.

I would like to commend the Senate Foreign Relations Committee for its thorough review of this treaty and preparation of the resolution of ratification. The committee held over 20 hearings with administration officials, former U.S. arms control negotiators and outside experts. These hearings explored the strategic, political, legal, and technical issues associated with the START Treaty and its protocols.

In drafting the conditions to the resolution of ratification, the committee addressed issues of concern to the Senate as an institution—the body entrusted with the responsibility of giving advice and consent to treaties. Moreover, it addresses concerns of a legal nature, relating to the START Treaty obligations of the successor States to the Soviet Union, namely Russia, Ukraine, Byelarus, and Kazakhstan. I am particularly pleased with the resolution's declarations giving strong support to the President's efforts to negotiate a follow-on treaty to START and urging the President to seek the adherence of Byelarus, Kazakhstan, and Ukraine to the Missile Technology Control Regime [MTCR].

I also wish to commend the Senate Select Committee on Intelligence which thoroughly assessed the verification and monitoring provisions of the START Treaty. The Intelligence Committee reported that START's verification regime was not perfect, but noted that the military significance of hypothetical cheating is quite low. And that potential cheating was less of a concern because the Soviet Union no longer exists. The committee projected that compliance issues related to START will likely result from difficulties in implementing the treaty's provisions.

Finally, I would bring attention to the Armed Services Committee's recommendations, in particular, the condition regarding nuclear mission training for B-1 bombers reoriented to conventional roles and its three suggested declarations, including one urging the acceleration of the START II deadline.

Mr. President, this treaty is not perfect. It is not the be-all and end-all of arms control. I, like most of my colleagues, hope that the START II Treaty—which is being negotiated right now—will pick up where this START Treaty leaves off and will bring us to further and dramatic reductions in United States and Russian nuclear arsenals.

But, while I look forward to the START II Treaty being completed and submitted to the Senate, I know that the Senate needs to act on this START Treaty now. This START Treaty is the bridge to START II. Without it the United States, Russia, Ukraine, Kazakhstan, and Byelarus will have difficulty making the transaction necessitated by the end of the cold war. Without this START Treaty we can expect greater uncertainty.

Mr. President, some of my colleagues have raised legitimate concerns and questions. I do not wish to discount them, but I do think that the merits of this treaty outweigh its flaws, and that the reasons for giving advice and consent are more numerous than those for not giving advice and consent to START. These reasons are succinctly listed in a letter I received from acting Secretary of State Eagleburger.

I ask unanimous consent that it be printed in the RECORD.

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

DEPARTMENT OF STATE,
Washington, DC, September 28, 1992.

Hon. ROBERT J. DOLE,
Minority Leader, U.S. Senate.

DEAR SENATOR DOLE: As the Senate takes the historic step of beginning its final consideration of the START Treaty, I wanted to contact you personally to urge you to join with your colleagues in giving your advice and consent to ratification of this vital

agreement. The history of the Cold War will not be over until START is ratified and has entered into force. Your actions today will culminate a decade of bi-partisan effort to move us to a safer, more secure, more stable world.

Thirteen months ago, the failed coup in the former Soviet Union signaled the death knell of seventy years of oppression and the beginning of a new era of freedom and democracy for nearly three hundred million people. In the months that followed, new independent states rose from the ashes of communist failure, and a new dawn of freedom and independence broke.

In this dramatically changed world, some have asked whether START is still important. The answer is an unqualified yes. Ratification of START remains crucial for the following reasons:

First, to encourage quick action by Ukraine, Belarus, and Kazakhstan to adhere to the Nuclear Non-Proliferation Treaty (NPT) as non-nuclear-weapon States Parties. The sooner we bring START into force, the sooner these states will be obligated to join the NPT and to begin eliminating nuclear weapons, including strategic offensive arms, from their territories.

Second, to ensure broad international support for the Nuclear Non-Proliferation Treaty. The non-nuclear states have traditionally regarded the continued pursuit of arms reductions as important to the success of the NPT. Failure to ratify START could be seen by some of them as a rejection of nuclear arms control, complicating our efforts to extend the NPT in 1995.

Third, to give us a window on the former Soviet Union. The START verification regime will increase openness and transparency during these times of turbulence.

Fourth, to enhance stability in the former Soviet Union. START resolves major nuclear weapons issues among the four largest and most heavily armed former Soviet Republics, removing these issues as a source of potential tension and conflict.

Fifth, to ensure that forces of the former Soviet Union are reduced when ours are. We are reducing our forces in recognition of the changed international situation. We want to be certain the states replacing the former Soviet Union are obligated to reduce as well. We need START to lock-in those reductions.

Sixth, to establish a foundation for deeper reductions. The June 17 Summit agreement to further reduce strategic forces depends on START and assumes START verification provisions will be in place. While we are moving to codify that agreement, we should not delay START ratification.

Finally, to hedge against a failure of democracy in the former Soviet Union. While we all are hopeful, we cannot be certain that democracy will prevail. If new, unfriendly regimes come to power, we want those regimes to be legally obligated to observe START limits and verification provisions.

Some of your colleagues, while recognizing the ultimate importance of START, have asked, "Why now?" In my view, the answer is clear. We want START now because we want Belarus, Russia, and Ukraine to approve START, as Kazakhstan has already done; delay by the United States will not encourage fast action on their part. We want to look Belarus, Kazakhstan and Ukraine into the Non-Proliferation Treaty as non-nuclear states as soon as possible. The U.S. and Russia are now building on the accomplishments of START and taking additional steps toward safety and stability. And it is now that the Senate must act to help bring about this new and safer world.

We stand at a crossroad of history. The collapse of communism, the demise of the Soviet Union, and the end of the cold war offer the prospect of a world in which the nuclear nightmare is only a dim memory. Senate action to codify the end of the era of confrontation, along with the new steps we are taking to enhance stability, will allow our children and grandchildren to grow up free from the fear of a nuclear Armageddon. On behalf of the President and the Administration, I urge you to fulfill our commitment to history and our obligation to posterity by ratifying START.

Sincerely,

LAWRENCE S. EAGLEBURGER,
Acting Secretary.

Mr. DOLE. All in all, I believe that the Senate has done a fine job of reviewing this treaty and drafting a resolution of ratification which reflects the concerns and prerogatives of this body.

I want to thank the chairman of the Senate Foreign Relations Committee, Senator PELL, and the distinguished Senator from Indiana, Senator LUGAR, who are managing this treaty debate.

I strongly support this treaty and am confident that the great majority of this body will recognize its benefits and support it, as well.

Mr. President, I certainly would not want to conclude my statement without commending the distinguished Senator from Indiana for his tireless efforts and for the time he spent in the committee and on the floor and with our negotiators over the past several years. And also to my colleague—who has a different view—the Senator from Wyoming [Mr. WALLOP], who made his case, made a good cause, and has had considerable support for some of his views.

But, in the final analysis, it is my view that this treaty should be ratified. The President wants it ratified. There is no doubt in my mind an overwhelming majority of Senators on both sides of the aisle will vote for ratification.

So I hope that this is the beginning. This is not the end; it is a start.

I certainly commend my colleagues for their efforts and I know when the vote comes tomorrow morning the vote will be overwhelming in favor of ratification.

Mr. DASCHLE. Mr. President, as we consider the resolution of ratification for the Strategic Arms Reduction Treaty [START], I would like to reiterate to my colleagues that ratification of START is a prerequisite to future arms control efforts. In particular, ratification of START is an essential element of the joint understanding recently signed by President Bush and Russian President Boris Yeltsin to reduce United States and Russian strategic nuclear weapons by roughly two-thirds of current levels. Specifically, this agreement would limit each side to a level of 3,800 to 4,200 nuclear warheads by 1999, and then to 3,000 to 3,500 by the year 2003 or possibly by the end of the decade.

This is an unprecedented achievement in our nuclear history, and President Bush and President Yeltsin deserve to be commended. It is time that multiple-warhead land-based missiles, considered to be the most likely to be used in a first strike, be eliminated. I applaud Presidents Bush and Yeltsin for recognizing this fact and for taking an important step toward reversing the nuclear arms race that has preoccupied our two countries for almost 50 years.

Their agreement acknowledges the fact that in a post-cold-war era, it is no longer necessary for the United States and the republics of the former Soviet Union to deploy tens of thousands of nuclear weapons to maintain nuclear deterrence. Moreover, their agreement acknowledges what the people of the United States and the republics of the former Soviet Union have known for years: the uninhibited spending that has gone into building and maintaining these nuclear arsenals is simply no longer possible.

The people of the United States and the former Soviet Union demand and deserve further reductions in nuclear weapons. They have witnessed the collapse of the Berlin Wall and unification of Germany as well as the breakup of the Soviet Union and the demise of the Warsaw pact. Despite these and other favorable developments in United States relations with the republics of the former Soviet Union, however, nuclear weapons continue to be a major threat to the security of the United States and the world. Serious regional conflicts continue to erupt around the world, and the instability of several undeclared nuclear powers continues to be a major concern.

Concurrent with these new nuclear dangers, opportunities for achieving further worldwide reductions and control of nuclear weapons and materials are now greater than at any time in our nuclear history. It is essential to the security interests of both the United States and the world community that we seize these opportunities while they still exist and take the next step toward reducing the nuclear threat that confronts us all.

Upon ratification of START, I strongly urge the next administration to rapidly complete and submit for ratification, the new joint understanding signed by President Bush and Yeltsin on June 17. As I mentioned at the beginning of my statement, however, this new agreement and the START protocol signed by the four former Soviet republics of Russia, Belarus, Kazakhstan, and Ukraine rest upon ratification of START. The START protocol is particularly important because it calls for the three non-Russian Republics to eliminate all nuclear weapons on their territories within START's 7-year reduction period. It is imperative, therefore, that the Senate ratify the START agreement in

short order. I am optimistic that my Senate colleagues and I will meet this challenge, and I strongly urge the next administration to submit the recent agreement with President Yeltsin to the Senate for ratification early next year.

Upon ratification of the Bush-Yeltsin agreement, I would also urge the next administration to implement the nuclear reductions outlined in that accord on an accelerated time schedule. The destruction and bloodshed that have plagued Yugoslavia unfortunately prove that regional conflicts can erupt anywhere in the world, and there is potential for similar instability in the former Soviet republics. As a result, time is of the essence with respect to reducing nuclear weapons.

Mr. President, I will submit for the RECORD a discussion paper written by Ambassador Jonathan Dean. Ambassador Dean is the senior arms control advisor for the Union of Concerned Scientists and was the U.S. representative to the NATO-Warsaw Pact force reduction negotiations from 1978–81. Ambassador Dean recognizes the urgency of further nuclear reductions and proposes a program that I strongly believe would make irreversible the nuclear build down implemented in START.

The central component of Ambassador Dean's program, as he describes it, "is eliminating production of nuclear explosives-fissile material for weapons-on a global basis through adding an agreed protocol to the Non-Proliferation Treaty banning all production of fissile material for weapons." Although Ambassador Dean calls for several specific actions to be taken under his program, I would like to take this opportunity to discuss his plan to expand nuclear arms control to other nuclear-weapons states.

Of particular importance is a provision that calls for the next administration to begin negotiations with the Russian Federation, the United Kingdom, France, and the People's Republic of China to further reduce the number of nuclear weapons to approximately 1,000 warheads each for the Russian Federation and the United States, with lower levels for the United Kingdom, France, and the People's Republic of China.

A 1,000 nuclear warhead limit is a level that has been endorsed for some time by a number of security and arms control experts. For instance, in an article that appeared in the fall 1991 edition of Foreign Affairs, former Secretary of Defense, Robert McNamara, former Deputy National Security Advisor Carl Kaysen, and former Department of Defense official, George Rathjens called for the United States and the former Soviet Union to reduce their nuclear arsenal to a maximum of 1,000 warheads each.

In July 1991, the National Academy of Sciences released a comprehensive report urging the United States and the former Soviet Union to cut their strategic arsenals to 1,000 to 2,000 warheads each. Similarly, in a report released in September 1991, the Union of Concerned Scientists also recommended that the United States and the former Soviet Union go beyond START to a minimum deterrent of 1,000 to 2,000 warheads each.

There are several reasons these security and arms control experts have urged the current administration to go beyond START and beyond the agreement reached by President Bush and Russian President Boris Yeltsin on June 17.

First, the United States simply does not need a nuclear arsenal consisting of thousands and thousands of weapons to respond to the threats of potential nuclear powers or to deter a first-strike attack by a declared nuclear power. According to a report released by the Congressional Budget Office in October 1991, a United States arsenal of 1,000 nuclear warheads could absorb a first strike with hundreds of weapons surviving. Moreover, this same report estimated that with as few as 600 warheads, the United States could "virtually annihilate all major Soviet industries, major transportation nodes, and major fixed military infrastructure in the Soviet Union."

Second, lowering the level of overall nuclear warheads reduces the possibility of an accidental launch. McNamara, Kaysen, and Rathjens reiterate this point in their article that appeared in Foreign Affairs:

> [R]educing the number and variety of weapons and the geographic breadth of their deployment reduces the probability of their accidental or unauthorized use. At any level of effort devoted to ensuring the central control and security of deployed weapons, the fewer there are, the less the probability of failure.

Third, by reducing our nuclear arsenal to 1,000, the United States can save substantial amounts in our defense budget. For example, the Congressional Budget Office report estimated that savings achieved by reducing our nuclear arsenal to 1,000 warheads would total over $17 billion per year. By reducing our nuclear arsenal to 1,000 warheads, the United States can reduce the $49.1 billion now spent annually to build and operate nuclear forces to $31.7 billion.

I believe that is an important plan that each of us should support. As the Senate concludes debate on START, opportunities for achieving further worldwide reduction and control of nuclear weapons and materials are now greater than at any time in our nuclear history. As I have suggested, however, time is running out. The United States simply cannot afford to miss the window of opportunity that currently exists under Russian President Boris Yeltsin to make deep reductions in nuclear weapons. Presidents Bush and Yeltsin have taken the first step toward reversing the nuclear arms race, and it is essential to the security interests of both the United States and the world community that we take the next step toward reducing the nuclear threat that confronts us all.

Mr. President, I ask unanimous consent that the aforementioned paper by Ambassador Jonathan Dean, the senior arms control advisor for the Union of Concerned Scientists, be printed at the close of these remarks and commend this excellent paper to my colleagues' attention.

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

A PROGRAM TO END THE NUCLEAR PROLIFERATION THREAT IN 3 YEARS

(By Jonathan Dean)

The START Treaty marks the beginning of the process of dismantling the Cold War nuclear threat. It establishes a structure of definitions and verification which are valuable in themselves and for future nuclear weapons reductions. It fully merits ratification with inclusion of the language proposed by Senator Biden making destruction of nuclear warheads under future agreements more accountable.

Since START was completed, tactical nuclear weapons have been withdrawn worldwide under the Bush-Gorbachev understanding of September 1991; a large number are being destroyed. Following on the Bush-Yeltsin agreement of June 1992, we can expect completion of a new treaty providing for elimination of all land-based multiple warhead missiles and many sea-based missiles down to a level of about 3,500 warheads for the United States and for Russia. A recent agreement provides for purchase from Russia by the US of up to 500 tons of enriched uranium for weapons. All of this post-START action has been taken within a year. It is a remarkable achievement on the part of Administration leaders and officials, one which deserves full acknowledgement.

Where do these achievements leave us for the future? There is still danger from nuclear weapons. What should we be doing about this danger? We hear little from the Administration on this subject; it has been effective at using the opportunities presented by President Gorbachev's reform effort, and by President Yeltsin's actions to create a new Russia, but there has been no Administration initiative to cope with the nuclear weapons problem in a comprehensive way.

I would like to propose such a program. Its goal is the irreversible build down of nuclear weapons capability throughout the world.

The central component of this program is eliminating production of nuclear explosives-fissile material for weapons—on a global basis through adding an agreed protocol to the Non-Proliferation Treaty banning all production of fissile material for weapons. The protocol would require that all nuclear installations in all member states, including nuclear-weapons states, be placed under augmented IAEA safeguards to police the ban. A parallel program under the UN Security Council would be established to induce the handful of states which are not members of the NPT to enter a regime of multilateral controls.

This single step could effectively end the threat of nuclear proliferation throughout

the world. Without nuclear explosives, there can be no nuclear weapons. This program is not technically complicated, and it is straightforward. This is a program the American public and the world public will understand and support. It could be achieved within three years.

One prerequisite for this program is agreement by the nuclear weapons states—the US, Russia, China, France, and the UK—to end their own production of fissile material for weapons and to place all their nuclear installations, including those formerly used to produce weapon-grade material, under IAEA safeguards. That action appears politically feasible. The US has unilaterally ended production of weapons materials. Russia is willing to do so. A second prerequisite is agreement by the handful of states which have remained outside the NPT regime to join the NPT or, like Argentina and Brazil, set up an equivalent multilateral regime of their own to prevent production of fissile materials for weapons. This action, too, appears feasible.

The specific actions which should be undertaken under this program are:

I. ENSURE THAT THE START BUILD-DOWN IS IRREVERSIBLE

The highest potential risk to United States security is from the large Russian strategic nuclear arsenal, especially if it falls into the hands of an authoritarian Russian government. (During the decade, while Belarus, Ukraine, and Kazakhstan continue to have strategic nuclear arms on their territory, this point also applies to them.) This risk is not negligible. The steps necessary to counteract it include:

(1) Bilateral US-Russian agreement to dismantle all strategic warheads reduced in START and in subsequent negotiations; not to reuse for other weapons the fissile material of these warheads, and to place their fissile material under bilaterally or internationally monitored storage, preferably at locations outside the territories of the two countries.

Informal arrangements like selling Russian weapons-grade uranium and converting it to fuel are useful. But they are partial at best and do not take the place of verifiable formal agreements, for which reciprocity by the United States is necessary.

(2) Such a US-Russian agreement would not have great value unless it were accompanied by bilateral agreement to stop production of fissile material for weapons. Agreement to stop production of fissile material for weapons would make it possible to require that all nuclear installations in both countries be placed under IAEA safeguards.

(3) US-Russian agreement on verified destruction of the missiles cut back under START and under subsequent reduction agreements, except for a specified number for space use, and on verifiably restricting missile production to replacements and a specified number for space use. (The INF Treaty established that verification of missile production could be carried out by observing plants producing engines for missiles.)

(4) Bilateral agreement to phase out testing of nuclear warheads.

II. EXPAND NUCLEAR ARMS CONTROL TO OTHER NUCLEAR-WEAPONS STATES

The second greatest potential security threat to US security is from a collapse of central authority in China and loss of effective control over Chinese nuclear weapons. This is also not a negligible risk. Bringing China into an international system of controls would mitigate that risk.

(1) Consequently, full implementation of these US-Russian actions could be made dependent on the agreement of the other declared nuclear-weapons states—Britain, France, and China—to follow suit: to freeze the level of their warheads, restrict missile production, phase out warhead testing, and end production of fissile material for weapons, placing all their nuclear facilities under IAEA supervision. To induce agreement to this proposal, the United States and Russia could agree to reduce their own arsenals of nuclear weapons to a level of 1,000 warheads each.

(2) The five powers would renew their pledges under the Non-Proliferation Treaty to undertake further "effective measures in the direction of nuclear disarmament." They would also make implementation of these agreed steps dependent on action at the review conference for the Non-Proliferation Treaty to be held in 1995 (a) to continue the treaty for an indefinite period and (b) to add to the treaty a protocol banning production of fissile material for weapons and placing all nuclear installations of signatory states under IAEA safeguards.

If they accepted it and signed on to the NPT, this protocol would end production of fissile materials for weapons by the underclared nuclear-weapons states—India, Pakistan, and Israel—as well as blocking production by any other state of fissile materials for weapons.

(3) The proposed actions of the nuclear-weapons states would also justify worldwide application of a comprehensive test ban treaty and of a treaty to restrict production of long-range missiles.

(4) The five powers could also make implementation of these steps dependent on agreement in the UN to the large increases in the IAEA safeguards budget and staff that the steps would require, and on adoption of the Security Council actions described below. Those budgets are now tiny: A 400 percent increase in the IAEA safeguards budget would cost under $400 million a year, of which the US would pay $100 million, a small fraction of the nearly $4 billion US budget for the SDI project.

(5) A possible step to increase pressure on non-signatories of the NPT to sign the amended treaty would be a Security Council decision to take joint action under Chapter VIII of the Charter, including economic sanctions, against UN member states which refused to place all their nuclear installations either under IAEA safeguards or under some multilateral equivalent like the Brazil-Argentina agreement. States which had not yet taken such action would be given a grace period of two years or so to make their decision.

The Council could justify this action on the grounds that, given the far-reaching actions taken by both nuclear-weapons states and non-nuclear states to control nuclear weapons, including those proposed here, it would be an unacceptable threat to international security to permit any UN member state to conduct untrammeled nuclear weapons development outside this control regime.

The actions proposed here fit together in an effective, unified program to end the threat of proliferation of nuclear weapons capability throughout the world and to remove the threat of attack with nuclear armed missiles on this country or any country. If implemented, this program would make superfluous the expensive SDI missile defense program of the United States, as well as smaller programs in Russia and elsewhere. This program could be tackled by the new United States administration to enter office next year in time to reach agreement on it at the NPT renewal conference in 1995. The end of the Cold War and the collapse of the Soviet Union has created a uniquely favorable opportunity to end the threat of proliferation and to bring existing nuclear weapons under firmer control. We must use this opportunity before further proliferation closes it off.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. DOLE. Mr. President, I have been authorized to ask unanimous consent that the Senate return to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER (Mr. ROBB). Without objection, the Senate will return to legislative session for a period of morning business with Senators permitted to speak therein for a period not to exceed 10 minutes each.

Who seeks recognition?

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE RETIREMENT OF SENATOR WARREN RUDMAN

Mr. COHEN. Mr. President, a number of our colleagues will be retiring from office at the end of this year. Each one is deserving of our heartfelt thoughts as they take their leave from service in this great institution. There is an old and, I would suggest, erroneous adage that when a new Senator arrives here he spends the first 6 months wondering how he managed to get here, and the rest of his career wondering how everyone else got here. I have never subscribed to this view. While we are not all created equal in ability, each one of us carries a talent that is unique and truly special.

And while we take great pride in the prestige of our office and the privilege that our constituents have bestowed upon us, we also must share in the foreknowledge that our efforts and contributions may prove to be as evanescent as will our names and current notoriety. Time no longer proceeds at a comfortable pace. The second hand sweeps more rapidly around the circumference of our days now. The long shadows of political giants fade rather quickly.

A fortunate few, such as Richard Russell, Everett Dirksen and Philip

Hart, have marble edifices to remind future generations of past labors, but the names of even the most outstanding of our colleagues—Scoop Jackson, Jack Javits, Abe Ribicoff, Ed Muskie, Howard Baker, John Stennis, and John Tower, to name a few—are rarely upon the lips of today's public officials, journalists or younger generations. This is not to suggest that all of the strutting and fretting upon the stage of democracy is for some existential nought, for what each of us does or fails to do is of consequence to the quality of life we hope to provide to our constituents and to our children. But rather that we must understand that fame is indeed fleeting and that once the title of U.S. Senator is removed from our names we will slip quickly into the shadows of relative anonymity.

I say this by way of preface to the remarks I want to make about my good friend WARREN RUDMAN, perhaps if only to prove that there are exceptions to every general rule. I recently agreed to do an interview with a public television station from New Hampshire about their senior Senator. Because of the press of the Senate's business and schedule last week, I had no time to prepare any remarks or thoughts. The interviewer asked me to describe WARREN, to describe exactly what it was that I associated with him. Two words came automatically to mind: action and passion.

WARREN is a man who exudes passion about everything. He is quintessentially a warrior, one who loves combat—as an amateur boxer during his college days at Syracuse University; on the battlefield on Pork Chop Hill as a young Army officer during the Korean war; in the courtroom as New Hampshire's attorney general; and on the Senate floor as New Hampshire's senior Senator. What is so notable about WARREN is that he brings into battle this burning desire to prevail, but an absolute commitment that he will do so by the established rules, with honor and integrity. His is the code of the warrior.

It is this code that he will not compromise for any reason. Not for personal gain and not for political or partisan advantage. And so it came as no surprise to those of us who know WARREN that he would not tolerate racist slurs to be leveled at our mutual friend, Senator DANIEL INOUYE, another of America's great war heroes, during the Iran/Contra hearings in 1988.

Perhaps only those who have spent starless nights out on a battlefield awaiting the coming of death—and there are a number of those in the Senate who have shared that experience, the Presiding Officer being one of them. Perhaps only they can appreciate how thin the membrane is that separates us from our mortality, how important it is to squeeze every moment out of every hour of every day. To fill it up with energy and laughter and good fellowship. To drink deeply from the cup of life that may be taken away without warning or without remorse. So there is in WARREN a passion for the present, for the now.

But what makes WARREN special is that he cares passionately about tomorrow as well. From the very first day that he arrived here, he has joined in the battle, the crusade, to bring some sanity to our fiscal policies, to prevent us from inflicting permanent damage upon our children. He helped fashion a law that he described at that time as a "bad idea whose time had come." And while there were many who decried the law or dismissed it as ineffective, the fact remains that it was successful in slowing down the alarming growth of our deficits.

What has characterized WARREN RUDMAN's service to the people of New Hampshire and this Nation then is honor, in both word and deed. He has never acted out of fear and never with favor, not for the powerful or the privileged.

Mr. President, it has been said that "in lapidary inscriptions, men are not under oath. The same observation might be made about statements offered to our colleagues here in the Senate. But I think the truth of the comments I offer today can be verified by the sworn affidavits of any one of our colleagues who have had the great privilege to know and work with Senator WARREN RUDMAN from New Hampshire.

In just a few months WARREN will return to private life, not to sit back and rest upon laurels or read yellowed press clippings, but to rekindle the battle over the policies of our Government, knowing as the poet Tennyson did:

How dull it is to pause,
To make an end,
To rust unburnished,
Not to shine in use,
As tho' to breathe were life!

I would like to close this brief encomium to my friend with a quote from another war hero and one of this Nation's greatest jurists, Oliver Wendell Holmes. He said once that:

Through our great and good fortune, in our youth our hearts were touched with fire. It was given to us to learn at the outset that life is a profound and passionate thing. While we were permitted to scorn nothing but indifference, and do not pretend to undervalue the worldly rewards of ambition, we have seen with our own eyes, beyond and above the gold fields, the snowy heights of honor, and it is for us to bear the report to those who come after us. But above all, we have learned that whether a man accepts from Fortune her spade, and will look downward and dig, or from Aspiration her axe and cord, and will scale the ice, the one and only success which it is his to command is to bring to his work a mighty heart.

No one who knows you, WARREN, will ever dispute that in your years of service to your country, in war and in peace that you indeed brought to your work a mighty heart, one we are not likely to see again.

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

The PRESIDING OFFICER. The clerk will call roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Colorado is recognized for up to 10 minutes.

BUSH'S FAILED IRAQ POLICY

Mr. WIRTH. Mr. President, President Bush would have us believe that he alone is qualified to conduct the foreign policy of the United States, that he is uniquely qualified to act as Commander in Chief given the depth and scope of his experience in international affairs. That is the rhetoric we hear from the Bush campaign: George Bush the foreign policy whiz.

Yet, our colleague, AL GORE, laid out the reality of the Bush administration's record on one of the core foreign policy issues that President Bush has faced in office: Iraq. The record of the President's handling of Iraq up to and after the gulf war is one of profound misjudgment and probable duplicity. The rhetoric and the reality of Bush's Iraq policy, as on so many other issues, are like parallel lines: They never meet.

Not only did the Reagan and Bush administrations knowingly and purposefully coddle Saddam Hussein throughout the 1980's and pamper him right up to the eve of the invasion of Kuwait, they did so in the face of overwhelming evidence from the CIA, State Department, Commerce Department, and other agencies that Saddam was continuing his brutal and reckless policies, including:

Support for international terrorism, including the use of Iraq as a safe haven for over 1,400 terrorists;

Genocidal slaughter of hundreds of thousands of his own Kurdish citizens;

Illegal use of American agricultural credits to buy arms—credits which Saddam predictably defaulted on and which have left the American taxpayer holding the bag for nearly $2 billion;

And a concerted program by Saddam to acquire nuclear, biological and chemical weapons, and the missiles to deliver them.

By coddling the Iraqi tyrant, the Bush administration evidently hopes to change Saddam's ways. George Bush was deeply involved in this effort to, as Ross Perot put it, "burp and diaper" Saddam. Twice, Vice President Bush personally lobbied the Export-Import Bank to extend credits to Iraq. Vice President sided with Iraq's Ambassador in trying to get the Pentagon to ease

its opposition to high-technology exports to Iraq. Clear warnings about Iraq's pursuit of nuclear weapons did not stop President Bush from sinning a directive mandating the pursuit of improved economic and political ties—just 10 months before the invasion of Kuwait.

This myopic policy of appeasement continued right up to the eve of the invasion. The Bush White House vetoed Iraq sanctions legislation and continued to oppose sanctions even as Iraqi tanks massed on the Kuwait border. In early 1990, the Bush administration apologized to Saddam for a Voice of America broadcast critical of Iraq's human rights records. Bush followed up by sending Senators to Baghdad to make clear to Saddam that he would oppose sanctions and to advise the Iraqi dictator that the VOA reporter who had so offended Saddam had indeed been fired. Ambassador April Glaspie's infamous meeting with Saddam a week before the invasions was, as Senator GORE points out in his speech, a reflection of Bush's personal views on Iraqi policy. Please be our friend.

George Bush defends this sad record by claiming that he was trying to bring Iraq back into the family of nations. But there was no evidence to support this hope, and overwhelming evidence to the contrary. Saddam was and remains a dangerous despot capable of the most brutal acts. Rather than deterring and containing Iraqi aggression, President Bush, the foreign policy expert, sent unmistakable signals of weakness and of acquiescence.

As Saddam was transformed overnight from friend into Adolf Hitler, George Bush sought to paint himself as Winston Churchill standing up to brutal aggression. Unfortunately, the record demonstrates clearly that the apt historical comparison is not Churchill at all, but the failed appeasement policy of his Foreign Secretary. As Senator GORE noted this morning "George Bush's poor judgment, moral blindness, and bungling policies led directly to a war that should never have taken place."

None of this is to take away from George Bush's handling of the gulf war itself, nor from the brave men and women who served their Nation well and honorably in that effort. But if George Bush wants due recognition for his skill in prosecuting the war, he must also take responsibility for the policies that made that war inevitable.

George Bush claims that he was out of the loop on the Iran-Contra arms-for-hostages trade. We now know better from many of the key participants in that sad affair. George Bush was deeply involved and supportive of the cynical diplomatic default. But he continues to claim that, like Reagan, he knew nothing.

George Bush is also now seeking to cover up his central role in the failed Iraq policy. The administration knew that Saddam was out to acquire nuclear weapons, and that Iraq was shopping right here in America for key components. Yet last June, Bush repeated that the United States had not contributed to Saddam's pursuit of weapons of mass destruction. The record is just the opposite.

The record also shows that the Bush administration was aware that agricultural credits were being used illegally to finance Saddam's war machine. The record also shows that the Commerce Department altered documents provided to Congress on high-technology exports to Iraq.

One example:

Servass, Inc., of Indianapolis, IN, supplied Iraq with a $40 million brass factory, financed by BNL. According to company documents obtained by the House Banking Committee, Iraqi front company Matrix-Churchill indicated that the Iraqis planned to use the brass produced at the Servass factory to double the production of brass discs used to make artillery shells and gun cartridges.

In the fall of 1989, the DIA, FBI, CIA, and the Treasury Department met with Beurt Servass to learn details about his brass factory sale. The CIA and other parts of the administration knew the factory was a munitions facility, yet they did nothing to stop the contract with the Iraqis from being completed.

Additionally, the Bush administration allowed Mr. Servass to collect about $16 million in frozen Iraqi assets.

Why the preferential treatment? Perhaps because between 1988 and 1992, Servass, both personally and through his company, gave $77,200 to the Republican Party, according to FEC records.

We do not yet have the full truth on the role the Atlanta branch of the Banca Nazionale del Lavoro, the BNL, played in financing Saddam's regime. If Bush has his way, we may never know the full story.

We do know that illegal loans to Iraq were made by BNL. We do know that the CIA was aware of BNL's activities. We do know that the Bush Justice Department declined to appoint a special prosecutor and that the Federal judge, Marvin Schoob, presiding over the case criticized Attorney General Barr's decision. We do know that there have been credible reports of White House meddling in the investigation and prosecution of the case against BNL.

As in Watergate, the more we know, the worse it gets.

William Safire in a column entitled "Crimes of Iraqgate" summed it up well:

> Americans now know that the war in the Persian Gulf was brought about by a colossal foreign policy blunder * * *. What is not widely understood is how that benighted policy led to the Bush administration's fraudulent use of public funds, its sustained deception of Congress and its obstruction of justice. * * * Policy blunders are not crimes. But preventing the purposes of appropriated funds is a crime; lying to Congress compounds that crime; and obstructing justice to cover-up the original crimes is a criminal conspiracy.

Mr. President, yesterday I included the full text of Senator GORE's remarks before the Center for National Policy as well as supporting documentation in the RECORD. That will be at the end of yesterday's RECORD. I urge my colleagues and those interested to look at this very clear explication of Iraqi policy. Never before has this all been put together. This is the result of a lot of very tedious research, and we are finding out what they knew and when they knew it.

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan [Mr. RIEGLE].

Mr. RIEGLE. I thank the Chair for recognition.

Mr. President, I commend the Senator from Colorado for his statement and for the importance that he properly indicates this issue deserves.

SENATOR TIMOTHY WIRTH

Mr. RIEGLE. Mr. President, I might also say in passing, because we are closing out this session of the Congress and a number of our colleagues will be leaving the Senate, I feel a great personal sense of loss and pain in that the Senator from Colorado will be ending his service in the Senate and will not be among us in the next Congress.

He has been an outstanding Member of the Senate. There are many things I can think about I would say in a prepared set of comments, but I want to acknowledge his leadership, acknowledge the very important role he has played here, continues to play here, and to say he will leave a very large gap, if you will, in the Senate.

I know that whoever is elected in Colorado to replace him will come determined to do good work, but it will be very difficult to fill the shoes of TIM WIRTH. Looking at the effect he has had particularly on environmental policy and on issues that affect the future of our country in the economic area as well, he has made an enormous contribution to our country. I am very hopeful that public service will continue in whatever form is appropriate.

I am hopeful, as many are in the country, we will see a new administration coming into place after this election, and should that occur I for one would certainly hope the Senator from Colorado would be an important part of that group giving fresh leadership and vision within the executive branch of Government.

But I especially thank TIM WIRTH and his wife, Wren, and his family for the commitment to public service they have made now over many years in the

House and Senate. It has really been a splendid example of a commitment to the public good and to try to change things for the better.

Mr. WIRTH. Will the Senator yield.

Mr. RIEGLE. Yes.

Mr. WIRTH. I am deeply appreciative of the Senator's very kind and overgenerous comments. He and I have worked on issues like this for 18 years now. I have some regrets in leaving. One cannot help but have a few regrets in leaving an institution of so many wonderful people. I think the hopes of the American people in many ways are focused on this institution and what it can do for them.

I leave with very mixed reactions and feelings, and we have spoken about that before. One of the items, however, that I am sorry about in particular is not being able to continue with the distinguished Senator from Michigan to get to the bottom of this whole S&L scandal.

The Senator has been absolutely as diligent as he could be in the face of one of the strongest and most virulent and nasty counterattacks ever launched in American politics surrounding the so-called Keating Five business.

I recently had a letter on this subject published in the Wall Street Journal, among other places, about the role the Senators played, which has been so constructive and excellent. I know that he will be continuing to try to find out what happened, who paid off whom at the end of 1988, right before the election, going into the 1988 election when a whole series of S&L deals were made at what is now proving to be the cost of billions of dollars to the American public. Who were these individuals? How can we continue to get evidence out on the ill-gotten gain and who got it?

One of the things the administration is doing is running as rapidly as they possibly can from helping to find this out. For example, most recently, in the most egregious fashion, the reorganized the professional liabilities section, which is the lawyers trying to pursue the ill-gotten gain, and these people have gotten away with it. I know you will be continuing to pursue that—the pursuit of fraud. The late Senator Heinz and I finally had to get legislation passed here on the floor to force the Justice Department to go after some of the money, to recover that for the American people when it was not being done by this administration at all. The list goes on and on and on.

I know that the distinguished Senator from Michigan will be continuing to pursue this. And one of my regrets is not being able to be here to be a trooper under his leadership to try to find out exactly what happened and who got away with what, where the influence was coming down from, I believe, the highest level of our Government, both to thwart the investigation and to help a lot of very major contributors to, in fact, further fleece the American public.

I thank the distinguished Senator for his very kind comments.

Mr. RIEGLE. I thank the Senator. Let me just say that with a new administration, hopefully, coming to town, there will be an opportunity to empty out a lot of the closed closets on a lot of issues. You mentioned Iran-Contra in your earlier remarks. There are a lot of unanswered questions there. I think we will get those answers with a new administration.

The same thing with going back and answering the questions that you raised with respect to the savings and loan situation. I will not take the time now except for one illustration. At the end of 1988, when a lot of these financial deals were being negotiated in a sense in the dead of night because of the press of time, I became very concerned about it. We have been questioning administration officials in the hearings in both the Budget Committee and in the Banking Committee as to what was going on. We were not able to get the full and complete answers.

Senator METZENBAUM had a keen interest in that at the same time. We decided, each of us separately and then together, that as we were coming down to the end of calendar 1988, these enormously financially productive deals that were being put together ought not to be done. They ought not to take place. In fact, we both called the Secretary of the Treasury, who is today still the Secretary of the Treasury, Nicholas Brady, to indicate that we were deeply concerned about it, and to suggest that the Treasury Department put a stop to that because it was a direct hit against the revenue of the Government.

The Secretary was out of the country at that time. He took our call in another location, but responded to us, thought about it for a day or two, decided he could not do anything about it. He did not want to intervene in stopping it. So they all rolled forward. But there are a lot of questions left to be answered. I think they will be answered in due course when we have somebody who comes in who really is prepared to open up all those closet doors and bring the light of day in where it deserves to be.

FACES OF THE HEALTH CARE CRISIS IN MICHIGAN: THE SPARKS FAMILY IN MUSKEGON

Mr. RIEGLE. Mr. President, since July, I have been coming to the floor each week to talk about problems people in my State of Michigan are facing because of the health care crisis in America. These are stories about real people and their families who have either lost their health insurance or whose health insurance is inadequate to protect them from the skyrocketing costs of health care in this country.

I will finish this year—this legislative session—by talking about a story that is well-known to many Michiganites in the Muskegon area. It is a tragic story about a family who suffered physical injury in retaliation for answering a woman's screams late at night outside their Egelston Township home. The facts are these. In August of this year, Jim Sparks heard a woman being attacked outside his home in Muskegon, MI, and went out to help her. The attackers later turned on Jim and his family, after luring him outside of the Spark's home.

Jim suffered a severe concussion and bruised lungs, ribs, and kidneys as a result of the assault. His wife, Vicki, hurt her neck and had several toes broken. Two of their three children were also injured in the attack.

The story about this terrible tragedy has been repeated many times in the Muskegon Chronicle Press as an example of how bad crime has gotten in this country.

I ask unanimous consent that some of those stories be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. RIEGLE. But there is another tragedy in this story that has gotten less attention. That tragedy is that the Sparks had to give up their health insurance last year and were totally uninsured during this time for the medical treatments they needed.

As a result of the attack, they have incurred $1,600 in hospital bills—bills they cannot afford to pay. Community members have responded generously with donations to help defray some of these costs. But it is tragic that when someone in America selflessly goes to the aid of another person and is injured, he cannot afford to pay his familys' medical bills, and he is forced to rely on the charity of neighbors to pay for the treatments.

Jim and Vicki both work to support themselves and their three children, Darci, 10; Jordan, 8; and Nicholas, 7. Until 1991, they were insured through Jim's employer, Howmet, Inc. But in September of 1991, Jim was laid-off from his position as a casting supervisor after 12 years of employment with the company.

Before he was laid off, Jim's employer paid for most of the family's health care coverage. The family contribution was about $30 per month which they could afford. After he was laid off, it would have cost them $400 per month to continue receiving health care protection, money the family just did not have. The school district where Vicki works as a part-time assistant to a 1st grade teacher also offered health

insurance, but the premiums were so expensive they were out of their reach.

In some ways, the Sparks were lucky because soon after Jim was laid off, he found a job in the shipping department of a local manufacturer. But like so many people have found in this recession that never ends, his new job pays only half what the old job paid. And although his new employer does offer health insurance, the monthly premium is more than $400—more than this family can afford. Jim continues to have some problems from his injuries, but he is reluctant to go back to a doctor because of the cost, and the fact that they lack health insurance.

Jim and Vicki and their family—and every family in America—need and deserve affordable health care coverage. Yet, like the Sparks, too many families in our country are finding that health care coverage is out of their financial reach.

While there are many generous people in the Muskegon area who are willing on a voluntary basis to help them out, that is not a sufficient way to solve this problem on an ongoing basis for this family or for others.

I will be holding a town meeting on the health care issue in Muskegon, MI, on the 22d of next month, in October, to talk about the need for reform of our current health care system. I have invited the Sparks to come and to share their story at that time because I think people have to understand what is going on in the lives of real people.

We have brought forward a comprehensive health care reform package called HealthAmerica. I have written that, along with Senator MITCHELL, Senator KENNEDY, and Senator ROCKEFELLER. It has many other co-sponsors. It puts into place a nationwide scheme of cost control to get health care costs down, to bring health insurance back within reach of people, and also to provide coverage for everyone in the country. It is essential that this be done. It is an investment in our people. We want our people to be healthy and to have their health problems taken care of when they arise, so that they are able to provide for themselves and produce for the country.

So this family that we talk about today is one more family caught in this dilemma. They need our help. It is time for our National Government to respond. I am encouraged by the fact that Governor Clinton and his campaign has put forward a comprehensive health insurance proposal that is virtually identical to the one that I have described that we have developed here. I am convinced that within the next 12 months, if he is elected, we can get that enacted, and we can solve this problem for families like the Sparks and millions more like them across Michigan and the entire country.

I yield the floor.

EXHIBIT 1

[From the Muskegon Chronicle, Aug. 19, 1992]

KIDS SEE ATTACK: "DON'T KILL MY DADDY"

(By Crystal Harmon and Lisa Medendorp)

Vicki Sparks said her 10-year-old daughter still has nightmares after seeing her father brutally beaten by a group of young men outside their Egelston Township home last week.

Last night she cried out in her sleep: Stop. Don't kill my daddy! Don't kill my dad!" Sparks said.

Eight warrants have been issued against five suspects in the attack, which followed an attempt by James Sparks to help a woman he thought was being assaulted near his home on White Road.

The victims, Sparks, 32, his wife, 34, and two of their three children were injured in the assault. The Aug. 10 incident has prompted neighbors and friends to raise funds to pay the medical expenses of the Sparks who have no health insurance. The problems began when Sparks heard screaming outside his home about 11:30 p.m. He saw a woman arguing with her boyfriend who police believe was Tony D. Weinrick, 20, of 161 N. Dangl. Weinrick was allegedly pushing and grabbing her, said Deputy Mike Prow, who investigated the case for the Muskegon County Sheriff's Department.

"Sparks thought the girl was being beaten or raped (when he went outside)," Prow said, "and he took a small club with him for protection."

Prow said Sparks saw Weinrick shaking the woman and intervened. During the heated argument between the men that followed, the female victim left.

Another woman arrived from a party on a nearby Broton Road that the boyfriend and girlfriend had been attending. She got between the two men was inadvertently struck with the small club, Prow said. The injury was minor, he said, Mrs. Sparks came outside and the argument was ended.

However, Weinrick allegedly returned to the party where a group of young adults were drinking alcohol, Prow said Weinrick allegedly lied to the other men at the party telling them Sparks had beaten a women with a baseball bat and that the attack was unprovoked.

At that point 'chivalry' took over," Prow said. "Altogether, about 10 people left the party in a truck and a Jeep and drove to Sparks house.

Sparks was lured outside by a small group of the men, whose intent was to bait him into an ambush.

"I looked out and there were three guys at the end of the driveway calling to my husband," Vicki Sparks said. I called the police right away and my husband went out there to see if he could handle it.

"All of a sudden they lined the whole woods—there must have been 15 of them. They knocked him to the ground and started beating and kicking him.

"They had tree limbs and baseball bats—they just kept hitting him"

Prow said one of the weapons used in the beating was a sapling tree that had been uprooted. It was about 5 feet long and 2½ feet in diameter.

Sparks had gotten a garden tool from a shed to defend himself, Prow said.

Vicki Sparks said, "I went out and grabbed hold of some of their arms and they grabbed me by the hair—and—kicked me in the face. Then they went back to beating him again."

"The kids were crying out the windows for them not to kill us," she said.

The men fled as headlights approached, but not before smashing out several windows in the Sparks home and injuring two children.

The Sparks' 10-year-old daughter, Darcie was hit and badly bruised on the wrist by a club that was thrown into the home through an open doorway, Prow said. Her younger brother Jordan 8, was hit by flying glass while lying in bed.

The couple and their daughter sought treatment for their injuries at Mercy Hospital. James Sparks suffered a severe concussion and bruised lungs, ribs and kidneys. Vicki Sparks was treated for whiplash and several broken toes. She also has a bald patch where one of the men pulled out some of her hair, she said.

A five-day investigation by the sheriff's department resulted in a total of seven felony warrants and a misdemeanor warrant being issued against five suspects.

Four of the five suspects were arraigned Monday and Tuesday in 60th District Court.

Dan R. Clarke II, 19, of 1180 Woodcrest was charged with two 4-year felonies, assault with a dangerous weapons and malicious destruction of a building over $100. Bond of $10,000 was posted.

Arraigned on the same charges were Weinrick and Paul Galdeen, 19, of 1210 Holiday. Each posted $5,000 personal recognizance bonds. Judge Richard J. Pasarela set preliminary examination for the three defendants for 11 a.m. Aug. 24.

David Rick Tice, 19, who signed his address on court records as 516 Glen Oaks, was arraigned before Judge William J. Cole on a misdemeanor charge of aggravated assault. He pleaded not guilty to the offense and pretrial was set for Sept. 22.

The fifth suspect was expected to be arraigned on felon charges today.

Prow said all of the suspects in the case had different versions of the beating "but they all admitted to going over to beat Sparks."

The Sparks family has no medical insurance; Sparks was recently laid off from Howmet Corp. and is not insured by his new employer, said Vicki Sparks. She said she is unsure how large the hospital bills will be.

"The family is definitely traumatized," Prow said "They're still afraid these people will come back and get revenge."

Friends have set up and account for donations at the Egelston branch of the Kent City Bank, said Deb Pratt, a friend and neighbor of the family.

Community members are also hosting a spaghetti dinner Tuesday at Oakridge High School from 5 until 8 p.m. The cost is $3.50 for adults, $2 for children under 12 and free for children under 5. Items donated by local businesses will be raffled off.

[From the Muskegon Chronicle, Aug. 26, 1992]

PUBLIC COMES TO EGELSTON FAMILY'S RESCUE

(By Victoria Greene)

Hundreds of people turned out Tuesday night to help raise money for an Egelston Township family that was victim to a nightmarish attack by a group of young men.

About 750 people purchased dinners at Oakridge High School Tuesday night to aid the James and Vicki Sparks family. Four members of the Sparks family were assaulted Aug. 10 after James Sparks attempted to help a woman he thought was being attacked.

"It was beyond words. We were holding back tears because the people were so wonderful," Vicki Sparks said today. Her husband and three children attended the dinner with her.

"We couldn't believe the turnout we received," said Larry Pratt, whose wife, Debbie, coordinated the fundraiser. "People said they are just fed up. They're outraged."

Pratt said the dinner organizers had made plans to feed about 500 people at most, but were pleasantly surprised to learn early on that many more dinners would be needed. Employees of Brunswick Corp. ordered a large number of take-out dinners, he said.

"We had to do a little bit of running around for food, but everything turned out OK," Pratt said, noting that the dinners cost $3.50 a piece for adults.

The Sparks family, which does not have health insurance, incurred medical expenses after being treated for injuries they received when they were attacked by five men, who allegedly were retaliating for James Sparks' attempt to help the woman.

James Sparks received a severe concussion and bruised internal organs. Vicki Sparks received several broken toes and whiplash.

Four of the five young men charged in the beating waived preliminary examinations Monday and were ordered to stand trial in 14th Circuit Court. The fifth man is scheduled for a court appearance Sept. 22.

Three of the men have separate charges of assault with a dangerous weapon and malicious damage of property. One is charged with aggravated assault and another is charged with one count of assault with a dangerous weapon.

Vicki Sparks said after the elation at the spaghetti dinner, the family nonetheless experienced "a very scary night" after 10-year-old daughter Darcie heard voices she thought were outside the house.

Darcie had witnessed the attack on her parents on Aug. 10 and was frightened that the thugs had returned, her mother said. James Sparks once again went to investigate.

Muskegon County Sheriff's deputies responded Tuesday night and said it appeared the child heard faraway voices that had carried through the woods.

[From the Muskegon Chronicle, Sept. 27, 1992]

IN THE WAKE OF A NIGHTMARE

On Aug. 10, my life, as well as my family's, was changed drastically. On that night, a large group of young "men" attacked me, my wife, my family and my home. Since then, there has been an outpouring of compassion that has been beyond belief. An entire community has shown its support and its outrage that an incident like this had to happen.

To be subject to an attack of this nature has been a nightmare. But knowing that there is a tremendous amount of concern eases turmoil. I don't know how I can ever thank everyone enough for their support. If it weren't for friends like Deb and Larry Pratt for organizing the benefit dinner, or for The Muskegon Chronicle, TV-13 and Sunny FM 104.5 for their complete and factual coverage of the incident we would have been lost.

For all my friends at Howmet who made me feel like I was still part of the "family," my sincerest appreciation goes to you. To my two employers, Dymet and Weaver Oil, you have been fantastic. Your understanding and cooperation have been beyond compare. To Stan Fortuna, the Oakridge Board of Education and the staff at Wolf Lake Elementary, I do not know how to express my appreciation except by saying that I am proud that my wife works alongside such a class act of people as yourselves. Your ability of bonding together as a team for one common goal is the reason why the kids in the Oakridge School District are taught the finest way possible.

To the Muskegon County Sheriff's Department, and especially Jim Christiansen, Mike Poulin, Mike Prow and Capt. Orville Budd, you have shown your zest for your career and your ability as police officers. Your helpfulness is a credit to your profession. Other police departments could learn a lot from you on public relations.

To the fantastic health care professionals and others at Mercy Hospital who examined and admitted me, your professionalism was a blessing. You made the physical pain a lot more tolerable. If I ever need emergency care again, you will be the only place to go. To all the businesses who supported us, our undying gratitude will always be yours. You have shown that customers are more than just that.

To the prosecutor's office and its staff, I can't thank you enough for your help. You took time to explain the proceedings, and your expertise is an enormous asset to Muskegon County. To everyone who attended the dinner, contributed, prayed, cared, wrote, called or came over to our house, I don't know what to say except thank you. I apologize that we can't get back to all you, but you all are in our thoughts and hearts and your generosity will never be forgotten.

To the churches who have brought us up in prayer, we have felt them. Central Assembly of God and Wolf Lake Baptist have shown that God has installed compassion as a gift. And he poured it out on these two churches. And finally to my family and friends, you have shown that the family is still the best institution. Our newest addition, Grandpa John, fits in like a glove. Grandpa John, you are in our thoughts everyday. Thank you!

If I have forgotten anyone, I'm sorry but you will never leave our hearts.

If I could just ask one more thing of the community: Let's send a message to these individuals, not as revenge but by making sure they receive the justice they deserve.

JIM SPARKS.

[From the Muskegon Chronicle, Aug. 28, 1992]

SPARKS BENEFIT A TRIBUTE TO ONE MAN'S DECENCY

When James Sparks went to the aid of a woman whom he believed was under attack, he apparently was not aware of the actual situation. But then, he gave no thought to his own safety either.

As a result of his efforts, Sparks now suffers from a severe concussion and bruised internal organs, a plight made all the worse by the fact the family has no health insurance. Three other members of the family also were assaulted in the Aug. 10 incident, in which five men were arrested.

Because of these circumstances, it was extremely gratifying to read that more than 750 people paid $3.50 apiece to attend a dinner to raise funds for the Egelston Township family.

Our thanks go out to Larry and Debbie Pratt, who organized the benefit, and to all who attended. This is just one more demonstration of why being friendly with one's neighbors is so important.

You never know when you'll need them.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 12 noon today, the Senate proceed to the consideration of H.R. 5368, the Foreign Operations appropriations bill; that the committee-reported amendments be considered and agreed to as original text for the purpose of further amendment; that no points of order be deemed waived by the entering of this agreement; that the following amendments be the only first-degree amendments in order to this bill; and that they be subject to relevant second-degree amendments:

Amendment by Senator ADAMS regarding mammogram standards;

Amendment by Senator BOREN regarding Buy American;

Two amendments by Senator GRAHAM of Florida regarding salaries and expenses;

An amendment by Senator INOUYE regarding Philippines multilateral assistance;

An amendment by Senator RIEGLE regarding immigration;

An amendment by Senator SASSER regarding cutting foreign aid;

A sense-of-the-Senate resolution by Senator WIRTH regarding UNCED;

A sense-of-the-Senate resolution by Senator WIRTH regarding Canada;

An amendment by Senator DOLE regarding Armenia;

An amendment by Senator DOLE regarding humanitarian assistance for the former Yugoslavia;

An amendment by Senator DOLE regarding prostate cancer;

An amendment by Senator DOLE regarding mammogram screening;

An amendment by Senator DOMENICI regarding executive branch flexibility;

A second amendment by Senator DOMENICI regarding executive branch flexibility.

An amendment by Senator SIMPSON regarding immigration;

An amendment by Senator HELMS regarding aid to Russia;

An amendment by Senator BROWN regarding limit IMF quota;

An amendment by Senator GRAMM of Texas regarding currency boards;

An amendment by Senator SPECTER related to foreign aid;

An amendment by Senator STEVENS regardubg a dogsled trip to Antarctica;

An amendment by Senator SIMON regarding Zaire;

An amendment by Senator SIMON regarding OPIC;

An amendment by Senators LEAHY and KASTEN regarding the Agency for International Development and export of jobs;

An amendment by Senator LEAHY for Senator HATFIELD modifying section 562;

An amendment by Senator KASTEN modifying Greece-Turkey-Portugal military aid provision;

An amendment by Senator HARKIN regarding Third World economic development and reduction of military expenditures;

An amendment by Senator BIDEN related to Bosnia;

A sense-of-the-Senate resolution by Senator LIEBERMAN regarding Bosnia;

An amendment by Senator LIEBERMAN regarding the Kurds;

An amendment by Senator LIEBERMAN regarding Mideast environmental initiatives;

An amendment by Senator BRYAN regarding FEMA;

An amendment by Senator BRYAN cutting foreign aid;

An amendment by Senator BYRD regarding notification procedures;

An amendment by Senator LEVIN related to Bosnia;

An amendment by Senator DECONCINI regarding military aid to Turkey;

An amendment by Senator DECONCINI related to Israel;

An amendment by Senator HELMS regarding the Agency for International Development;

An amendment by Senator SHELBY regarding Agency for International Development, job exports;

An amendment by Senator HELMS relevant to the bill;

An amendment by Senator WIRTH regarding dual-use technology;

An amendment by Senator KASTEN regarding forests for the future;

An amendment by Senator LAUTENBERG regarding Serbia and Montenegro.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. LEAHY. Reserving the right to object, there should also be a Leahy amendment regarding breast cancer registry on that list.

I understand from the distinguished Republican leader that his side has no objection.

Mr. MITCHELL. I ask that the agreement be modified to reflect that change.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. I now ask unanimous consent that on Thursday, October 1, at 9 a.m., the Senate proceed to the consideration of the veto message on S. 323, the title X family planning bill; that there be 1 hour for debate on the message equally divided between the two leaders or their designees; that upon the use or yielding back of time, the Senate lay aside that veto message and proceed to the consideration of the veto message on H.R. 5—MFN for China bill, that there be 40 minutes for each of the two designees; that upon the use or yielding back of that time, the Senate proceed into executive session and vote on the resolution of ratification on the START Treaty; that upon disposition of that resolution, the President be notified of the Senate's action and the Senate return to legislative session to vote on whether or not S. 323 shall pass, the objections of the President notwithstanding; that upon the disposition of that veto message, the Senate proceed to vote on whether or not H.R. 5318 shall pass, the objections of the President notwithstanding; that the preceding three votes occur without any intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the prior unanimous-consent agreement regarding the foreign operations appropriation bill be modified to include an amendment by Senator KASSEBAUM regarding Morocco.

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

Mr. MITCHELL. Mr. President, the second unanimous-consent agreement reached means that beginning at approximately 10:40 a.m., if all time for debate is used, the Senate will proceed to vote, without intervening action or debate, consecutively, upon the ratification of the START Treaty, the override of the President's veto on the family planning bill, so-called gag-rule bill, and then finally on the override of the President's veto for the MFN for China bill.

Senators should be aware of this and adjust their schedules accordingly.

Under the previous order the Senate will, following Senator ROCKEFELLER's remarks, proceed to the consideration of the Foreign Operations appropriations bill, and it is my expectation that there will be amendments offered today and votes on those amendments.

Mr. President, I ask unanimous consent that the list of the amendments on the foreign operations bill be modified so that on the amendment which was identified as an amendment by Senator BOREN that it be an amendment by either Senator BOREN or Senator BYRD.

Mr. LEAHY. Mr. President, reserving the right to object, what was that amendment?

Mr. MITCHELL. Buy America.

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

Mr. MITCHELL. Mr. President, I ask unanimous consent that the unanimous-consent agreement further be modified to include an amendment by Senator GORTON regarding Bosnia.

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

Mr. MITCHELL. Mr. President, I yield to the distinguished Republican leader for comments.

The PRESIDING OFFICER. The Chair recognizes the Republican leader, Mr. DOLE.

Mr. DOLE. Mr. President, I thank the majority leader and our friend from West Virginia, Mr. ROCKEFELLER.

I indicate we do have agreement now on the Foreign Ops appropriations bill. We were able on our side to get very short time agreements on amendments. I hope when we did not include that, those will be honored and will set an example for colleagues. My understanding in talking to the managers, this bill ought to be completed in a matter of 3 or 4 hours. That would be the last big hurdle, as I see it, between now and adjournment which will be based on few other things not determined yet. This is a big step in that direction.

So I encourage my colleagues on this side, I know many of these amendments will probably not be offered, but if they are, before we take them up have some reasonable time agreement.

I know on the dog sled agreement my colleague from Alaska only wants 5 minutes. That is the example we ought to follow.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont [Mr. LEAHY].

Mr. LEAHY. Mr. President, without prejudging a dog sled amendment on the foreign aid bill, I think 5 minutes may be more than enough.

I would hope that Senators who do have amendments would come to the floor quickly, because as far as I am concerned once there is nobody on the floor seeking recognition for an amendment, I will assume they have decided they do not need to do it and we will go to third reading.

I will urge that we go to third reading just as quickly as we can, because we still have to go to conference on this.

The PRESIDING OFFICER. The majority leader, Senator MITCHELL, is recognized.

Mr. MITCHELL. I thank my colleague from West Virginia for his courtesy and I apologize that this interruption took longer than I had anticipated. I am grateful to him.

Mr. ROCKEFELLER. I am grateful to the majority leader.

Mr. President, what is the regular order?

The PRESIDING OFFICER. The regular order is a period for morning business, with Senators to be recognized for up to 10 minutes each.

VETERANS HEALTH CARE AMENDMENTS—S. 2575

Mr. ROCKEFELLER. Mr. President, I rise to advise my colleagues and to assure the veterans across this country that the Congress is poised, right on the brink of taking action before adjournment, to respond to the very desperate problem that the rising cost of prescription drugs poses to every Veterans Administration hospital all across the country.

I have worked very hard on this matter for 1 entire year, with the help of a lot of other Members of this body and, of course, particularly the Veterans' Committee, and I am here to voice our

absolute determination to put that solution into place.

Since enactment of a drug-related provision in what is called OBRA 1990, the legislation for that, the VA has experienced very serious problems due to the increasing cost of its prescription drugs.

The most recent estimates from the Veterans Administration indicate that the department expects to be forced to spend an additional $93 million, over and above what they had budgeted to spend on prescription drug prices alone.

The VA simply cannot afford to do this. And on the Veterans' Committee and in this body, I hope, we are determined not to allow that to happen. The only way they can keep up with these rising costs of prescription drugs is, obviously, to eliminate or scrimp on other health care services for our veterans.

Over the past year, that is exactly what they have been forced to do, because it is not a matter of speculation; this is documented in every Veterans Administration hospital throughout the country. The veterans will suffer from this. There is absolutely no doubt about that.

If we do our job and pass legislation dealing with this problem, which is right on the brink, we will prevent further harm to veterans and other deserving Americans. Unlike other Federal health care programs, as my colleagues surely know, the Veterans Administration health care is an appropriated item, not an entitlement. A lot of people think it is.

Federal health care programs, unlike other VA health care, is an appropriated item, not an entitlement. Therefore, every dollar counts. Consequently every extra dollar that must be spent to cover the cost of a prescription drug means a dollar less for other health care services to veterans.

I will be brief, and just mention an example or two of the grave impact that this is having.

In some VA medical centers at the end of the fourth quarter in 1991, the pharmacy went down to bare shelves, nothing on them, and veterans who normally received medicine were turned away and told to go elsewhere. Some veterans hospitals are limiting surgeries or postponing them until the next fiscal year. Other VAMC's simply are not filling staff positions in the pharmacy. Economics is playing a increasingly important role in the determination of what drugs can be added to the local VA medical centers' formularies.

It is a disaster. This deeply alarms me, and it should alarm every Member of this body and every veteran.

As Tony Principi, who is now Acting VA Secretary, testified last year before the House Veterans' Affairs Committee:

> Without some relief, additional funding * * * it will mean the curtailment of some services * * * outpatient care, inpatient care, longer waiting lines. Clearly hospital directors will have to make decisions on how to manage their facility, and without the dollars to buy the drugs, they are going to have to cut back on the delivery of health care * * * ultimately veterans are getting hurt because they are going to be denied care. That's the bottom line.

The junior Senator from West Virginia will not accept such a bottom line, and I do not think that my colleagues in the Senate should or will accept such a bottom line.

And if we pull together in the next few days, we will not have to accept such a chilling bottom line.

After months of hard work and tough negotiations, a bipartisan compromise has emerged to respond to exactly these concerns of VA and other vulnerable Americans who rely on the Indian Health Service and Public Health Service-funded clinics for health care and prescription drugs.

I am proud to report to my colleagues that I joined with Senators SIMPSON and MURKOWSKI and Chairman CRANSTON in sponsoring a bipartisan amendment that passed the Veterans' Affairs Committee in August.

Since then, I have continued negotiations. I have met with representatives from the pharmaceutical industry and worked to address concerns and questions. I have worked with the leaders in the Department of Veterans Affairs, and I must specifically acknowledge the dedication and bipartisan work of Acting Secretary Tony Principi. He has been a leader on this issue and a good person to work with.

The House has passed legislation. Senate Committees of jurisdiction Veterans' Affairs, Labor, and Finance have signed off on the necessary pieces of the puzzle. We must move our bipartisan compromise package, and act upon it within the next few days.

It is a fair and reasonable bill. The aim of this initiative is to help veterans and the VA medical centers who care for them, despite budgets that are just too tight.

I ask for the full cooperation of my colleagues to move forward.

And I expect the cooperation of the pharmaceutical industry in this initiative. I have met with companies, and I have compromised on major components to secure a package that can be enacted into law this year.

I am committed to all of this, and I believe that every Member of the Congress should join me in this crucial effort and provide this desperately needed relief to the VA hospitals which have run out of money and are cutting off pharmaceuticals.

We should not allow any obstacles to get in our way of serving the people who we represent. A constructive carefully prepared and reviewed bill is before the Senate. And I hope we will see its passage very, very soon.

I thank the Presiding Officer and I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont [Mr. LEAHY] is recognized.

ORDER OF PROCEDURE

Mr. LEAHY. Mr. President, I know the Senator from Iowa is waiting to speak on another matter as am I.

I ask unanimous consent that the Senator from Iowa be recognized to speak as in morning business, and when his remarks are completed, that I then be recognized as in morning business for my remarks, and then upon the completion of my remarks, we be able to go into the normal opening statements of myself and Senator KASTEN. I say that so that the remarks will not appear prior to the remarks of the distinguished Senator from Wisconsin and myself as managers of the bill.

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

The Senator from Iowa [Mr. HARKIN] is recognized.

Mr. HARKIN. Mr. President, I ask unanimous consent that I may speak as if in morning business for 10 minutes.

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

BREAST CANCER RESEARCH FUNDS

Mr. HARKIN. Mr. President, this morning, the OMB, under the direction of Mr. Darman, has given another example of its hypocrisy and total political manipulation and has used technical figleafs to hide behind its hypocrisy and political manipulation.

What I am talking about, Mr. President, is a letter transmitted yesterday from OMB to Defense appropriations conferees regarding an amendment that I offered to that bill last week.

Mr. President, on the floor of the Senate, I offered an amendment to the Defense appropriations bill that transferred $200 million out of SDI to breast cancer research in the Department of the Army. That vote carried by 89 to 4, a clear expression of what Senators wanted done and where their priorities lie.

As soon as that vote was over, Senator STEVENS from Alaska propounded a unanimous-consent request that the SDI amount be increased back up to the $200 million and that the money for the breast cancer research would come out of other DOD existing accounts, with the understanding that this amendment would be held in conference or that they would fight for this amendment. I did not oppose that unanimous-consent request and the record will show that.

We are now in conference on DOD appropriations. Let me read the paragraph of the letter from OMB that shows it is hiding behind a technical figleaf to hide its hypocrisy.

Based on a preliminary review, several provisions in the House and Senate versions of the bill should be classified as domestic discretionary unless appropriate modifications are made. Such modification have been discussed by our staffs. For one such provision, however, a modification does not appear possible.

Well, which one do you suppose that is?

Although we have no objection to the provision that would provide $210 million for breast cancer research, we would score this provision as domestic spending under the Budget Enforcement Act.

Signed Richard Darman, Director of OMB.

Now, two things, Mr. President: First of all, Mr. Darman says there are several provisions in the bill that should be classified as domestic discretionary, but it can work these out. But, for one such provision, a modification does not even appear possible. This means that OMB does not want to do it.

OMB is saying that the breast cancer research that we the Senate included in the DOD bill will be scored as domestic spending.

Well, Mr. President, why? There is money in the DOD bill for prostate research. That is not scored as domestic spending. There are millions in there for AIDS research. That is not scored as domestic spending. Over $400 million in the DOD appropriations bill goes for medical research. None of it is scored as domestic discretionary except the money for breast cancer research.

You want to ask the question why, Mr. President, why, when it comes to women's health issues, OMB is going to score it as domestic discretionary, which will provoke a sequester, or threaten a sequester, when it ought to be under Defense spending, just like prostate, AIDS, and over $400 million of other kinds of medical research?

Well, now, another thing I found out, Mr. President. Here is a memo from the Department of the Army. The Army claims it does not have the personnel to administer this program. I will read it.

USAMRDC simply does not have the personnel resources in-house to effectively manage a $210 million breast cancer program. Therefore, most, if not all, funds would be passed to a science management contractor and to researchers outside of DOD.

Well, maybe that is why OMB has decided to classify these funds as domestic discretionary spending. But, Mr. President, that bucket is full of holes.

Already last year, $25 million was included in the DOD bill for breast cancer. The Army only spent $5 million of it. Guess where it went? To the University of Pittsburgh. They did not do it in-house. They contracted out and directed it to the University of Pittsburgh.

A lot of the AIDS research that is being done goes outside of the Department of the Army or outside the Department of Defense.

I have here a sheet of paper on which there are listed numerous research projects that go from DOD to NIH which are not listed as domestic discretionary spending.

But even more hypocritical, Mr. President, there are several research projects on this piece of paper, several research projects that flow from NIH to the Department of Defense. In other words, NIH is contracting with DOD to do some research projects because DOD has some pretty good medical researchers. I will include this list in the RECORD.

Well, why is that not scored as Defense spending? No, it is scored against my Subcommittee on Labor, Health, and Human Services as domestic spending.

Well, I say what is good for the goose is good for the gander. If they are going to start scoring the research that the DOD contract out to NIH, maybe we should say all this research they are doing in NIH should be scored as Defense spending. They cannot have it both ways.

So, again, this letter from Mr. Darman shows the sheer hypocrisy of what OMB is trying to do.

Finally, Mr. President, here is the House report accompanying the DOD appropriations bill. Let me read this.

The committee recommends that the Department work with external research organizations to ensure that this increased funding does not overwhelm many DOD facilities and facilitates the dissemination of medical research throughout the civilian as well as defense medical community.

There it is, the report language from the House itself telling DOD to not do it all in house and instead contract it out. And here is the letter from Mr. Darman saying if you do that, they are going to score only breast cancer research as domestic discretionary spending:

DOD, if you want to contract out some research on heart disease, go right ahead and do it. That is defense spending. You want to do some research on arthritis, go ahead, contract it out. That is defense spending. You want to do research on prostate cancer, contract it out. That is defense spending. But if you want to contract out breast cancer research, that is domestic spending.

That is the hypocrisy of it. And that is why I wanted to take the floor at this time to talk about it.

I understand that this morning there was a Republican task force in the House of Representatives, I am told, with Mrs. Quayle talking about what all the Bush administration has done for women's health issues, including breast cancer.

I suggest most respectfully, Mr. President, that if Mrs. Quayle wants to make an impact she should pick up the phone, she should call Mr. Darman at OMB and say, Mr. Darman, send another letter down to the Appropriations Committee and tell them that your first letter was misinterpreted, that it was not quite right; that, in fact, you can, indeed, score the $210 million in breast cancer research as defense spending just like you do it for all of the other medical research that you do.

I would think that in the aftermath of the Tailhook convention, I would think the military ought to be a little bit more sensitive to women's health issues and to women's issues in general.

This letter from Mr. Darman, as I said before, is nothing more than a technical figleaf to hide the hypocrisy of what they are doing to address the health care needs of women in this country. Mr. President, 180,000 women this year will be diagnosed as having breast cancer. As I have said before my own two sisters, the only two sisters I had, died of breast cancer; 89 Senators voted to take $200 million in other accounts in defense and put it into breast cancer research. Now Mr. Darman says you cannot do it.

Again, I hope Mrs. Quayle might pick up the phone and call up Mr. Darman and say, Mr. Darman, we need this. I most respectfully ask Mrs. Quayle to do that. I am hopeful we can get this money where it belongs and we do not have to have these little technical fig leaves, or this kind of nonsense of saying, well, if they contract out that is domestic spending, when I have shown quite clearly that they do it in other areas but they do not do it in breast cancer research.

I see Senator LEAHY is back on the floor. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont [Mr. LEAHY].

FUNDING BREAST CANCER RESEARCH

Mr. LEAHY. Mr. President, I hope other Senators listened carefully to what the Senator from Iowa just said. The Senator from Iowa has raised a point, very important to this body. It is very important to the way we do things here. But it is of even greater importance to the women who serve in our Armed Forces.

In effect, Dick Darman on behalf of the President has chosen to score breast cancer funding as domestic spending in the Defense appropriations bill. In effect, Mr. Darman is wielding his line-item veto.

We hear these great speeches about the need for a line-item veto. I happen to oppose the idea for just this reason. This is not the first time Mr. Darman has given himself an effective line-item veto. He did this on dairy legislation earlier. He opposed one aspect of it, and effectively killed the chances for family dairy farms to get the help they needed. Now he has done it on breast cancer research funding in the Defense appropriations bill.

Mr. Darman's threat of a line-item veto on this seems to be causing enor-

mous consternation and could well kill the money needed for breast cancer funding. If it were simply the use of a power that unfortunately has been given to the executive branch, that would be one thing. But it is far more than that. It is saying, really, that breast cancer research funding does not make any sense to the administration. I say this because there is a double standard here. There is over $400 million in medical research in the same bill, including $2 million for prostate cancer. Mr. Darman found nothing wrong with that. That does not come under the line of domestic spending; breast cancer does. If one is domestic spending, so is the other. But, yet, prostate cancer funding does not get scored; breast cancer funding does.

So I thought about this for a while and I looked back through the legislative history and I wondered what makes the difference? Why, when they are scoring similar type funding, both in the same bill, one is subjected to the OMB line-item veto but the other is not?

Mr. President, I think the answer is painfully obvious. Men get prostate cancer; predominantly women get breast cancer. The funding for the cancer research in the defense bill that will apply to men is OK. The funding for the cancer research that will apply to women is not OK. It is that simple.

Perhaps if some people who were making this decision ran a risk of getting breast cancer instead of prostate cancer, we would find a reverse in OMB's ideas. Mr. Darman, the generals who are working on the defense bill—all of them face the risk of prostate cancer. In all likelihood none of them faces the risk of breast cancer. The money is in there for prostate cancer. It is not in there for breast cancer. I think this little game is shameful. This little game is shameful and it reflects an arrogant sexism on the part of OMB; an arrogant, a cruel, a mean sexism.

It ignores the realities of today. Let us call it what it is. When they are going to use their line-item veto in effect to say breast cancer funding is bad and prostate cancer funding is OK—come on. There is not a single person in this Chamber who does not know exactly what is going on.

Personally, I feel the funding should be there for both. Cancer that kills, cancer that can be prevented but instead kills men and women in this country—we ought to be doing everything to stop it. This is where the priorities of this Nation should be: helping to cure disease; helping especially to prevent diseases that do kill but that can be prevented in time.

I hope this Nation, and this Senate, and certainly I would hope the Office of Management and Budget and the White House will get beyond the day when we look only to those diseases that affect men and ignore those diseases that affect women. It is wrong when we do otherwise. It is wrong, it is arrogant, it is mean.

I know it is an election season and I know we are only a few weeks from congressional and Presidential elections. But this is not a situation in which Republicans get diseases and Democrats do not, or vice versa. The fact is men are at risk for prostate cancer; women predominantly—and some men—are at risk for breast cancer.

Let us not play a game and say we will fund prostate cancer but not breast cancer.

As I said, maybe the people who made these decisions worry more about getting prostate cancer than breast cancer, but I know millions of women in this country worry about the other, and justifiably so.

In my part of this Nation, the Northeast, we have a disproportionately high percentage of women who die from breast cancer. I, for one, do not support the action of OMB. I think it is wrongheaded, sexist, and mean. Maybe they like to be able to wield the veto. Find it on something else, not on this.

IRAQGATE: THE ADMINISTRATION'S FOREIGN POLICY BLUNDER

Mr. LEAHY. Mr. President, on January 16, 1991—just hours after allied forces began their air attack against Iraqi troops in Operation Desert Storm—President Bush spoke about the reasons for going to war. "We are determined to knock out Saddam Hussein's nuclear bomb potential," he told the Nation in a televised address.

Americans clearly understood the bottom line—if Saddam Hussein ever got nuclear weapons, he would be a threat to world peace.

But there was something the President did not tell the country at the time—our own administration had enhanced Saddam's nuclear potential.

Most Americans were unaware that the United States had used a Department of Agriculture program to guarantee $5 billion in bank loans to Saddam Hussein, U.S. aid helped him spend more of his precious cash on $10 to $20 billion of nuclear technology and weapons of mass destruction instead of food.

Most Americans were unaware that the administration had approved exports that found their way into Iraq's missile, nuclear, poison gas, and germ warfare programs.

And most Americans were unaware that just 10 months before Saddam Hussein's tanks rolled in Kuwait City, President Bush had signed a top secret directive, overruling objections by high ranking officials opposed to continuing economic aid to Iraq.

Sadly, the American people are just beginning to learn the truth.

They are learning that when Saddam Hussein defaulted on $1.9 billion of U.S.-backed bank loans, American taxpayers were stuck with the bill.

And they are learning that Saddam was much closer to building a nuclear bomb than previously thought—perhaps as close as 18 to 24 months away from completion when the fighting began.

Today, 19 months after Desert Storm, U.N. inspectors are scouring the Iraqi cities and countryside, looking for nuclear weapons factories.

Some experts believe that because of pre-war assistance from the United States and western countries, Saddam may eventually have nuclear weapons.

The genie is out of the bottle. And that is a frightening thought.

To understand what the United States did to build up Saddam, we must begin in the early 1980's, during the 8-year, bloody Iran-Iraq war.

It was then that the administration began down a path of fateful decisions and miscues that led to the most critical of decisions—the October 1989 National Security Directive 26 (NSD 26).

During the Iran-Iraq war, the Reagan administration was quietly working to improve relations with Iran. Once exposed, the failed effort became known as the Iran-Contra scandal.

Unkown to most Americans, the administration was also secretly working the other side of the street. It was wooing Iran's then-mortal enemy, Iraq.

Even after the war ended and George Bush became President, the White House continued its efforts to curry favor with Saddam Hussein, who by then was the region's reigning power.

The first step was to remove Baghdad from the list of terrorist countries in 1982. Today I am placing in the record declassified documents which show that Iraq did not abandon its commitment to sponsoring terrorism.

Removal from the terrorist list was critical to Baghdad. It allowed Saddam to receive billions of dollars in U.S. aid and dual use equipment—advanced equipment that can be used for both military and civilian purposes.

While the administration eventually placed Iraq back on the list of terrorist countries, it did not do so until after Iraq's invasion of Kuwait. Only then did the administration find enough evidence to determine that Iraq was again supporting terrorism.

But between 1982 and 1990, Iraq's record on terrorism was well known to the administration. For example, Iraq assisted the June 1982 terrorist attack on the Israeli Ambassador in London, setting off the Lebanon war. In October 1985, Saddam Hussein helped Abu Abbas escape after the *Achille Lauro* hijacking and murder of American Leon Klinghoffer. And in May 1990, Israel stopped an Iraqi-backed Palestinian attack off its coast.

These were not isolated incidents. By early 1990, the Rand Corp. estimated that 1,400 terrorists were operating out of Iraq.

The administration knew Saddam was supporting international terrorism, but chose to ignore it. And it was then that the administration made another fateful mistake.

The administration also had evidence that Saddam Hussein was using a worldwide network of Iraqi front companies to secretly obtain nuclear technology and weapons of mass destruction.

In fact, shortly after the invasion of Kuwait, one administration official bemoaned that no one was paying attention to the need to block Saddam's nuclear, biological, and chemical weapons.

The administration tried to fool itself. It allowed Iraq to buy American-made equipment with nuclear applications so long as Saddam promised not to use it for nuclear weapons. By burying its head in the sand, the administration tried to pretend a serious problem did not exist.

Today I am placing declassified documents in the record showing the administration was warned as early as 1985 the Saddam might be diverting U.S.-made equipment to his nuclear weapons programs.

The administration ignored these warnings, and moved ahead with a policy that sent billions of dollars in aid and equipment to Iraq.

The amount of equipment sent to Iraq was substantial. Specifically, from 1985 to 1990, the administration approved $1.5 billion worth of sensitive exports to Iraq, much of which was dual-use equipment. U.N. inspectors recently examining Iraqi nuclear-weapons facilities found that American-built systems had been reconfigured to help Iraq enrich uranium for nuclear weapons. In 1989, the manufacturer had warned that the systems had military potential.

What did the administration know and when did the administration know it?

In March 1989, Secretary Baker was warned by State Department officials that Iraq was working hard on chemical and biological weapons and that terrorists were still operating from Iraq.

Additional reports were made in April and June 1989.

In August came a warning that reverberated throughout the administration.

FBI agents raided and shut down the Atlanta, GA, branch of the Banca Nazionale del Lavoro [BNL], after discovering that it had funneled $5 billion in loans to Iraq, a substantial portion of which were guaranteed by the United States Government.

While there is much that the public does not know about BNL, the White House kept close tabs on the Department of Justice's investigation and prosecution of the case, going so far as calling the line attorney on several occasions.

It was soon revealed that at least part of the illegal loans were used to finance Iraq's worldwide military procurement network.

And the next month, according to the Los Angeles Times, the CIA reportedly warned Secretary Baker that Iraq was developing a "nuclear weapons capability." While the CIA apparently identified specific nuclear technology the Iraqis wanted—such as high-speed cameras, x-ray machines, and sophisticated computers—the administration subsequently allowed the technology's export anyway.

Throughout this period of time, the administration was divided over United States aid to Iraq. Several Federal agencies opposed continuing the agricultural program with Iraq because of Baghdad's abysmal credit rating and allegations arising from the BNL investigation including diversion of commodities for arms and kickbacks.

It was during these turbulent times—10 months before Iraq invaded Kuwait—that President Bush signed the secret National Security Directive 26, focusing the full power of the United States Government toward the goal of forging closer ties with Saddam Hussein's nation.

NSD 26 overrode dissent. Better judgment was put aside. Aid to Iraq was the cause. Damn the torpedoes, full speed ahead was the order of the day.

At the time, the United States was going it alone. We were the only government in the world willing to offer Baghdad extended; (that is, 1 to 3 year) credit. Other countries considered Iraq too much of a credit risk. In hindsight, they were right.

Despite NSD 26, some within the administration still fought additional aid to Iraq. But dissent was not considered fatal at the time; it was merely an impediment to be removed.

For example, when USDA personnel resisted additional loan guarantees, Secretary Baker later that month phoned Agriculture Secretary Clayton Yeutter to persuade him to approve an additional $1 billion in aid to Iraq.

Secretary Baker wrote on his talking points that Secretary Yeutter told him during that phone call: "I think we're seeing it the same way you guys are. I'll get into it." The loans were extended to Iraq soon thereafter.

When I wrote to Secretary Yeutter about the decision to extend further Commodity Credit Corporation guarantees to Iraq, he misled me and the American people about the reasons the administration approved giving additional financial aid to Iraq just months before it invaded Kuwait.

After NSD 26 was signed, the administration ignored other warning signs. In March 1990, for example, Iraqi efforts to smuggle nuclear triggers out of Great Britain were discovered.

In April, Saddam bragged that he had chemical weapons and threatened to burn half of Israel. But the Los Angeles Times reported that in the same month, White House aides worked to prevent governmental Agencies from imposing tighter restrictions on Saddam's access to dual-use equipment. One senior official reportedly said: "The President does not want to single out Iraq."

In May 1990, a mere 3 months before the Iraqi invasion, the administration shared intelligence information on Iranian troop movements with Iraq. Some speculate this later helped Iraq learn to shelter its weapons from United States surveillance during Operation Desert Storm.

And less than a week before Iraq invaded Kuwait, the Administration opposed congressional efforts to impose sanctions on Iraq.

When Saddam invaded Kuwait, he defaulted on $1.9 billion in loans owed to American and international banks. Under the terms of the CCC Program, the United States was required to pay back the debt.

But in an apparent violation of post-Desert Storm presidential orders banning aid to Iraq, the Administration paid $416 million to a bank partially owned by Baghdad. Payments continued despite evidence that the bank was helping finance a loan to a shipyard owned by Iraq and Libya.

The warning signs were there, but the administration chose to ignore them.

In the face of evidence that Saddam Hussein was using front companies to obtain nuclear technology;

In the face of evidence of a massive bank fraud funding the Iraqi military build up;

In the face of repeated violations by the Iraqis of our agricultural aid programs; and

In the face of evidence that Hussein was spending so much on weapons, he could not repay his debts.

President Bush and his administration made the decision to continue United States economic aid to Iraq.

And then, when Congress and the American people started asking questions, the administration covered up its actions and intentions. It misled congressional investigators and altered documents. And some claim the White House may have interfered with a Department of Justice investigation into the embarrassing, illegal loans made by BNL's Atlanta branch.

President Bush argues that: "We did not go to enhance [Iraq's] nuclear, biological, or chemical capability."[1] The record suggests otherwise.

Despite increasing evidence Saddam Hussein was acquiring nuclear weapons technology and sponsoring worldwide terrorism, President Bush made the fateful decision 10 months before Iraq's invasion of Kuwait.

[1] President Bush on CBS Morning News, July 1, 1992.

It was then that the President signed the secret directive, NSD 26, ordering closer ties with Baghdad and opening up additional United States economic and political aid to the dictator.

In his column entitled "Crimes of Iraqgate,"[2] columnist William Safire, sums it up:

Americans now know that the war in the Persian Gulf was brought about by a colossal foreign policy blunder: George Bush's decision, after the Iran-Iraq war ended, to entrust regional security to Saddam Hussein.

Mr. President, I ask unanimous consent that the nuclear and military unclassified documents showing United States misguided policy toward Iraq be printed in the RECORD.

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

UNITED STATES POLICY TOWARD IRAQ NUCLEAR AND MILITARY ISSUES—UNCLASSIFIED DOCUMENTS

Date: April 30, 1985.

Re: Dual Use Exports to Iraq.

Key Points: State Department believes that "when Iraqi importers demonstrably intend legitimate civilian, non-nuclear weapons-related end-users and there is no evidence of likely diversion to the Soviets, we should promptly approve licenses [for dual use equipment] without unworkable conditions."

Date: July 1, 1985.

Re: High Technology Dual-Use Export to Iraq.

Key Points: The Department of Defense "has a number of concerns in regard to high technology exports to Iraq that must continue to be addressed. . . . there is a body of evidence indicating that Iraq continues to actively pursue an interest in nuclear weapons, . . . Iraq has been somewhat less than honest in regard to the intended end-use of high technology equipment."

Date: April 9, 1986.

Re: Denial of Dual Use Exports to Iraq for Nuclear End Use.

Key Points: "Exports of dual use nuclear referral list items such as advanced computers are approved for acceptable non-nuclear end uses in Iraq on a case-by-case basis."

Date: 1988.

Re: Administration Position on Proposed Iraq Sanctions.

Key Points: "Having gotten away with the use of chemical weapons on a number of occasions, the Iraqis may very well use them again the next time they consider such use necessary."

Date: 1988–89.

Re: Guidelines for U.S.-Iraq Policy.

Key Points: "Iraq's military attache [to the U.S.] has been active in trying to buy dual-use and high tech items Iraq needs."

Date: March 24, 1989.

Re: Meeting with Iraqi Under Secretary Nizar Hamdun.

Key Points: Iraq "is working hard at chemical and biological weapons and new missiles."

Abu Abbas, "who masterminded the murder of a U.S. citizen in cold blood," continues to enjoy safe haven in Iraq.

Iraq "has revived a border dispute with Kuwait."

Date: November 7, 1989.

Re: Talking Points on Indonesian Super-Puma Sale.

Key Points: "We have not had a policy of discouraging other countries' arms sales to Iraq. Such a policy is in effect with regard to Iran."

Date: 1989–90.

Re: Iraqi Export Cases: Why They Make the Case for Expanding License Requirements and Review.

Key Points: Licenses were granted for equipment with dual or not clearly stated uses for export to probably proliferation related end users in Iraq.

Report lists several approved exports which enhanced Iraq's non-conventional warfare capability.

Date: April 16, 1990.

Re: Possible New Trade Controls on Iraq and Other Chemical-Biological Warfare Proliferators.

Key Points: "Nuclear Controls: 65 dual use Commodities are licensed by Commerce; however, Energy is the primary advisory agency. License applications are reviewed on a case by case basis. Some lower power computers have been approved."

Date: May 16, 1990.

Re: Options Paper on Iraq.

Key Points: The Administration is still exchanging military intelligence information with Iraq.

Date: December 1990.

Re: Countering Iraqi Weapons of Mass Destruction: The Gulf Crises and Beyond.

Key Points: Iraq spent $10–20 billion to build its non-conventional weapons capabilities and relied on massive international aid.

"No one was paying attention to the need to block non-conventional weapons proliferation."

TERRORISM

Date: 1984–1985.

Re: Chronology.

Key Points: Iraqi Foreign Minister Tariq Aziz tells U.S. that Abu Abbas, hijacker of the Achille Lauro, enjoys diplomatic "immunities" in Iraq.

Date: April 23, 1985.

Re: Iraqi Concerns about Congressional Passage of the Export Administration Act.

Key Points: Department of State official "assures" Iraqi Foreign Minister Tariq Aziz that the Administration will oppose Congressional efforts to place Iraq back on the terrorist list.

Date: July 1, 1986.

Re: Iraq's Retreat from International Terrorism.

Key Points: Subsequent to the removal of Iraq from the terrorism list, the Black June Organization of Abu Nidal—while operating out of Baghdad—struck repeatedly at Israeli and Jewish targets in Europe.

"Even very recently . . . there have been developments that suggest that Iraq remains reluctant to cut completely its links to terrorist groups. For example, two bomb-toting individuals arrested in Rome in October 1985 have been linked to the Iraqi-based May 15 group, and Abu Abbas seems to have been permitted to take refuge in Iraq following the 'Achille Lauro' hijacking."

Date: June 20, 1990.

Re: Demarche on Abu Abbas.

Key Points: Administration has further indications that Abu Abbas "continues to enjoy access to Iraq." Iraq "will continue to provide access for all Palestinians and groups seeking to liberate Palestine from Israeli occupation."

Memorandum For: The Secretary of Defense.
Through: The Under Secretary for Policy.
Subject: High Technology Dual-Use Export to Iraq.

(C) Next under (Tab A) is a reply to Secretary Shultz's letter of 30 April (Tab B) that requested your assistance in expediting licensing of exports to Iraq "without imposition of impractical conditions," in order to increase our influence in Iraq to the detriment of the Soviet Union.

(C) As you recall, you recently have approved two important licenses, the Digicon case for the Iraq National Oil Company and the Sperry case for the Iraq Department of Interior. Their approval predated the arrival of SecState's letter. However, it was necessary to reopen these cases in order to revise the conditions of approval.

(S) The reply recalls these approvals and also notes that we have a number of legitimate national security concerns in regard to high technology exports to Iraq that must continue to be addressed. To wit, the reply points out, in part from the CIA report on Iraq enclosed with Secretary Shultz's letter, that there is a body of evidence indicating that Iraq continues to actively pursue an interest in nuclear weapons, that the large number of Warsaw Pact nationals in Iraq makes diversion-in-place a real possibility and that, in the past, Iraq has been somewhat less than honest in regard to the intended end-use of high technology equipment.

(C) The reply points out that by-and-large Defense has recommended approval for exports to Iraq and notes that certain conditions are necessary in the Iraqi context to protect our national security interests. They are also similar to conditions placed on sales of comparable, sensitive technology to other non-allied countries.

(U) I recommend that you sign next under at Tab A.

Richard Perle.

Attachment.

THE SECRETARY OF STATE,
Washington, April 30, 1985.

Hon. CASPAR W. WEINBERGER,
Secretary of Defense.

DEAR CAP: I want to ask your assistance in reconciling three important U.S. interests: preventing nuclear proliferation and transfer of advanced technology to the Soviets, on the one hand, vs. expanding our political and commercial influence in Iraq on the other, as directed by NSDD-99, to counter Soviet influence in Southwest Asia. We now have the opportunity to draw Iraq further away from the Soviets and help restrain its behavior. I believe we can accomplish this without compromising our technology transfer or nuclear nonproliferation goals.

To do so, however, we need to assure timely review of applications to export advanced U.S. technology to Iraq. Unwarranted denial or further delay in pending and future cases would set back our political, commercial, nonproliferation and technology transfer interests by assuring that Iraq buys more sensitive items from foreign suppliers, including COCOM partners. U.S. sales enable us both to monitor Iraq's use of such items and to halt servicing and spare parts if used illicitly. DOD's resistance to approving dual-use exports for non-sensitive end uses encourages Iraq to look elsewhere.

Hence I ask your expeditious approval of such cases, including a pending license for a computer, without imposition of impractical conditions such as downgrading of capacity or continuous presence of COCOM country technicians. Beyond the major pending case, my main concern is to prevent future delays in technology transfer to Iraq. I believe that, when Iraqi importers demonstrably intend

[2] New York Times, May 18, 1992.

legitimate civilian, non-nuclear weapons-related end-uses and there is no evidence of likely diversion to the Soviets, we should promptly approve licenses without unworkable conditions.

In the enclosed study, the CIA concluded that there is no evidence that Iraq represents a significant risk of diversion to the Soviets. Nonetheless, we will continue to assess this risk carefully for each proposed export. The intelligence community also has no evidence that Iraq has yet embarked on a nuclear weapons program, or intends to do so. Obviously, we need to do all possible to assure that it does not. Therefore we will continue to scrutinize advanced technology exports to assure that they do not provide Iraq the ability to develop nuclear weapons.

Sincerely yours,

GEORGE P. SHULTZ.

Fm: Secstate Washdc
To: Amembassy Baghdad immediate
Info: Unvie Mission Vienna 3143
E.O. 12356: DECL OADR
Tags: ESTC, KNNP, PARM, TRGY, SF
Subject: Denials of dual use exports to Iraq for Nuclear end use

1. C—Entire text.

2. USG policy at this time continues to be not to engage in nuclear cooperation with Iraq. Therefore, exports of dual use nuclear referral list items to Iraq are not approved for nuclear end uses, which includes use by either Iraq AEC or Tuwaitha research center.

3. From time to time, dual use exports for nuclear end use in Iraq have been approved as exceptions to this policy. If items to be supplied are of very minor significance.

4. Exports of dual use nuclear referral list items such as advanced computers are approved for acceptable non-nuclear end uses in Iraq on a case-by-case basis.

5. The following talking points may be used at the discretion of the Ambassador in discussion of this matter with GOI officials:

A. The U.S. Government is sympathetic to Iraq's desire to engage in nuclear cooperation with the United States, and we are mindful of our obligations under the nonproliferation treaty to which both the U.S.and Iraq are parties.

B. However, the United States cannot ignore the extensive hostilities and tensions prevailing in the area.

C. The U.S. Government has considered the possibility of the approval of exports of certain dual-use equipment for use in nuclear research programs in Iraq, but this consideration has been complicated by concerns arising from the continued state of hostilities in the area and resultant sensitivity to the question of nuclear cooperation under such circumstances.

D. Please be assured that we shall continue to consider this question in order to be as responsive as possible to your expressed concerns.

E. In the meantime, the U.S. Government is prepared to continue to consider approval on a case-by-case basis of dual use exports for non-nuclear end use in Iraq.

SHULTZ.

GUIDELINES FOR UNITED STATES-IRAQ POLICY

The U.S. transition comes as we must choose a new direction in our policy towards Iraq. The war with Iran is over, and much of the basis of our previous dialogue is gone with it. It is up to the new Administration to decide whether to treat Iraq as a distasteful dictatorship to be shunned where possible, or to recognize Iraq's present and potential power in the region and accord it relatively high priority. We strongly urge the latter view. Because of the narrow focus of past dialogue, our relations have tended to swing from over-enthusiasm to over-hostility, depending on events. We believe steady relations concentrating on trade can avoid both extremes and further U.S. interests in the region.

I. WHY BOTHER

Iraq has come through its war with Iran with great military and political power, and is aiming higher. President Saddam Hussein has the wherewithal to be a major player in regional affairs, as a prominent member in a loose alignment of conservative Arab states featuring Egypt, Jordan, Saudi Arabia and Kuwait. Iraq's prestige among these nations, its vast oil reserves promising a lucrative market for U.S. goods, and its status as a wavering Soviet quasi-client all give our bilateral political relationship importance and room for opportunity.

The lessons of war may have changed Iraq from a radical state challenging the system to a more responsible, status-quo state working within the system, and promoting stability in the region. We use "may have changed" because Iraq's postwar intentions are still evolving, and it is this evolution which lends importance to U.S. efforts. Even aligned with our regional friends, however, dealing with Iraq will remain difficult. Iraq has never lost its heavy touch in foreign affairs—as we can see by its big stick approach to the Kuwait border issue and in Lebanon—and its heavy-handedness will probably come to the fore in dealing with the GCC when it comes to terms with Iran. S.-Iraq ties.

II. FACTORS IN THE RELATIONSHIP

The U.S. and Iraq began to draw closer in 1984, when traditional hostility and suspicion were outweighted by the shared goal of containing Iran and seeking peace in the Gulf War. Diplomatic relations, severed in 1967, were resumed in November, 1984. Iraq offered a counterweight to our ruptured ties with the more strategically placed Iran, and a bulwark against expansion of the Islamic Revolution. Iraq also sought these—in its desire for evidence of international respectability. We cooperated with Iraq politically and, increasingly, militarily in an effort to end the Gulf War and the threat to important friends such as Saudi Arabia and Kuwait.

When war ended, much of the impetus to draw close to Iraq was lost—we have much less to talk about, and several factors have emerged to pull us apart:

The tendency to view our relations with Iran and Iraq as a "zero-sum" game may lead us to offer our relations with Iraq as a hostage to improved relations with Iran.

Iraq's unlawful use of chemical weapons has aroused great emotions in the U.S.; any Iraqi resumption of CW use will probably destroy the entire relationship.

Iraq's new military capabilities and aspirations, coupled with its 1970's reputation as a radical, rejectionist, terrorist "outlaw" state, make it an alarming prospect to Israel—and to many in the U.S.

Iraq's abominable human rights record, especially with regard to use of chemical weapons to suppress Kurdish rebels, provides a convenient hook for efforts to scuttle the U.S.-Iraq relationship.

Iraq tends to react to our differences by swinging a big stick, exacerbating bilateral tensions.

Iraq's failure to settle the first set of claims for the attack on the USS Stark presents a major obstacle to development of relations. We presented the first and most politically sensitive set of claims, for wrongful death, on April 4, 1988.

These factors give rise to disunity in the USG approach to Iraq. The Department of Agriculture finds Iraq one of its best customers for commodities; parts of Commerce, the Pentagon, and State have an interest in continuing political dialogue and fostering broader trade; parts of Congress and the Department would scuttle even the most benign and beneficial areas of the relationship, such as agricultural exports.

The Iraqi Government may be similarly divided on the value of the relationship. The strongest pressure for improved U.S.-Iraqi relations comes from the trade and business sector. Saddam's key economic ministers, notably Finance and Trade, actively promote these ties. Minister of Industry and head of military-industrial production Husayn Kamil al-Majid, President Saddam Hussein's son-in-law, appears to be pushing ties, often through military channels. Kamil wants U.S. exporters to help in the economic development Saddam believes will give Iraq commercial punch to match its military might and thus gain the regional political clout he wants. Iraq seeks to gain a stronger hand with the U.S. through oil and trade. In May Iraq began to offer U.S. oil companies large price incentives, and U.S. oil imports from Iraq have skyrocketed. Iraq's military attache has been active in trying to buy dual-use and high tech items Iraq needs. By focusing efforts on agricultural exporters, oil companies and large U.S. corporations, Iraq hopes to counter negative attitudes in Congress.

These Iraqi approaches complement areas in which the U.S. wants to develop relations, but our response has lagged. Nonagricultural exports are small, and we have not matched competitors in extending credits to make U.S. participation in reconstruction more attractive. Although there is some scope for U.S. firms, easy credit terms are of overriding importance to Iraq, which owes $35-$40 billion to Western creditors and cannot service all its current debt, let alone new loans for Saddam's ambitious development schemes.

III. POLICY GUIDELINES

We should be clear-headed in our expectations. It has been just four years since we reestablished diplomatic relations: our political dialogue is still in its infancy. We may not want a cozy political relationship, but Iraq's political, economic and military strength—and especially its growing leadership role among Arab friends of ours—will make it impossible to isolate it as we have tried with Libya or Syria. All this argues that we should encourage Iraq's professed desire to play a responsible role in the region. It is therefore in our interest to have businesslike, profitable, and above all stable relations with Iraq that can withstand the inevitable buffets to the relationship, edging us closer to Iraq in trade and political dialogue while stressing our military and human rights concerns. After concentrating on settling the Stark claims, which may give us more room to maneuver, the following are some areas we can work on.

Redirecting the political dialogue

Our political dialogue with Iraq has focused on the shared goal of ending the Iran-Iraq war. With the turn in military fortunes and the ceasefire, Iraq's interest has been to see us back out of the peace process because we can only blunt some of Iraq's more excessive demands (this may change as it becomes more difficult to threaten a renewal of hostilities).

Standing back has matched our interests: we believe any real peace will have to be one worked out between the two sides, not imposed by the Security Council. We can afford to wait: we have little real stake in the issues beyond maintaining the truce. We can also afford to balance our position on the Geneva talks as part of our approaches to Iran. Eventually, we may have to oppose Iraq's demands to full sovereignty over the Shatt al-Arab waterway, as such a settlement could lead to renewed hostilities in several years.

We should therefore seek to broaden the scope of our political dialogue, to avoid foreseeable strains in the narrow relationship. Two promising subjects are Gulf stability and the Mideast Peace process.

We may find ourselves opposed to Iraqi ambitions if they include hegemony in the Gulf, but we are in tune overall with Iraq's quest for stability, which focuses on containing Iran. By including Iraq among the countries we consult regularly about Gulf security issues—along with Saudi Arabia, Kuwait and the rest of the GCC—we can open a dialogue and satisfy Saddam's desire to be treated as a key player.

A Gulf security dialogue could also include the role of the Soviets. Iraqi ties with the Soviets—essentially a relation of convenience for the anti-communist Baath leaders—will be more cautious now that the need for basic weaponry is not as acute. This may provide opportunities to wean Iraq away from its already tenuous political alignment with the Soviets; Iraq already looks to the West for its newer military systems.

After Iran, Iraq's main opponent in the Middle East will continue to be Syria (not Israel), and that enmity will guide Iraq's policy towards the Arab-Israel conflict and Lebanon. This should lead us to minimize dialogue on Lebanon, where Iraq is also trying to subvert Iran's position and can only play an unhelpful role. Iraq is too far and Syria too close to allow Iraq a decisive say in Lebanon, no matter how much money and materiel the Iraqis give the Lebanese Forces; fighting such an uphill battle, Iraqis may tend to see our involvement as alliance with Syria.

Regarding Arab-Israel issues, however, Iraq can play a more constructive role, and a true dialogue will encourage it to do so. Iraq has long maintained it will accept anything the Palestinians do, and voicing this now can enhance the moderate image Iraq seeks to project to the West. AIPAC members on accompanying a recent Codel to Baghdad came away impressed with Iraq's moderation and desire to further the Peace Process. Iraq has real influence with Arafat, Hussein and Mubarak, and should be willing to engage in a substantive dialogue, setting a precedent for broader areas of discussion.

Military relations

Obviously an area in which to tread carefully. We must set guidelines for a relationship that eases access but allows us to distance ourselves from Iraqi military ambitions.

High up on our list of objectives must be a dialogue on chemical, biological and nuclear weapons. We must be frank with the Iraqis. There is nothing we can say that will stop them from stockpiling CW or trying to develop nuclear and biological warfare capability. It is clear we must put pressure on our allies to stop all trade related to these programs, and tell the Iraqis what we are doing and why.

Our current policy bans sales of Munitions List items to Iraq, with minor exceptions for the Chief of State's personal security. This policy was justified by our neutrality in the Iran-Iraq war. Even though that war is now over, we should maintain our policy. In the short term, Iraq's behavior cannot justify change. In the medium or long term we may want to make certain exceptions in non-lethal items—say C130s or computers. But much will have to change in Iraq, and change fundamentally, before it can be prudent for us to sell weaponry.

We should encourage military exchanges of benefit to us, particularly those serving to expand person-to-person access. While we should not allow Iraqis into programs with human rights overtones, attendance by mid-level officers at War College seminars on, for example, infantry strategy might provide us with as much information as it does them. Some higher level dialogue would also be desirable.

Trade relations

Trade is the best key to political influence in Iraq, and we should begin a major effort to free up licensing requests, often blocked by USDOC and DTSA, to enable our companies firms to participate in development projects and draw on U.S. suppliers. Such an incentive, more than anything else, can result in Iraqi efforts to improve ties: to Iraq, technology is our most important asset.

We must bear in mind the potential for diversion of U.S. exports to Iraq's war machine. Our policy should be to help Iraq with basic industrial and infrastructure development, but not to set up factories for finished products with evident military capabilities. Current export policy takes this into consideration and should not be changed.

The Human Rights Perspective

Iraq's human rights record has long been abysmal, and the use of chemical weapons to suppress an internal rebellion drew attention to the problem. Clouding the issue, the immediate threat of Iranian expansion has faded, and with it the shield that protected Iraq from western criticism. This has allowed human rights to become the battleground for those wanting to justify severing or greatly limiting relations with Iraq. It is in our interest both that Iraq improve its human rights record, removing a source of friction; and that we do so in a slow and steady way which makes Iraq recognize human rights as a legitimate item on the agenda of our bilateral discussions.

Much of the human rights debate has focused on Iraq's Kurds, but on balance it will be less helpful to them if we appear to concentrate our efforts on one minority rather than on the population as a whole. The question is how best to improve the overall human rights situation in Iraq. Our efforts should concentrate on slow, steady pressure and a realistic appraisal of our leverage. We should oppose Iraqi military actions against the civilian population, and the destruction of hundreds of villages in Kurdistan. But bearing in mind the historical context, in no way should we associate ourselves with the 60 year old Kurdish rebellion in Iraq or oppose Iraq's legitimate attempts to suppress it. Our overriding policy concern in the region is maintenance of the borders and states established by the Treaty of Lausanne (including our NATO ally Turkey). In addition, the Kurdish organizations in rebellion against Iraq are close allies of the Islamic Revolution in Iran, whose spread is antithetical to our interests. While staying in touch with exiled Kurdish leaders, we should not revive Iraqi memories of the U.S.-Israeli-Iranian alliance of the 1970's that supported the Kurdish rebellion.

We should not expect or hold out for overnight success. Saddam Hussein will continue to eliminate those he regards as a threat, torture those he believes have secrets to reveal, and rule without any real concessions to democracy. He has announced a few cosmetic improvements, but few expect a humane regime come to Iraq any time soon. We should therefore be realistic and demand of Iraq what we do of its neighbors—in tune with our aim to rope Iraq into a conservative and responsible alignment in foreign policy. There are senior Iraqi officials who recognize the need to relax the oppressive regime control after eight years of wartime sacrifice. Our best hope for progress is to encourage this trend.

Cultural relations

The Iraqi Government recently approved a long-standing request to open a U.S. Cultural Center in Baghdad. USIS has long had the best contacts in Iraq; students and professors come in to USIS regularly who would never feel free to associate with other Americans. We should put heavy emphasis on using the Center to expand this contact.

IV. STEPS WE CAN TAKE

Many of our efforts will have to wait until the dust settles on Congressional action, if any, to punish Iraq for CW use. But our policy goals will remain the same: stable, businesslike relations without violent swings or delusions about what we can accomplish.

Our first move should be a high level (preferably Presidential) message to Iraq stressing our intent to develop political and economic relations, the importance of the *Stark* claims, and our continuing concerns over unconventional weapons and missiles, human rights, and terrorism. The message should urge a visit by Foreign Minister Tariq Aziz, to begin a working relationship with the new Administration.

Secondly, we should move quickly to send delegates to foster the types of dialogue we have been advocating. A senior State Department official—preferably the new Assistant Secretary for Near Eastern Affairs—could open political and security dialogue. Next, a combined State and Commerce delegation could lead a group of businessmen interested in Iraq could emphasize our commitment to improved trade.

We should follow these up with:

Frequent briefings on the progress of U.S. dialogue with the PLO as well as appropriate briefing on our dialogue with Israel on the subject.

A renewed approach for intelligence sharing on Gulf security issues, especially on terrorism.

The recent trade bill explicitly prohibits DTSA from holding up export licenses on grounds other than diversion to East Bloc countries. We should pursue this with the NSC to free up some of the "black holed" licenses.

Inauguration of the Cultural Center will provide an occasion to send another senior official and garner publicity for U.S. efforts to improve relations with Iraq.

BRIEFING MEMORANDUM

MARCH 23, 1989

To: The Secretary.
From: NEA—Paul J. Hare, Acting.
Subject: Meeting with Iraqi Under Secretary Nizar Hamdun. March 24, 1989 at 2:00 PM in your conference room.

I. PURPOSE

To express our interest in broadening U.S.—Iraq ties, stressing the importance we place on chemical weapons and on settling claims for Iraq's attack on the USS Stark.

II. KEY POINTS

Hamdun is a unique channel to Iraq's President Saddam Hussein, and points you make will be heard at the highest levels in Iraq. Hamdun will stress Iraq's importance, and call for closer relations unaffected by what he considers "outside irritations": chemical weapons, etc. Iraq fears we will improve relations with Iran at Iraq's expense.

Bilateral relations are thorny but important. Iraq is the strongest state in a region vital to our interest, with a powerful army and oil reserves second only to the Saudis.

We reestablished relations in 1984 after a break in 1967. We cooperated closely in trying to end the Gulf War through UN Security Council Resolution 598.

During the war, Iraq drew closer to our friends among the Arab moderates, getting financial support from Saudi Arabia and Kuwait. Iraq has now concluded a formal economic alliance with Egypt, Jordan, and North Yemen in the Arab Cooperation Council.

Since we took Iraq off the terrorism list in 1983, Iraq has broken with Abu Nidal and expelled Colonel Hawari, although it still allows entry to Abu Abbas (who directed the Achille Lauro hijacking) and member of Col. Hawari's group.

But Iraq retains its heavy-handed approach to foreign affairs—it has revived a border dispute with Kuwait and is meddling in Lebanon—and is working hard at chemical and biological weapons and new missiles.

May 17 will mark the second anniversary of the Iraqi attack on the USS Stark. At the time, Iraq's President accepted responsibility and promised compensation.

Mike Armacost presented the first set of claims, for wrongful death of 37 sailors, on April 4, 1988 (totalling about $34 million). The Iraqi MFA's Legal Adviser went over the claims in detail here in July, 1988, but has made no substantive response since then.

Judge Sofaer is in Baghdad, at Iraq's invitation, to discuss the claims further. He met with Hamdun before leaving and said we will soon present personal injury claims (about $1.5 million) and USG claims of $93 million (mostly damage to the Stark), but emphasized we have no room for negotiation on the death claims.

Sofaer called from Baghdad to report that an initial session March 22 went very well, and he hopes he can resolve the issue during this trip.

With this information in hand, Bob Kimmitt saw Hamdun March 22, and stressed it is important to settle these sensitive claims to remove a stumbling block from the relationship.

Following CW use in the war with Iran, Iraq used CW as part of a campaign to suppress a Kurdish rebellion last August.

We condemned unlawful CW use, and Congress began considering sanctions legislation.

Responding to our diplomatic approach and the threat of sanctions, Iraq stated adherence to international law on CW, participated constructively in the Paris CW Conference, and began to participate in the Conference on Disarmament talks in Geneva.

Sanctions legislation fell by the wayside last term in the rush to adjourn, despite overwhelming support. Bills introduced this session would apply tough trade sanctions for future unlawful CW use and punish companies contributing to certain CW programs, Iraq's among them.

Iraq has asked us to push Congress to delete all references to Iraq in the bills. We have explained that it is unrealistic to expect Congress to do so.

The ceasefire begun with Iran last August 20 is still holding, but UN-sponsored peace talks have produced few results. Working-level talks continue in New York, and there will probably be a ministerial meeting in mid-April.

Iraq wants to claim full sovereignty over the Shatt al-Arab waterway; Iran refuses to allow reopening the Shatt until Iraq gives up its claims, and is holding 70,000 Iraqi POWs until Iraq withdraws to its borders.

Commercial relations are good, but further growth is constrained by Iraq's debt crunch. Iraq is now our number two trading partner in the Arab world, but a commercial agreement we signed in 1987 remains unimplemented.

Iraq imports over $1 billion per year in U.S. agricultural products, financed with USDA CCC credit insurance.

But industrial trade lags. Iraq would like Exim to grant medium-term coverage in addition to its small short-term facility.

Iraq would also like freer export licensing procedure for high tech. Applications are often held up in Commerce or DoD, usually on grounds that dual-use technology could add to Iraq's military capabilities.

The powerful Minister of Industry (Saddam's son-in-law) wanted to buy a closed USX steel plant in Baytown, TX. USX froze the deal when Congress took up union objections.

As part of its approach to the U.S., Iraq has in the last year given favorable deals to U.S. oil companies; oil exports to the U.S. have soared to around 500,000 barrels per day.

III. PARTICIPANTS

U.S.: The Secretary; Policy Planning Staff Director Dennis Ross; NEA, DAS A. Peter Burleigh; S/P, Staffer Aaron Miller; NEA, Notetaker.

IRAQ: Under Secretary Nizar Hamdun; Ambassador Abdul-Amir Al-Anbari; Khalid Mohammad, First Secretary (Notetaker).

IV: PRESS COVERAGE: PHOTO OP

Secret.

V. TERRORISM

We are disturbed by the continued presence in Iraq of Abu Abbas, who masterminded the murder of a U.S. citizen in cold blood. We also understand Colonel Hawari—head of Fatah's Special Operations section—still travels to Baghdad.

We ask again that you deny Abu Abbas and Colonel Hawari access to your country. The fact that Abu Abbas is a member of the PLO Executive Committee damages the Palestinian cause.

VI. TRADE (IF RAISED)

We are committed to expansion of trade and U.S. exports around the world.

We believe reconstruction and development projects in Iraq will present significant opportunities for U.S. exporters.

POINTS TO MAKE

I. BILATERAL RELATIONS

We are pleased that we have broadened bilateral relations with Iraq since we resumed them in 1984, and we want to continue to develop ties.

As the President said in his message to President Saddam Hussein, we attach great importance to our relations with Iraq.

II. STARK CLAIMS

But it is critical for our bilateral relations to settle the claims arising from Iraq's attack on the USS Stark as soon as possible.

Overcoming this obstacle will give our relationship new strength in the postwar period.

I hope we will be able to settle the first set of claims, for the deaths of our 37 sailors, during Judge Sofaer's trip to Iraq.

III. CHEMICAL WEAPONS

We welcome Iraq's participation in the Conference on Disarmament in Geneva.

As a country that has used chemical weapons in the recent past, Iraq's reputation in the world will be well served by constructive participation in efforts to ban these weapons.

As you know, Iraq's past use of chemical weapons is a very sensitive topic in the U.S. Administration and Congress.

IV. PEACE TALKS

Although we do not get involved in details of the peace negotiations, we are interested in a comprehensive, lasting settlement that will promote stability and reduce tensions in the region.

What is your assessment of progress made to date, and prospects for the next round of ministerial talks?

Fm: Secstate WashDC
To: Amembassy Jakarta immediate 4371.
Info: Amembassy Baghdad immediate 7965.
E.D. 12356: Decl: Oadr.
Tags: Mcap. Mass. Id. Ir.
Subject: Talking points on Indonesian superpuma sale.
Ref: (A) Jakarta: 76101.

1. Entire test.

2. Department does not repeat not clear on proposed talking point for use during the Ambassador's meeting with Minister of State for Research and Technology. Although the U.S. severely limits the sale of our own munitions list items to Iraq. We have not had a policy of discouraging other countries' arms sales to Iraq. Such a policy is in effect with regard to Iran.

EAGLEBURGER BT.

IRAQI EXPORT CASES: WHY THEY MAKE THE CASE FOR EXPANDING LICENSE REQUIREMENTS AND REVIEW

An initial review of 73 cases in which licenses were granted by DOC or DOC/DOD from 1986–1989 shows that licenses were granted for equipment with dual or not clearly stated uses for export to probably proliferation related end users in Iraq. This indicates that expanded license requirements and additional review of licenses could reduce U.S. contributions to proliferation activities. These cases concerned only exports for which a license had to be obtained; they indicate nothing about equipment that may have been exported freely because no license was required.

EXAMPLES

During the period in question, at least 17 licenses were issued for the export of bacteria of fungus cultures either to the Iraqi Atomic Energy Commission (IAEC) or the University of Baghdad.

A known procurement agent for Iraqi missile programs, was issued licenses to export computers to a missile activity and computers and electronic instruments to the IAEC.

A license was issued to export a computer for a "fertilizer plant" to the Iraqi Ministry of Minerals, which is known to be associated with the Iraqi CW program; received a license to export equipment to the Nassr Establishment for "general military applications such as jet engine repair, rocket cases, etc."

Licenses were issued for the export to Iraq of computer-assisted design and manufacturing (CAD/CAM) and chemical process control equipment; had a license approved by DOD

for a computer system for use with a furnace for "medical prostheses; also had a license approved by DOD/DOC to export numerically controlled equipment related to crucibles.

Received a license to export "navigation/direction finding/radar/mobile communications" equipment to Salah-al-Din, which is associated with an Iraqi missile project.

DOD approved a license for the export of possible telemetry equipment to the Saddam General Establishment.

Implementation of various aspects of EPCI would provide a basis to deny licenses (and require additional licenses so transactions could be reviewed) in cases similar to those reviewed because of the end user (country or entity), the knowing contribution to or risk of diversion to a proliferation activity.

U.S. DEPARTMENT OF STATE,
Washington, DC April 16, 1990.

To: Chemical-Biological Licensing Working Group Distribution List.

From: Chairman Chemical-Biological Warfare Export Licensing Working Group (LWG) Deputy Director, Office of Nonproliferation Policy.

Subject: Possible New Trade Controls on Iraq and Other Chemical-Biological Warfare Proliferators.

THE ISSUE

A meeting of the LWG has been scheduled for Thursday, April 19 at 1pm in Room 6245 (NEA Conference Room) to discuss possible new chemical warfare related export controls on Iraq. Coordinating the work will be Larry Roeder in State/EB and Bob Dubose in State/PM. The intent of the meeting is to get a head start on a tasking which will come from the Nonproliferation PCC shortly. The timing is particularly acute because of legislation hurrying through Congress and recent events in Iraq. The LWG will report to the PCC on Non-Proliferation, and its findings will also be shared with the Iraq PCC.

BACKGROUND

The PCC on Iraq met on April 13th to begin developing a new, coordinated USG policy on Iraq. A follow up meeting of the Deputy Secretaries will continue that discussion today. One of the considerations will be the possibility of new trade controls on Iraq and other Chemical-Biological Warfare Proliferations.

One proposal on possible chemical and biological equipment and technology controls was presented on the 13th to the Iraq PCC and on the same day to a State/T chaired interagency working group on missile, nuclear and chemical proliferation issues. We have been informally asked to examine and refine this proposal, and perhaps make other proposals as well. We expect a more formal tasking will emerge from the Nonproliferation PCC after the Deputies Committee meeting.

WORK SCHEDULE AND DIVISION OF LABOR

Regardless of whether this initial proposal (attached as Tab A) is approved, an amended version or other proposals, the following issues need to be addressed. We have been asked to do this in as short a time as possible. Note: The proposal in Tab A has been amended slightly from the initial draft in order to take into consideration comments made either by members of the Iraq PCC or the T chaired Working Group on Proliferation. The following are suggested points of discussion for the Thursday meeting and suggestions for preparation.

(a) Existence of Control Laws and Warning Lists: Commerce is requested to:

Outline current US controls on both CW and BW equipment (Some information on Current US regulations on chemical manufacturing equipment is attached as Tab B)

Outline foreign controls insofar as we know them (it may be useful to cable selected countries to ascertain what controls they have) (Some information on Canadian and German rules are included as Tab C)

(b) New Law and Regulations: State and Commerce legal advisers are requested to examine what laws could be used for new trade controls, and whether new legislation is required. Which regulations would need to be amended? Would we have to adopt completely new regulations?

(c) Pending Legislation: State H is requested to bring the working group up to date on related pending legislation vis a vis Iraq.

(d) Equipment and Technology: All representatives to the LWG are requested to bring (as available) technical expertise to discuss the initial proposal and others that may come up. From an organizational point of view, it is suggested we begin our discussions on equipment and technology by examining COCOM controlled products for the manufacture of chemical agents, technology, etc. Once we finish our work on chemical equipment, technology, etc, we would turn to biological equipment.

(e) Foreign Availability: Commerce is requested to advise the LWG on the foreign availability of products or technologies suggested for control.

(f) Possible Bilateral and Multilateral Approaches: State PM is requested to coordinate LWG suggestions on useful international approaches, including with the Soviets and Eastern Europe.

Guidelines to the LWG for Proceeding on Possible Equipment and Technology Controls: (Begin the process with Chemical Equipment, then follow on with a discussion of biological controls)

Craft a list of chemical industry equipment and technology that is useful in the production of chemical warfare agents. (the equipment would be dual use, since all CW equipment is dual purposes);

As much as is practical, choose items already under control by other governments, especially members of the Austria Group or COCOM: (Canadian and German lists may be useful) This will help build a foundation of international support;

Except when a compelling reason can be presented, do not recommend for control substance, equipment or technology that is so widely available (in an uncontrolled status) that export controls would be meaningless, except as a symbol.

Cite what regulations or laws would have to amended or created.

Suggest arguments to be used with friendly governments in order to convince them to take similar measures.

Discuss issue of enlisting Soviet Union and Eastern Europe in this initiative.

If we expand controls, they should be a "targeted package," aimed at the chemical industry, the specific problem sector (missile technology is being handled in a different forum);

Denial of all national security control items is probably too broad and ineffective (due to foreign availability and its effect on innocent sectors). However, the control of some may have value.

Denial of all products (pvc pipes, floppy disks, etc) to the chemical industry is too broad (due to foreign availability).

AGENDA FOR LWG

I. Summary of Current Situation.

II. Initial discussion of the Proposal (includes CW and BW).

III. Devise work plan and taskings.

IV. Set deadlines.

TAB A.—THE INITIAL PROPOSAL (AS AMENDED)
DISCUSSION PAPER FOR IRAQ PCC

IRAQ: PROBLEMS AND SOLUTIONS

Summary: This paper summarizes the current problem with Iraq and current export controls. It then presents a proposal for a package of new export controls built on the work of other nations. In essence, the idea is to create a Country Group X for countries that have used or threatened to use chemical or biological weapons since (date to be determined). Iraq would be the first nation on the list. The export controls in Country Group X would be targeted on the chemical industry and are narrow in scope, but have a basis for international support.

Also in the paper is a plan of action asking the PCC to task the CBW Licensing Working Group (Chaired by State/EB) to develop a final draft of the proposal within 14 days.

PROBLEM

Iraq is the strongest military force in the Arab world and on the Gulf. It has programs supporting chemical and biological and nuclear warfare and recently threatened Israel with a possible chemical weapons assault should Israel strike Iraq's nuclear facilities. The threat is credible. They have already used chemical weapons in Iran and against their own civilian population.

What are We Doing Now?

Current Controls on Iraq:

Munitions Control (ITAR): Department of State is the licensing authority. No licenses are granted.

Missile Technology Control: Department of State and Commerce are the licensing authorities, depending on the commodity. No licenses are granted.

Nuclear Controls: 65 dual use Commodities are licensed by Commerce; however, Energy is the primary advisory agency. License applications are reviewed on a case by case basis. Some lower power computers have been approved.

Other Foreign Policy Controls: (Crime Controls, Regional Stability Controls, Chemical and biological controls) Commodities are licensed by the Department of Commerce; the Department of State is the primary advisory agency. Licenses are reviewed on a case by case basis. The policy is to deny.

Aircraft Sales: Though aircraft and aircraft parts are not specifically listed in the regulations as requiring a validated license when exported to Iraq, Commerce does send them to State for Foreign Policy review. This is done through an informal arrangement. They have generally been approved. (This relates to the lifting of Iraq from the terrorism list in 1982. In 1985 we agreed to discuss significant aircraft sales with the Bill as a compromise in order to prevent Iraq from being placed back on the list).

WHAT FURTHER ACTION IS POSSIBLE?

It is possible to expand Foreign Policy Controls on Iraq through use of Section 6 of the EAA. Further, existing contracts could be severed under Section 6 if the President determined there has been a breach of the peace.

CONSIDERATIONS

If we expand controls, they should be a "targeted package," aimed at the chemical industry, the specific problem sector;

As much as possible, the controls should be effective, not simply symbolic;

Where possible, controls should take into account measures already enacted by other

nations. This will help build a foundation of international support;

Denial of all national security control items is probably too broad and ineffective (due to foreign availability and its effect on innocent sectors).

Denial of all products (pvc pipes, floppy disks, etc.) to the chemical industry is too broad (due to foreign availability).

SUGGESTED OPTION

Expand chemical controls along the following lines:

Create a Country Group X for countries that have used or threatened to use chemical weapons since (date to be determined). Iraq would be the first nation on the list, perhaps also Libya, Iran, Syria. (Note: This country group could be used simply for Chemical proliferators with a separate treatment of biological proliferators—or both problems could be combined into one country grouping.

(Note: Some have commented that it would be easier to simply move Iraq to Country Group S where Libya is. If we were to do that we would not be required to control exports to Iraq as we do Libya. Some would like to lump together Libya, Iraq, Iran and Syria (or some combination thereof). Others have commented that while it may be counterproductive to Libya and Iraq together. Given our basic antagonism toward Libya, this may send the wrong signal to Iraq that we plan a total embargo on trade.

Others have commented that were we to create a country group for Proliferators, it should not be retrospective. An alternate approach would simply be to use language similar to that now used for human rights controls; "validated export licenses will be required to export listed commodities and their technologies to countries determined by the Secretary as not respecting internationally recognized norms of behavior with respect to chemical or biological warfare." The advantage of this change is that it targets the controls on "proliferators of concern," but does not force the Secretary to control exports to our friends. By implication, countries could be dropped by from the "X" list if they changed their attitude.

(a) Require a license for national security controlled equipment to chemical manufacturing facilities;

(b) Require a license for the export of chemical manufacturing equipment, using existing lists from COCOM, Germany and Canada as preliminary discussion models, as well as the watch list of the Australian Group;

(c) Require a license for the export of chemical manufacturing technical data, using German concepts as models;

(d) Make it unlawful for a US citizen to engage in activities with Iraqi chemical industries when there is a reasonable expectation that the enterprise will be used for chemical warfare;

(e) After developing our own list of what needs to be controlled; but before amending the regulations, approach the Australian Group members and encourage them to expand their existing equipment controls of warning lists so as to require licenses to countries who have threatened or used chemical weapons within the given time frame.

Note: Some countries may be reluctant to impose export licensing regulations; however, may be willing to use their good offices with industry to inhibit such sales. This may be sufficient in certain cases.

PROS AND CONS

The Australia Group has already agreed that equipment sales are a problem and thus agreed on voluntary guidelines (warning lists) for such sales;

Germany and Canada are suppliers of equipment, so using their controls as models will mean our controls are not purely symbolic; but will have some international support;

Japan, Italy, the United Kingdom and the Netherlands and other nations regularly consult with their industry on equipment controls and in certain cases have warning lists. This move may encourage them to extend their efforts to control lists, at least to nations who actually threaten or use chemical weapons;

The target of these controls is very narrow, hence impact on US industry will be slight;

Other manufacturing nations do not control this equipment, so foreign availability is still a problem;

Some of the equipment being proposed for control may be quite general to civil manufacturing, so for the controls to be effective, the producers of this equipment should be as much as possible limited to the western industrial powers.

AUSTRALIA GROUP—CHEMICAL PRODUCTION EQUIPMENT WATCH LIST

	Controlled by Canadian export control list	Not controlled by Canadian export control list
ECL item NBR:	1. Chemical process equipment (reactors, piping, distillation columns, etc.) made of hastelloy or other alloy with high nickel or tantalum content..	b. Pressure tube, pipe and fittings therefore, of 8 inches or more inside diameter, having a wall thickness of 8 percent or more of the inside diameter and made of stainless steel, copper-nickel alloy, or other alloy steel containing nickel and/or chromium. (ECCN 4635B).
	a. Seamless tube and pipe having and outside diameter of 60mm. or greater, and seamless fittings therefore, made of nickel-base superalloys that contain chromium, molybdenum, and nicobium and tantalum combined as alloying elements (ECCN 1603B)..	2. Chemical process equipment with linings suitable for highly-corrosive environment (i.e., glass-, teflon- or plastic-lined), or equipment with excessively thick walls. Pressure tube, pipe and fittings therefore, of 8 inches or more inside diameter, having a wall thickness of 8 percent or more of the inside diameter and made of stainless steel, copper-nickel alloy, or other alloy steel containing nickel and/or chromium. (ECCN 4635B).
New ECL item NBR: 3101	3. Pumps or valves designed for use with hazardous chemicals (i.e. double seal, magnetic drive, or canned pumps, bellows or diaphragm valves)..	
	a. Valves, 0.5 cm or greater in diameter, with bellows seal, wholly made of or lined with aluminium, nickel, or alloy containing nickel, and specially designed parts therefore. (ECCN 3131A)..	b. Pipe valves having all of the following characteristics: 1. A pipe size connection of 8 inches or one inside diameter; 2. All flow contact surfaces made of or lined with alloys of nickel and/or chromium; and 3. Rated at 1,500 psi or more. (ECCN 41278).
New ECL item NBR: 3101	c. Pipes, valves, fittings, heat exchangers, or magnetic, electrostatic or other collectors made of graphite or coated in graphite, yttrium or yttrium compounds resistant to the heat and corrosion of uranium vapor. (ECCN 41288).	
ECL item NBR: 1129	d. Vaccum pump systems and specially designed components, controls, and accessories. (ECCN 1129A).	
ECL item NBR: 1131	e. Pumps having all flow contact surfaces made of tantalum, titanium, or zirconinum and specially designed parts and accessories therefore. (ECCN 1131A)..	f. Valves, cocks, and pressure regulators having all flow contact surfaces made of tantalum, titanium, or zirconium and specially designed parts and accessories therefore. (ECCN 1133a).
		4. "Packaged" refrigeration units for chemical process equipment.
		5. Charcoal filter and scrubber units capable of handling large volumes of air from ventilation systems.
ECL item NBR: 1110	6. Equipment specifically designed for flourine.	
		7. Inert gas generating units.
		8. Double-walled piping.
		9. Sensitive toxic detention and alarm systems for organophosphorus, sulfur and fluorine compounds.
ECL	10. Filling equipment for use with flooring, including especially large glove boxes to enclose filling machines..	
		11. Incineration or scrubbing equipment for hazardous chemical waste treatment, such as venturi scrubbers or Brinks mist eliminators.
		12. Other waste treatment equipment and supplies, particularly for treatment of highly-toxic and phosphorus-containing wastes.
ECL item NBR: 1110 1565	13. Process control instrumentation or computer systems specially designed or prepared for use in facilities producing organophosphorus, sulfur, or fluorine compounds..	
ECL item NBR: 1145	14. Tanks, containers, or other equipment designed to store or transport highly corrosive or toxic-chemicals, particularly phosphorus, sulfur, or fluorine compounds..	
	Containers, jacketed only, specially designed for the storage and/or transportation of liquid fluorine, and specially designed parts and accessories therefore. (ECCN 1145A)..	
ECL item NBR: 1110	15. Any equipment or materials, specially designed or prepared for the production of chemical warfare agents, organosphosphorus compounds, or sulfur fluorine compounds, and technical data related thereto..	
	a. Equipment for the production of liquid fluorine, and specially designed components therefore. (ECCN 1110A).	
ECL item NBR: 2007	16. Protective clothing: neoprene suits, air-fed suits; self-contained breathing apparatus; oil-free air-compressors for use with breathing apparatus..	

AUSTRALIA GROUP

THE FEDERAL REPUBLIC OF GERMANY

Export controls on chemical plant and products

1. In the Federal Republic of Germany an export license is required for eight chemicals which can be used in the manufacture of chemical weapons. These eight chemicals correspond to the Core List of the Australia Group. In addition, export controls are also maintained on plant, parts and equipment which can be used in the investigation, manufacture, processing or testing of phosphororganic compounds, lewisite or other highly toxic compounds.

2. The legal basis for export control in the Federal Republic of Germany is the Foreign Trade and Payments Act of April 28, 1961. According to this Act, foreign trade is basically free. Restrictions are subject to strictly defined conditions and must be specified by executive decree. The implementation of the Foreign Trade and Payments Act in the form of specific export restraints occurs by means of an Ordinance containing a list of all those goods which may be exported only with a previous license from the Federal Government. This list, known as the Export List, is published (the most recent edition on March 25, 1988).

Export licenses for goods on the Export List are required for all destinations ("erga omnes" principle). For this reason the Federal Republic of Germany's controls on the export of chemical products and plant apply world-wide, and not only for individual sensitive countries.

3. Applications for export licenses for chemical products and plant have to be placed before the Federal Office of Economics (BAW), the authorising authority. The BAW usually coordinates its decision on the export license application with the Federal Ministry of Economics and the Foreign Office.

In principle, export licenses can only be issued by the BAW when the final destination of the goods can be demonstrated. Under certain limited conditions the issue of bulk export licenses is possible.

4. The permissibility of the actual export is monitored by the customs authorities, which must be supplied with the relevant valid export license issued by the BAW. Violations of the export restrictions of the Federal Republic of Germany are punishable according to S.34 of the Foreign Trade and Payments Act by up to three years' imprisonment or by fines of up to 3.6 million. DM.

U.S. DEPARTMENT OF STATE,
Washington, DC, May 16, 1990.

MEMORANDUM FOR BRENT SCOWCROFT, THE WHITE HOUSE

Subject: Options Paper on Iraq.

Attached is a paper containing a list of options for responding to recent actions and statements by the Government of Iraq. It was prepared at the request of the Deputies Committee, which met on April 16, 1990. We ask that you pass this paper to Robert Gates for his review, and circulate it to obtain the views of Deputies Committee members and concerned agencies in advance of further discussion by the Deputies Committee.

J. STAPLETON ROY,
Executive Secretary.

IRAQ: OPTIONS PAPER

The following list of options for responding to recent sections and statements by Iraq was prepared at the request of the NSC Deputies Committee, which met on April 16, 1990. The only intention is to be comprehensive: the list does not advocate any particular option or group of options. It offers a range of choices from the largely symbolic to a virtually total economic embargo and political break with Iraq. (A non-proliferation PCC will develop specific options for steps in the area of export controls and licensing.)

ECONOMIC

Ban Oil Purchases: The largest benefit Iraq receives from the United States is through our oil purchases, which could total more than $3 billion in 1990. PRO: Oil provides the wherewithal for Iraq's efforts to develop its own non-conventional military production capacity. A total ban on U.S. oil purchases would have some short-term impact. CON: In the longer run, Iraq would soon find other buyers. Such action might also have an impact on U.S. oil prices.

CCC Program: This is the largest program we currently have with Iraq. All the sanctions legislation on the Hill, aside from Inouye-Kasten, exempts CCC. PRO: Since Iraq's record of repayment on CCC-guaranteed loans is good and USDA's review will probably give Iraq a fairly clean bill of health, suspension of CCC at this point would be a strong political statement. CON: It would violate our policy against using food as a political weapon and hit some U.S. agricultural exporters hard. It might also lead Iraq to default on CCC-insured loans. Other countries would sell these commodities to Iraq.

Exim: In January the President waived the statutory prohibition on Exim programs with Iraq. The program could be cut off by rescinding or suspending the waiver. PRO: It would be a clear, relatively easy to accomplish public gesture containing a political message. CON: The Exim facility is not essential to the Iraqis, but its suspension would harm some U.S. producers.

Licensing/Trade: Current controls on exports to Iraq are already very restrictive, but new controls could be added to ban sale of all possible dual use items. Congress is considering new controls to ban such sales to all states in the region, including Iraq. A non-proliferation PCC will look at possible options in this area in the near future.

Full Trade Embargo: PRO: It would send a strong signal CON: This would mean a virtual end to relations with Iraq. Our allies would not go along and, indeed, would jump in to take our place wherever they could.

POLITICAL—BILATERAL

Reduce Embassy Staff: PRO: Withdrawing our Ambassador or reducing Embassy staff (with parallel reductions at the Iraqi Embassy here) would clearly demonstrate our displeasure to the Iraqis. CON: It would further limit our ability to work in Baghdad and strain an Embassy staff that is already short-handed. Removing other Embassy staff (the DATT, for example) would not impress the Iraqis but could seriously reduce mission effectiveness.

Cultural: USIS runs several programs, including a self-sustaining and very popular English instruction program and a small number of exchanges. It also plans to help establish a Baghdad headquarters for U.S. archeologists working in Iraq. PRO: Cutting these programs would be a symbolic gesture. CON: Its only substantive impact would be on the persons involved.

Drug Enforcement: Iraq had its first-ever consultations with DEA this year and expressed interest in getting DEA training for a small number of police officers. PRO: Cancellation of the training would, again, have some symbolic importance. CON: It would have little practical effect for the Iraqi Government.

Intelligence Cooperation: Intelligence exchanges have waned since the Gulf War ceasefire. PRO: They still provide Iraq with limited information on Iranian military activity that would be missed. CON: Ending this contact would close off our very limited access to this important segment of the Iraqi establishment.

Presidential Message: Saddam Hussein likes the personal touch. PRO: A carefully crafted message from the President could be effective if it hit hard on our key concerns, proliferation and regional tension (conflict through a miscalculation by either Iraq or Israel), but also emphasized a continued desire for improved relations. CON: It could be construed here as being soft on Saddam.

Iraqi Opposition: The political opposition to Saddam and the Ba'ath Party, such as it is, is down-at-the-heels, mostly in exile, and (apart from some Kurds) lacks a following in Iraq. We could, nonetheless, find some public way to acknowledge it—the Kurds especially. There is little to recommend this option.

POLITICAL—MULTILATERAL

Move Toward Normalization with Iran: PRO: A change in policy toward a more neutral or even pro-Iranian stance in international fora (UNSC, IMF, World Bank, etc.) would be a strong signal. CON: It also would send paranoia-meters in Baghdad off the end of the scale. It would raise basic questions about our policy in the Gulf and the region as a whole that would have to be addressed here. Iraq's reaction would be unpredictable.

Isolate Iraq: We could use diplomatic pressure with our friends in Cairo, Amman, and Sanaa to encourage resistance to Iraq's efforts to make itself a political and military leader of the Arab World. PRO: This would help limit Iraq's influence. CON: It could bring an unpredictable reaction from Baghdad and could, in fact, backfire in important Arab capitals.

Human Rights: We could sponsor or encourage further action on Iraq's human rights record bilaterally and in a number of international fora. PRO: We have already criticized Iraq's human rights polices on the record, and Saddam is clearly sensitive to such criticism. CON: It would be difficult to get Nonaligned support for further action on Iraq in international organizations. Saddam has demonstrated time and again that he will not allow public pressure, especially from foreigners, to influence his behavior.

Joint Action with Allies: Possible joint action on Iraq would be an appropriate subject for consultations with our allies and for consideration at the Houston Economic Summit. PRO: Concerted steps by the United States, Western Europe and Japan on such issues as technology transfer would be of much greater concern for the Iraqis than anything the U.S. might do unilaterally. CON: Consensus on concrete measures would be difficult to achieve, and failure to agree on serious joint action and could even encourage the Iraqis to ignore our concerns.

INFORMATION MEMORANDUM

To: The Secretary.

Through: T—Ambassador Bartholomew.

From: PM—Richard A. Clarke.

Subject: Countering Iraqi Weapons of Mass Destruction: The Gulf Crisis and Beyond.

We need to do further detailed analysis of options for dealing with Iraqi weapons of mass destruction. The attached paper analyzes several options for dealing with the threat posed by Iraq's nonconventional weapons (NCW) capabilities. They are:

Adding new conditions before lifting the UN sanctions

Pursuing a near-embargo outside the UN

Maintaining international economic pressure after lifting sanctions

Pursuing regional nonproliferation initiatives

Strengthening existing nonproliferation efforts, through:

bolder steps within existing regimes;

urging states outside these regimes to act; and

creating a new nonproliferation "super-regime."

Each option is discussed in terms of its feasibility, effectiveness and costs. We plan to distribute this paper on an eyes-only basis to principals of the Proliferation PCC to begin discussion on an interagency basis.

Attachment: As stated.

COUNTERING IRAQI WEAPONS OF MASS DESTRUCTION: THE GULF CRISIS AND BEYOND

There is a continuum of options for dealing with the Iraqi proliferation threat. These range from use of military force to destroy Iraq's nonconventional weapons (NCW) capabilities to improving existing nonproliferation regimes and developing a regional security framework to deter Iraq's use of security NCW.

The discussion below evaluates four options in terms of the following criteria:

Effectiveness in eliminating or neutralizing Iraq's proliferation capabilities;

Feasibility, i.e., how readily can the option be implemented?

The costs (financial and political) of implementation.

The following five options are proposed below for dealing with the long-term proliferation threat posed by Iraq:

Option 1: Adding New Conditions Before Lifting U.N. Sanctions.

Option 2: Pursuing a Near-embargo Outside the U.N.

Option 3: International Economic Pressure after Lifting Sanctions.

Option 4: Regional Nonproliferation Initiatives.

Option 5: Strengthening Existing Nonproliferation Efforts.

USING MILITARY FORCE TO ELIMINATE IRAQ'S NCW

This paper does not evaluate the military options for eliminating Iraq's NCW capabilities. In assessing the options discussed below, it is important to note that military action could neutralize the Iraqi proliferation threat now and for at least a decade into the future.

Iraq took most of a decade and $10–20 billion (roughly estimated) to build its NCW capabilities to current levels, and relied on massive international aid (technical, financial and military) designed to help Iraq survive its war with Iran. No one was paying attention to the need to block NCW proliferation.

Today, and for the foreseeable future, Iraq is deep in debt and very unlikely to obtain even a portion of the support it received in building its existing NCW infrastructure. Concerted international effort to thwart Iraq should sharply increase the time and cost if Iraq were to try to rebuild.

Option 1: Adding new conditions before lifting UN sanctions

This option calls for imposing a new, proliferation-related condition that Iraq would have to meet before UN sanctions would be removed. In its purest form, this would take the form of a new UNSC resolution requiring Iraq to dismantle its NCW facilities and permit inspections to verify this dismantlement before the current embargo would be lifted.

Effectiveness: The effectiveness of this option would depend in large measure on being able to verify that Iraq had met the conditions stipulated. Accepted verification procedures exist that might cover our nuclear and missile nonproliferation concerns. But CW and BW verification are extremely complex issues, technically and politically, which thus far have stymied international arms control efforts. Such complications have resulted in our consistent rejection of proposals for an inspection regime at Rabta.

Feasibility: This option would no doubt prove hard to achieve. It is difficult to envisage Iraq (except under a new and prostrate regime) accepting the international humiliation and intrusion of sovereignty that an effective imposed verification regime would involve. Generating international support would also be a major challenge because Iraq's proliferation activities do not violate the UN charter and because a new condition might appear to be an eleventh-hour effort to block a diplomatic solution.

Costs: However, two avenues appear to be worth exploring to develop the case for this new demand. First, a proposal to make this additional demand of Iraq might well become attractive to many UN members as an alternative to UN-backed military action, pursuant to Article 42, or the threat of unilateral US military action. (Secretary Baker and the Saudis agreed this will be an active topic of discussion in coming weeks. NODIS, Riyadh 7604) Second, a case might also be developed on the basis of Saddam Hussein's record as a war criminal, taking account both of the recent hostage-taking and his use of CW during the Iran-Iraq war and against Iraqi Kurds. The UN itself assembled evidence on Iraqi CW use that could be brought to bear on this case. But if it is to be made at all, this case must begin to be developed soon.

This option would involve significant political costs, and perhaps financial ones as well. Some of these costs might result from the political pressure and economic support associated with prolonging an effective embargo on Iraq. Other costs would derive from efforts to obtain support for imposing unprecedented demands on Iraq like those outlined above. Another political trade-off the US might be asked to make, in return for Arab support of such demands, would be a commitment to pursue broad nonproliferation efforts in the Middle East. (See Secretary Baker's exchange with King Fahd in NODIS Riyadh 7604.)

Option 2: Pursuing a near-embargo outside the UN

If the previous option proves impossible to push through the UN, a scaled-down variation might be considered. It would call for getting a small number of well-placed nations to agree to continue to embargo Iraq on an informal (ie, not UN-blessed) basis. The most important players would be Iraq's immediate neighbors, particularly Saudi Arabia, Turkey and Syria, who would perform the essential role of keeping Iraq cut off from obtaining oil export revenues. It would also be important to obtain support of large powers such as the UK, France and the USSR.

Effectiveness: This option could prove effective in keeping serious economic pressure on Iraq, but it would inevitably amount to less pressure than a complete, UN-backed embargo. Moreover, it seems unlikely that a small, informal collection of states could develop and carry out an internationally-accepted or-respected scheme for verifying dismantlement of Iraq's NCW infrastructure.

Feasibility: The appeal of this option would be that it is more easily feasible than the full-blown UN option outlined above. There appears to be strong regional support for measures that would not permit Saddam to retain his NCW capability after the present crisis subsides. And in strictest terms, US-UK naval cooperation would probably suffice to blockade Iraq shipping.

Costs: Because it would have less international support, the financial costs associated with this variation would not be spread out. However, Kuwaiti and Saudi financial reserves would probably suffice to provide the economic aid needed to keep Turkey and other countries on board. The political costs of this variation would almost certainly be high. As with a military strike, the US might be perceived as abandoning its new post-Cold War leadership role to pursue its own aims "outside" the international system. And again, the regional states might try extract our commitment to a serious Middle East nonproliferation undertaking as a condition for their support.

Option 3: International economic pressure after lifting sanctions

Whether or not the above option succeeds, the US should actively coordinate economic pressure against Iraq after sanctions are lifted in order to block further NCW development. This would involve creation of a "club" (or several "clubs") of states that would cooperate to regulate the flow of credit, military supplies, and proliferation-related dual-use goods to Iraq. The terms of cooperation among these groups would be to make resumption of credit or any sensitive trade with Iraq conditional on sharp reduction/elimination of Iraq's NCW programs (if they have not already been done away with) and on Iraq's continued non-involvement in proliferation activities.

Effectiveness: As a way to neutralize Iraq's NCW capabilities, this option would be less dramatic and effective than either a military strike of a UN-imposed dismantlement. But if Saddam emerges from the crisis militarily intact, something like this option would be essential if Iraq is to be contained. Such measures would seem promising if the "clubs" involve most of the countries that have had meaningful economic and military relations with Iraq, or that would be capable of NCW-related technical assistance to Iraq.

At a minimum, the countries involved should include; the Soviet Union, the PRC, most East European states, France, the FRG, Japan, and a number of Third World countries like India and Brazil. Added assurance would be provided by the continued and expanded efforts of the Australia Group and MTCR to thwart international proliferation supply networks.

Feasibility: The feasibility of this option appears promising at this point in time. It calls for lesser support than that which now exist for the embargo of Iraq but would be built on the same basis of international outrage over Iraqi actions. That outrage seems capable of being translated into the kind of cooperation described here. Nevertheless, it would require extensive bilateral diplomacy while the iron is still hot to gain the desired results.

Costs: The costs of undertaking this option would appear manageable. The main financial costs would appear to be opportunities lost by those countries that would agree to restrict their access to the lucrative Iraqi market for the sake of hindering its pro-

liferation efforts. Over the years, these costs could run into billions of dollars, and the US could be pressured to provide compensation or make trade-offs in ways that are now unforeseen. The political costs of this option are likely to be few, since the international community will probably view this course of action as a responsible, focused reaction to a clearly defined threat.

Option 4: Regional nonproliferation initiatives

In addition to all other options, we should consider pursuit of regional arms control initiatives that could further nonproliferation objections in the area after the crisis subsidies. Following suggestions from the Soviets, Saudis and Egyptians, we could pursue a regional NCW disarmament conference of Middle East states.

Feasibility: The urgent concern about Iraqi NCW generated by the Gulf crisis might provide the political will to make such an undertaking feasible. Nevertheless, the likelihood of obtaining Israeli and Arab participation in such a form would still be very low.

Effectiveness: The potential for such a conference to actually reduce the destabilizing NCW threat in the Middle East is sharply limited. The Arab states would inevitably demand that Israel give up its nuclear weapons capability before they would abandon their pursuit of NCW. This linkage would make negotiations impossible, given the central role that a nuclear deterrent plays in Israel's regional defense strategy.

Costs: The political costs would be significant if we undertook a regional conference that failed in its objective of reducing the threat posed by NCW proliferation. It might undermine hopes of achieving any regional arms controls and thereby harden nations' resolve to pursue an NCW arms race.

Option 5: Strenghtening existing nonproliferation efforts

Option 5a: Bolder Steps Under Existing Nonproliferation Regimes

Because of the Gulf crisis, we can try to get existing nonproliferation regimes to tighten controls beyond what they were ready to consider before. These bold steps would involve asking our nonproliferation partners to adopt controls that the U.S. now implements (nuclear), or that it is planning to implement in the near future (CBW and missiles). These measures could include:

Urging members of the London Suppliers Group and the NPT Exporters Committee not to export to Iraq any commodities on the international trigger list, regardless of Iraq's willingness to accept the requisite safeguards.

Urging members of the Australia Group to require a license for export of all 50 AG precursors on a worldwide basis.

Urging members of all three groups to:

Devise a list of dual-use equipment applicable to NCW production and require a license for export of that equipment and for technology and services applicable to NCW production.

Require a license for any dual-use commodity where the exporter knows or has reason to know that the end-use or end-user is involved with CBW, nuclear or missile development.

Increase intelligence collection priorities in these areas and step up intelligence sharing on nonconventional weapons programs worldwide, with particular emphasis on Iraq's clandestine procurement network.

Effectiveness: The achievement of any of these measures will be a major improvement in the effectiveness of international nonproliferation efforts; to accomplish most or all of them would dramatically decrease the availability of necessary materiels and technology to would-be NCW possessors. The LSG proposal, for example, is an essential step in putting off Iraq's acquisition of a nuclear device indefinitely. Many of the measures are not Iraq-exclusive, but would strengthen the general effort against nonproliferation.

Feasibility: Even in the current crisis environment, international cooperation of this kind would be difficult to achieve. It would be impossible if the U.S. fails to just implement such steps on its own and then to move rapidly to develop multilateral support for them. Even then, the chance of success is probably no higher than 50%.

Costs: The Costs of this option would be primarily commercial. It is inevitable that some negative impact on legitimate trade would occur as a result of tighter controls. These costs are however, impossible to quantify and may not be as substantial as some suggest.

Option 5b: Motivate Other Supplier States To Take Action

The U.S. and other leading nonproliferation states could use the Gulf crisis to motivate important supplier states to institute nonproliferation controls that they have historically viewed as discriminatory. This option might involve:

Brief supplier states such as Brazil, Argentina, India and China or Iraqi (and other states') NCW programs and procurement networks, and ask them to institute controls comparable to ours.

Urge leading nonproliferation states, such as the Soviet Union, FRG, Japan, UK and Australia, to make similar presentations.

Encourage formal membership, as appropriate, by such countries in the Australia Group and MTCR.

Exploit anti-Iraq sentiment to erase ambiguities in Chinese nonproliferation commitments.

Follow up recent contacts with Eastern European governments on proliferation issues to encourage more restrictive export standards and possible membership in technology control organizations.

Effectiveness: If countries such as China and India, which have been major sources of concern, were to adopt nonproliferation controls, it would greatly enhance the effectiveness of current international nonproliferation efforts. It would also be a major step beyond past efforts to harmonize our controls, which have tended to focus on countries that already support nonproliferation.

Feasibility: Achieving broad political agreement and export controls that are effective would be difficult, however. Current control mechanisms in these countries may lack sophistication or be absent entirely. Industry may not cooperate. Finally, once the crisis is over, such states could soon yield to a desperate need for foreign currency and a fear of being too closely identified with the West.

Costs: The costs of making this case to supplier countries would be relatively small. The problem, however, comes when the countries we approach demand compensation from the West for the cost to their industry of introducing export controls. Pressure for this sort of compensation would have to be resisted.

Option 5c: Create a New Nonproliferation Regime

If the above efforts seem insufficient, it has been suggested that we could seek to create an overarching mechanism to coordinate international nuclear, CBW, and missile nonproliferation efforts.

This goal could be approached globally (e.g., under UN auspices), or by a smaller ad hoc grouping of interested countries. This would be primarily a political mechanism, to attract states outside the existing regimes, raise their awareness of international proliferation problems, strengthen the political commitment to solve them and help create export control regimes that meet uniformly high standards.

An alternate approach would be to meld existing nonproliferation regimes into one (the London Nuclear Suppliers' Group, the MTCR, and the Australia Group). Its primary focus would be intelligence-sharing and interdiction, a function that the larger and more diverse group proposed above could not perform.

Effectiveness: In their separate ways, both of these mechanisms would contribute to a more effective international effort against NCW proliferation. The first would produce cooperation with countries that, for intelligence purposes, cannot participate in existing regimes. The second would enable members to address connections between proliferation areas, possibly pinpointing advances in one area that can enhance efforts in another.

The political approach, however, should not completely overshadow or exclude the interdiction/intelligence-sharing approach. If a UN-based or similar institution is set up, it may result in pressure to do away with the Australia Group or MTCR. Such pressure should be resisted. Furthermore, both approaches would risk becoming bureaucratically top-heavy and diluted with the inclusion of countries with little real commitment to nonproliferation.

Feasibility: Creation of a nonproliferation "super-regime" would be an extraordinary political challenge, but the fact that some Western countries have already made hints in this direction suggests that it may be feasible. Very few allies have stated their views, however, and the concept might be hard to sell to those who are satisfied with existing mechanisms. There is no indication at this point as to how outsider countries might react.

Costs: Even if an initiative is launched immediately, it would probably take a year or two to obtain international agreement and start up any effective new mechanism. Costs of the narrower, interdiction-focused mechanism—both financial and political—would be moderate if it relied on existing structures. A broader mechanism would be more costly and require more effort to launch.

EXCURSION: A REGIONAL SECURITY FRAMEWORK AS A PROLIFERATION DETERRENT

In parallel with the above options, the US should pursue a long-range framework for security in the Gulf to discourage Iraqi attempts to use its NCW to intimidate or destabilize its neighbors. A full discussion of the effectiveness, achievability and costs of this complex proposal are beyond the scope of this paper. Following, however, is a brief summation of how such a security arrangement might look.

Iraq's overwhelming strength will be impossible to offset by relying solely on indigenous GCC or Arab world resources. Ultimately, we need to aim for an informal linkage of states inside and outside of the region to constrain Iraqi power and preserve a regional balance. Such linkages would be vital to the effort to preserve Iraq's territorial integrity if its neighbors are tempted to exploit a severe Iraqi military defeat by the U.S.

This would involve a range of U.S. security commitments in the Gulf, buttressed by allied support (such as the UK) and possibly Soviet deployments and assistance as well. Turkey, as a NATO member and prominent regional power, would have a major role. Many of these linkages would take the form of developing military capabilities and coordination with the GCC member states.

At the heart of this security arrangement would be the U.S.-Saudi military and political relationship. It would include the pre-positioning of large amounts of equipment, greatly expanded naval facilities and access, and, if possible, a permanent "trap-wire" presence of U.S. military personnel.

CHRONOLOGY: OCTOBER 4 THROUGH DECEMBER 6, 1985

October 4: FM Aziz told U/S Schneider that Arafat supports "acts of struggle" which "inevitably produce civilian casualties," but that since 1982 Fatah has not attacked individuals outside Israel. Aziz warned that U.S. support for the Tunis raid would compromise the U.S. position throughout the Arab world and complicate the peace process.

October 9: Addressing the Arab League delegation (including Aziz), the Secretary asked for the delegation's support in bringing the terrorists responsible for the Achille Lauro hijacking to justice.

October 9: In the subsequent bilateral, Aziz said the "American endorsement" of the Tunis raid had disturbed the Iraqis more than the raid itself and had embarrassed U.S. friends throughout the region.

October 15: The Department transmitted to Embassy Baghdad the text of a note requesting Abbas' arrest, for use if we received confirmation of his presence in Iraq. Ambassador Newton was instructed to deliver a demarche requesting that Iraq withdraw Abbas' diplomatic passport and informing Baghdad that, if Abbas, should go to Iraq, the U.S. would demand his extradition: "Please tell the Iraqis that, should they give sanctuary to Abu Abbas, a series of legal and administrative actions could be triggered which would do damage to the fabric of our expanding bilateral relations."

October 15: Responding to Newton's demarche, a senior Iraqi official acknowledged the validity of the 1934 U.S.-Iraqi extradition treaty, but said Iraq would not withdraw Abbas' diplomatic passport or accept any request for his extradition. He said Abbas was not in Iraq, but would be welcome there. He expressed hope that this issue would not complicate our bilateral relations. Newton described "the great anger and disgust the killing of a defenseless, elderly man had provoked among the U.S. public."

October 15: The Italian Customs police arrested two Arabs at Fiumicino airport when explosives are discovered in their luggage. The two terrorists arrived in Rome on an Iraqi Air flight from Baghdad. One told Italian police that they had come to Rome to attack an American target, "any one." We learned on October 19 that he had bought his Baghdad-Rome-Baghdad ticket (return open) from a travel agent in Baghdad. The Post ran a lengthy article on the matter on October 17, citing the Secretary's June 20 letter to Berman.

October 17: The Department instructed Newton to approach the Iraqi government to express our "distress" and "grave concern" about the Rome terrorists, and to urge the Iraqis to share the results of their investigation with us.

October 19: Newton presented his demarche, leaving a copy of the Department's talking points with a senior Iraqi. The Iraqi official said that one of the terrorists had arrived in Baghdad as a transit passenger from Kuwait and that his luggage had not been screened. He promised to pass along further information as received. (NOTE: We have now raised this issue with the Iraqis at least five times through various channels; they have persisted in sticking with their original flimsy story.)

October 25: The Secretary sent a message to Aziz making three main points: He undertook to raise the Gulf war during his talks with Shevardnadze; he expressed concern about the Rome terrorists and asked for a full investigation; and he reemphasized U.S. concern about Abbas.

October 28: The Washington Times reported that Iraq had agreed to provide military training and high-performance patrol boats to the PLO in exchange for Arafat's undertaking to conduct terrorist activities against Syrian targets around the world.

October 30: In receiving Aziz's reply to the Secretary, delivered by Hamdoon, A/S Murphy denounced Abbas and the Achille Lauro operation in strong terms. Aziz in his letter to the Secretary denied any Iraqi connection with the Rome terrorists. He said Abbas, as a member of the PLO Executive Committee, enjoyed diplomatic "immunities," and in any case Abbas did not participate in the hijacking of the Achille Lauro. The Iraqi government "cannot deal with the order of arrest issued against Abbas by the American authorities."

November 9: On learning that Newton had been summoned to accept a Presidential letter, the Department instructed Newton to express U.S. "puzzlement and chagrin" over the Iraqi pan-Arab campaign mounted just before the Summit, and to invite Aziz to consider how "such an initiative serves the cause of U.S.-Iraqi bilateral relations."

November 10: Aziz presented Saddam Hussein's letter, trying to separate the timing and content of Saddam's letter from U.S.-Iraqi bilateral relations. The letter:

Reaffirmed Iraqi support for the PLO, and attacked the U.S. "refusal" to recognize it: "We see no satisfactory grounds for this attitude from the point of view of international law, nor do we find it to be in line with the concrete realities in our region";

Rejected terrorism, but "in no way can we agree to describing the struggle maintained by the Palestinian people as terrorism";

Denounced U.S. statements "approving and justifying" the Tunis raid, indicating as they do that U.S. will support Israel in "acts of aggression" against Arab states on the basis of "such pretexts as those invented by Israel and such grounds for aggression as those determined by it and it alone";

Denounced the diversion of the Egyptian aircraft to Sicily.

November 11: The Iraqis published Saddam's letter, nearly in full.

November 13: reported that, , Abbas had been in Baghdad.

November 14: A visiting American journalist told Embassy officers that a PLO official based in Baghdad had confirmed Abbas' presence in Baghdad.

November 20: The Christian Science Monitor reported that Iraq "had allowed news to leak" that Abbas was in Baghdad.

November 22: The U.S. government announced a reward of up to $250,000 for information leading to the arrest, prosecution, and punishment of Abbas and others involved in the hijacking.

November 25: The Washington Times reported that, according to a senior Iraqi official, the U.S. had not sought the extradition of Abbas. The article cited Palestinian sources as saying Abbas was in Iraq, and quoted "Western diplomats" as saying the U.S. wanted to play down Abbas' presence in Iraq so as not to damage relations.

December 1: A/S Murphy held lengthy talks with Saddam and Aziz in Baghdad.

December 5: Senators Proxmire and Roth introduced a bill that would amend the EAA to ban helicopter sales to Iraq, in the context of Iraqi support for Abbas.

December 5: Congressman Berman began circulating a letter inquiring pointedly into the status of the Department's investigation into Abbas' Iraqi passport and the Rome terrorists.

December 6: During his press conference, the Secretary was asked whether the Iraqis have been cooperative in our attempt to arrest Abbas, and whether consideration is being given to returning Iraq to the terrorism list. The questioner said Abbas "was quoted" on December 5 as being in Baghdad. The Secretary said that the U.S. and Italy are pursuing Abbas, whose complicity is clear, but that we have so far not been successful.

Fm: Am. Embassy Damascus.
To: Sec. State, Washington, DC, Immediate 1037.
Info: Am. Embassy Baghdad. Immediate.
Damascus 02601
From Murphy
E.O. 12356: Decl; OADR.
Tags: Etrd, Rrel, IZ, US.
Subject: Iraqi concerns about congressional passage of the export administration act.

1. Entire text.

2. At the end of our April 20 conversation, Tariq Aziz asked about reports he had received from the Iraqi Embassy in Washington indicating there were moves afoot to again place Iraq on the list of countries supporting terrorism. I tried to assure him of administration opposition to inclusion of any such language in the act and reminded him of the complicated process necessary to pass such a bill into law. I indicated that our strongest efforts on the bill would be reserved for the time when it went to conference committee.

3. Tariq Aziz urged that we, indeed, exert our best efforts and expressed concern that we might be unable to delete such language if it were attached as a rider to a bill strongly desired by the administration.

He said that Iraqi ambassador Hamdoon had been instructed to request a meeting with under secretary Armacost in order to urge an intensification of our efforts to defeat the measure. He observed that some supporters of the offensive language were citing as justification the stationing of PLO fighters on Iraqi soil and charged that they were doing this to disrupt U.S.-Iraqi relations. He pointed out that the U.S. was considering selling Algeria arms although the situation was the same there and there were in fact even more Palestinian fighters in Algeria. He concluded his remarks on the subject by stating that he knew we wanted good bilateral relations with Iraq. He said that president Saddam Hussein now speaks of "the beautiful atmosphere between us." He expressed concern that passage of the bill would poison the atmosphere, not because either side wanted it but because the move would inevitably generate a lot of negative publicity and misunderstanding.

4. Action requested: The Iraqis were more forthcoming than ever with us during this

visit. Iraqi concerns seem genuine on this issue. My understanding on leaving Washington was that nothing could be done to affect the prospects of putting Iraq back on the terrorism list until the Senate-House conference. I do not recall whether the Senate had introduced comparable language. Please advise.

EAGLETON.

U.S. DEPARTMENT OF STATE,
Washington, DC, July 1, 1986.

To: The Secretary.
From: INR—Frank McNeil, Acting.
Subject: Iraq's Retreat from International Terrorism:

The attached paper reviews our successful anti-terrorism diplomacy with Iraq. It concludes:

Even in the Iraqi case, in the face of strong external pressures and repeated US approaches, the Iraqis initially endeavored to preserve their terrorist assets, resorting to subterfuge to divert attention from their continued support for terrorist groups. Although, in the main, the US effort was eventually fruitful, Iraq's record on terrorism still is not without blemish.

IRAQ'S RETREAT FROM INTERNATIONAL TERRORISM

The Department, with considerable encouragement from Congress, made terrorism the key issue in our relations with Iraq between 1980 and 1983. Implicit in this focus was the threat that the US-Iraqi relationship as a whole could not move forward meaningfully without major improvements in Iraq's performance on this issue. More specifically, the Iraqis knew that improvement of Iraq's track record on terrorism would determine the extent of US diplomatic support on issues related to the war and US economic assistance.

IRAQI CONSIDERATIONS ON DROPPING TERRORISM

Terrorism, which had been used by the more radical Iraq of the 1970's largely to intimidate Arab moderate governments and moderate elements within the PLO, had become less useful as an instrument of Iraqi policy by the early 1980's. Widespread use of terrorism against Arab targets was largely inconsistent with Iraq's pan-Arab leadership aspirations in the pre-war period. Later, the war and Iraq's accelerated drift toward the moderate Arab camp made terrorism an even less useful—indeed, counterproductive—weapon.

Lacking strategic depth, Baghdad recognized early in the war that outside support, particularly from moderate Arab states such as Jordan, Saudi Arabia, Kuwait and Egypt, was vital to sustain Iraq's war effort. For example, by mid-1981, it became apparent to the Iraq regime that it could not pursue the war without massive financial assistance from the Arab Gulf states. Iraq's growing cooperation with elements closer to the Arab maintenance, including Arafat, was also fueled by the intensification of its feud with Syria and Libya. In addition, the Iraqis recognized that broad-based diplomatic support from the West was necessary to sustain Iraq's efforts to keep Iran isolated.

IRAQ'S SLOW RETREAT

Despite US pressure and Iraq's own interests, Baghdad's retreat from terrorism was painfully slow. For example, in mid-1981 and mid-1982, the Black June Organization (BJO) of Abu Nidal (then still operating out of Iraq, we subsequently learned) struck repeatedly at Israeli and Jewish targets in Europe—at a time when the US was being assured Abu Nidal was no longer receiving Iraqi support and subsequent to the Department's removal of Iraq from the "terrorism list."

There was greater progress in actual Iraqi performance on the terrorism issue in 1983. Iraq's rapprochement with Arafat made it easier to break with Abu Nidal and crack down on other, more radical Palestinians without appearing to act against the Palestinian cause. Abu Nidal was expelled from Iraq, and another dangerous group, the May 15 Organization, was to a large degree deactivated.

Even very recently, however, there have been developments that suggest that Iraq remains reluctant to cut completely its links to terrorist groups. For example, two bomb-toting individuals arrested in Rome in October 1985 have been linked to the Iraqi-based May 15 group, and Abu Abbas seems to have been permitted to take refuge in Iraq following the "Achille Lauro" hijacking.

EFFORTS TO DODGE THE ISSUE

There appear to have been long periods of time during 1981 and 1982 when the Iraqi government did indeed rein in its terrorist assets. This probably was done in response to the intensity of outside pressure, but in the hope that Iraq's use of terrorism would cease to be an issue if such activity were temporarily suppressed. The Iraqis probably calculated that the international attention span generally is short-lived with regard to most issues and that Iraq's terrorist assets could be put back into selective use once the "heat was off".

INTERNAL IRAQI RESISTANCE

We suspect there was considerable resentment within the Iraqi regime over the idea of reducing Iraq's involvement in terrorism. Some Baath Party hardliners probably opposed the basic shift in Iraqi foreign policy that led to the change in Iraq's policy toward terrorism. It is likely that many others resented the appearance that by withdrawing support from terrorist groups Iraq was caving in to foreign pressure. Still others may have been reluctant to stop Iraqi-sponsored terrorism against Israeli targets because of concern that such action would undermine Iraq's anti-Israeli credentials and its influence over certain Palestinian elements traditionally aligned with Iraq.

Opposition probably was centered in the powerful Iraqi intelligence and security apparatus, which managed terrorist operations and had the biggest stake in preserving a terrorist capability as insurance against attacks on iraqi interests and as a means of covert retaliation.

* * * * *

NO OTHER EFFECTIVE WAYS OF HITTING THE ISRAELIS

The spectacular Israeli air raid against Iraq's nuclear reactor complex at Tuwaitha in June 1981 triggered a wave of anti-Israeli attacks by Iraqi-supported terrorists. Bogged down in its war with Iran and militarily outclassed by Israel in any case, terrorism probably appeared to be the only means of effective retaliation. Iraq's inability to respond militarily or diplomatically to the Israeli attack (Iraq's efforts to persuade the International Atomic Energy Agency to take strong measures against Israel failed) probably reinforced the arguments of those in the Iraqi regime urging the leadership not to relinquish its terrorist card.

THE PROBLEM OF DEFINITIONS

Finally, another problem that dogged US efforts to put a stop to Iraqi-supported terrorist activity was the variance between US and Iraqi definitions of terrorism. For a time, in the face of US opposition, Iraq continued to encourage and finance attacks against the Israelis and their surrogates in South Lebanon and cross-border operations against Israel proper on the part of the Arab Liberation Front—and the Front for the Liberation of Palestine.

To Iraqis—indeed, to most Arabs—guerrilla attacks against Israel proper or territories occupied by the Israelis and their allies do not fall clearly under the definition of terrorism, but instead are regarded as something more akin to legitimate para-military operations against a wartime enemy. Also, conditioned by the widespread assumption in the Middle East that terrorism is a natural extension of diplomacy, Iraqi leaders may have been slow to understand the importance which the US attaches to the issue.

The Iraqi regime's prolonged involvement in a bloody, desperate battle for survival against Iran since 1980 has dramatically reordered Iraqi priorities. In a variety of key policy areas, the Baghdad regime has had to subordinate other important interests to the demands of the war. The virtual elimination of Iraqi's involvement in international terrorism was a price the Baghdad regime gradually realized it had to pay to secure greater support from the moderate Arabs, as well as some measure of support from the US.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate receives from the House the continuing resolution (H.J. Res. 553), the resolution be considered and passed; that the motion to reconsider the vote be laid upon the table, and that the above actions take place without intervening action or debate.

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

DISTRICT OF COLUMBIA APPROPRIATIONS ACT FOR FISCAL YEAR 1993

Mr. BYRD. Mr. President, the request I am about to make has been cleared on both sides.

I ask unanimous consent that the Chair lay before the Senate H.R. 6056, the District of Columbia appropriations bill for fiscal year 1993; that the bill be considered read a third time, and passed; and that the motion to reconsider be laid upon the table.

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

So the bill H.R. 6056 was passed.

Mr. ADAMS. Mr. President, this new appropriations bill, H.R. 6056, for the District of Columbia is necessary because of the President's veto of H.R. 5517, our original bill. The President vetoed that bill because we included the same type of provision on abortion that the Congress has insisted on for more than a decade that restricts the use of Federal funds for abortion. This is the same restriction that we place on the use of other public funds for abortion, we, the Congress, restrict

only the use of Federal funds. That is what we control, Federal taxpayers dollars. We do not restrict the use of tax revenues raised by the State of Washington, or the State of Missouri, or any other State because we do not appropriate those funds. But because we have the D.C. budget before us the President has chosen to use his veto power to circumvent the will of the citizens and their elected representatives, as he can do to no other jurisdiction in this country.

Less than 20 years after Justice Harry Blackmun, writing for the majority, called Roe versus Wade "a landmark of liberty" that liberty is barely recognizable. Recently the Court has allowed States to encroach on a decision that should be made by a woman alone, without government interference. With each obstacle the government places between a woman and her right to choose, we come closer to a society filled with back alley abortions and forced pregnancies, especially for those who are poor, young, or in other desperate situations.

We are forced by the President's action to pass this legislation which deletes the word "Federal" from section 114 so that no funds, Federal or local, will be used to perform abortions, except that if the life of the mother were endangered.

The bill, with this exception, is identical to the one we brought back from conference as H.R. 5517. The bill contains a total of $688 million in Federal funds and $4 billion in District of Columbia funds. That is within our allocation under the budget act and is $84,000 below the President's request. It is also below the fiscal year 1992 Federal funds appropriation to the District by nearly $12 million.

Mr. President, while there are no reports to accompany this bill the District government, and all others who read it should consider all language, including directives, suggestions and reports requested, in House reports 102-638, 102-899, and 102-906 and in Senate report 102-333 as applying to this measure as well.

The bill includes a requirement that a death penalty initiative be placed on the ballot within 90 days to allow the citizens of the District of Columbia to decide whether or not they want a death penalty in the District. This provision is much the same as the one included by Senator SHELBY when the Senate passed the original bill, except that it maintains the principle that homicide remain a local crime. The change would amend the D.C. Code to provide for a penalty of life imprisonment without parole or death for first degree murder. It should be noted that the reference to "the district court" in subsection (u) of that section refers to the District of Columbia court.

Mr. President, I want to make clear my position on this issue. I do not oppose the death penalty. I do not favor imposing the death penalty on the District of Columbia from Capitol Hill. The provision before us is not the way I would prefer for this matter to get on to the ballot. I would prefer that the District Council, or the citizens through the normal initiative process, decide this issue. But this process is preferable to having the Congress simply impose a death penalty without consideration by the citizens of the city.

I was also disappointed that the conference agreement on the original bill was not able to include an additional $1,140,000 for the District's Home Purchase Assistance Program for a project in the Columbia Heights neighborhood as provided in the Senate version of H.R. 5517. This project straddles the 14th Street corridor that was burned out during the 1968 riots and has remained a corridor of broken promises for too long. I drive in that neighborhood on my way home quite often. I think it is a tragedy that we have not moved to try to provide housing and to stabilize this neighborhood. The funds that the Senate recommended were intended to restore the essential unifying element of the neighborhood and its former economic character.

In September of 1990 the Columbia Heights Neighborhood Strategic Planning Conference identified the needs of the community as:

First, affordable home ownership;

Second, a balance between rental and home ownership housing;

Third, an increase in neighborhood service and retail establishments; and

Fourth, elimination of vacant lots.

Eight nonprofit community development organizations submitted a proposal with the support of six other team members which have provided design, legal, financial, planning support and technical assistance.

The project calls for construction of 57 units of housing and 21,650 square feet of retail space on 4 sites. The total estimated development costs for 4 sites is $6,400,000.

The Housing Assistance Program funds are required in fiscal years 1993 and 1994 to make this dream a reality. This will ensure that working families earning annual incomes of less than $25,000 will have home ownership opportunities. It is my intention that this project in the 14th Street corridor should receive the highest priority in the allocation of Housing Assistance funds, and I intend to work to see that this project comes to fruition without delay.

Mr. President, we also were unable to include $250,000 included by the Senate for the Parents as Teachers Program in the D.C. public schools. We began this program last year at the urging of the Senator from Missouri. The program has been implemented in the Frederick Douglas and Stanton Dwellings Housing projects and has been very well received. In testimony received by the committee school officials stated that the program has been very successful in breaking down the sense of isolation that poor parents often experience, reducing the stress of parenting and to make parenting more fun.

Mr. President, this bill includes the establishment of the Trauma Care Fund. The cost of uncompensated hospital care in the District exceeds $200 million annually, with uncompensated trauma care is the most expensive element of this problem. It is also the element that is most closely related to the crime and violence in the District. These funds will be provided to compensate for the unreimbursed costs and will be available to hospitals to help offset operating results or to meet important capital needs, as the hospital's governing bodies decide.

Mr. President, I want to reiterate my thanks to all members of the subcommittee for their help and support this year in producing a D.C. appropriations bill.

I especially want to thank my chairman, the Senator from West Virginia, Senator BYRD, for his wise counsel and steadfast support of the subcommittee and its decisions throughout the year. As did all other subcommittees, our members had to choose from among unappealing alternatives. I thank the chairman for giving us the opportunity to craft the best bill we could under the circumstances.

Mr. President, I also want to express my thanks and warm regards for the committee's ranking member, the Senator from Oregon [Mr. HATFIELD] who has, like Senator BYRD, given this subcommittee his support to do our work.

Mr. President, with that explanation of the bill I yield the floor.

FOREIGN OPERATIONS APPROPRIATIONS FOR FISCAL YEAR 1993

The PRESIDING OFFICER (Mr. AKAKA). Under the previous order the clerk will report H.R. 5368.

The assistant legislative clerk read as follows:

A bill (H.R. 5368) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1993, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for foreign operations, export financing, and related programs for the fiscal year ending Sep-

tember 30, 1993, and for other purposes, namely:

TITLE I—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increases in capital stock for the General Capital Increase, $62,180,100, to remain available until expended.

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States contribution to the Global Environment Facility, $30,000,000, to remain available until expended: Provided, That such funds shall be made available to the Facility by the Secretary of the Treasury if the Secretary determines (and so reports to the Committees on Appropriations) that the Facility has: (1) established clear procedures ensuring public availability of documentary information on all Facility projects and associated projects of the Facility implementing agencies; and (2) established clear procedures ensuring that affected peoples in recipient countries are consulted on all aspects of identification, preparation, and implementation of Facility projects: Provided further, That in the event the Secretary of the Treasury has not made such determinations by September 30, 1993, funds appropriated under this heading for the GEF shall be transferred to the Agency for International Development and used for activities associated with the GEF and the Global Warming Initiative.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed $2,010,512,700.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,024,332,000, for the United States contribution to the replenishment, to remain available until expended: *Provided*, That, before obligating funds made available under this heading, the President shall reduce from the amount obligated, the United States proportionate share of any loans approved by the Board of Directors for China for non-basic human needs since October 1, 1992 if China is denied most-favored-nation trading status by the United States Government: *Provided further*, That such funds withheld from obligation may be obligated only if the President certifies that it is in the national interest of the United States to do so: *Provided further*, That fifteen days prior to the obligation of such funds for the International Development Association, the President shall report his certification to the Committee on Appropriations and the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate.

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

For payment to the International Finance Corporation by the Secretary of the Treasury, $35,761,500, for the United States share of the increase in subscriptions to capital stock, to remain available until expended: *Provided*, That of the amount appropriated under this heading not more than $5,960,000 may be expended for the purchase of such stock in fiscal year 1993[: *Provided further*, That funds appropriated under this heading are available subject to authorization].

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the paid-in share portion of the increase in capital stock, $56,466,000, and for the United States share of the increases in the resources of the Fund for Special Operations, $20,272,000, to remain available until expended: *Provided*, That the Secretary of the Treasury shall instruct the United States Executive Director of the Inter-American Development Bank to use the voice and vote of the United States to oppose any assistance by the Bank to any recipient of assistance who refuses to agree in writing that in general any procurement of goods or services utilizing Bank funds shall be conducted in a manner that does not discriminate on the basis of nationality against any member country, firm or person interested in providing such goods or services.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $2,202,040,000.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas *Multilateral* Investment Fund by the Secretary of the Treasury, for the United States contribution for the establishment of the Fund to be administered by the Inter-American Development Bank, [$75,000,000] *$100,000,000* to remain available until expended[: *Provided*, That funds appropriated under this heading are available subject to authorization: *Provided further*, That funds appropriated under this heading may not be made available until the Secretary of the Treasury determines (and so reports to the Committees on Appropriations) that not less than one-third of the total amount contributed by donors to the Fund will be used for the human resources facility of the Fund]: *Provided, That the Secretary of the Treasury shall use the voice and vote of the United States in the Donors Committee to seek one-third of the total amount contributed by donors to the Fund be used for the Human Resources Facility of the Fund: Provided further, That the Secretary of the Treasury shall use the voice and vote of the United States in the Donors Committee to require that, to be eligible for disbursements of assistance from the Fund, a country must have a government that is democratically elected, does not harbor or sponsor international terrorists, cooperates with the United States in narcotics matters, and is not engaged in a consistent pattern of gross violations of human rights by its instrumentalities including its military and security forces.*

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States share of the increase in capital stock, $25,514,303, *to remain available until expended*: *Provided*, That before obligating funds made available under this heading, the President shall reduce from the amount obligated, proportionately in paid-in capital and callable capital, the United States proportionate share of any loans approved by the Board of Directors for China for non-basic human needs since October 1, 1992, if China is denied most-favored-nation trading status by the United States Government[: *Provided further*, That funds appropriated under this heading are available subject to authorization].

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89-369), $75,000,000, to remain available until expended: *Provided*, That prior to obligating any of the funds appropriated under this heading for the Asian Development Fund, the Secretary of the Treasury shall submit a certification to the Committees on Appropriations that none of such funds will be made available for China[: *Provided further*, That funds appropriated under this heading are available subject to authorization].

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in the capital stock in an amount not to exceed $186,984,240[: *Provided*, That such funds are available subject to authorization].

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, $103,893,000, for the United States contribution to the sixth replenishment of the African Development Fund, to remain available until expended[: *Provided*, That funds appropriated under this heading are available subject to authorization].

[CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

[For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $68,986,000, for the United States share of the paid-in share portion of the initial capital subscription, to remain available until expended.

[LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

[The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $160,966,000.]

INTERNATIONAL MONETARY FUND

(a) APPROPRIATION.—There is appropriated for an increase in the United States quota in the International Monetary Fund, the dollar equivalent of 8,608.5 million Special Drawing Rights, to remain available until expended.

(b) POLICY AND STAFFING CHANGES WITHIN THE IMF.—The Secretary of the Treasury shall instruct the United States Executive Director to the International Monetary Fund (hereafter in this section referred to as the "Fund") to promote regularly and vigorously in program discussions and quota increase negotiations the following policy and staffing changes within the Fund:

(1) The development of social and environmental impact assessments as a required element

of the process that any country seeking financial assistance from the Fund is subject to and which shall be taken into account in policy formulations.

(2) The establishment of an independent audit department, that would include poverty and environmental experts, to review systematically the policy prescriptions recommended and required by the Fund. The purposes of such a department would be (A) to determine whether the Fund's objectives were met, and (B) to evaluate the social and environmental impacts of the implementation of the policy prescriptions. This department should have broad powers to review all ongoing programs and activities of the Fund and to assess the effects of Fund-supported programs, country-by-country, with respect to poverty, economic development and environment. The audits should be made public as appropriate with due respect to confidentiality.

(3) The establishment of procedures that ensure the focus of future economic reform programs approved by the Fund on policy options that increase the productive participation of the poor in the economy.

(4) The establishment of procedures for public access to information. These procedures shall seek to ensure access of the public to information while paying due regard to appropriate confidentiality. Policy Framework Papers and the supporting documents prepared by the Fund's mission to a country are examples of documents that should be made public at an appropriate time and in appropriate ways.

(5) The institution of procedures to analyze the costs and benefits of structural adjustment and stabilization programs so as to reflect losses in the natural resources base and the contribution such resources make to the well-being of the local population to whom services are provided.

(c) PROGRESS REPORT.—As part of the annual report, the Secretary of the Treasury shall submit a report to Congress on the following:

(1) The actions that the United States Executive Director and other officials have taken to convince the Fund to adopt the elements of this Act through formal initiatives before the Board and management of the Fund, through bilateral discussions with other member nations, and through any further quota increase negotiations.

(2) The status of the progress being made by the Fund in implementing the objectives of subsection (b).

(3) The reasons why the United States Executive Director of the Fund supported or opposed a Fund program with a significant environmental impact, and an explanation of how such action is consistent with the purpose of this Act.

(d) STUDY.—The Secretary of the Treasury shall conduct a study to propose ways that, consistent with the Articles of Agreement, the Fund could broaden the involvement and participation of important ministries, national development experts, environmental experts, free-market experts, and other legitimate experts and representatives from the loan-recipient country in the development of Fund programs.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, [$310,000,000] *$312,500,000*: *Provided*, That no funds shall be available for the United Nations Fund for Science and Technology: *Provided further*, That the total amount of funds appropriated under this heading shall be made available only as follows: $125,000,000 for the United Nations Development Program; *$2,500,000 for the AIDS Program of the United Nations Development Program;* $100,000,000 for the United Nations Children's Fund, of which amount 75 per centum (less amounts withheld consistent with section 307 of the Foreign Assistance Act of 1961 and section 525 of this Act) shall be obligated and expended no later than thirty days after the date of enactment of this Act and 25 per centum of which shall be expended within thirty days from the start of the United Nations Children's Fund fourth quarter of operations for 1993; $3,000,000 for the United Nations Capital Development Fund; $1,000,000 for the United Nations Development Fund for Women; $250,000 for the United Nations International Research and Training Institute for the Advancement of Women; $300,000 for the Intergovernmental Panel on Climate Change; $2,000,000 for the International Convention and Scientific Organization Contributions; $2,250,000 for the World Meteorological Organization Voluntary Cooperation Program; $800,000 for the World Meteorological Organization Special Fund for Climate Studies; $30,000,000 for the International Atomic Energy Agency; $22,000,000 for the United Nations Environment Program; $800,000 for the United Nations Educational and Training Program for Southern Africa; $500,000 for the United Nations Trust Fund for South Africa; $1,000,000 for the Convention on International Trade in Endangered Species; $450,000 for the World Heritage Fund; $500,000 for the United Nations Voluntary Fund for Victims of Torture; $400,000 for the United Nations Center on Human Settlements; $500,000 for the United Nations Industrial Development Organization Investment Promotion Service; $250,000 for the Intergovernmental Negotiating Committee; $11,000,000 for the Organization of American States; $2,000,000 for the United Nations Afghanistan Trust Fund; $1,000,000 for the International Tropical Timber Organization; $2,000,000 for the World Food Program; $1,000,000 for the International Union for the Conservation of Nature; $750,000 for the Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitat; $1,000,000 for the OECD Center for Cooperation with European Economies in Transition; and $250,000 for the United Nations Fellowship Program: *Provided further*, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1993, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE FUND

For necessary expenses to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961, [$1,013,480,000] *$1,037,480,000*, of which amount—

(a) not less than $80,000,000 shall be made available for activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome (AIDS) in developing countries of which not less than [$39,000,000] *$30,000,000* shall be made available directly to the World Health Organization for its use in financing the Global Program on AIDS (including activities implemented by the Pan American Health Organization), and not less than $1,000,000 shall be made available to UNICEF for AIDS-related activities.

(b) not less than $5,000,000 shall be made available for new development projects of private entities and cooperatives for dairy development;

(c) not less than [$20,000,000] *$25,000,000* shall be made available for the Vitamin A Deficiency Program and activities relating to iodine deficiency and other micro-nutrients, of which amount not less than $13,000,000 shall be made available for the Vitamin A Deficiency Program;

(d) not less than $225,000 shall be made available to support continued United States participation in the Associate Professional Officers Program of the international food agencies;

(e) not less than $1,000,000 shall be made available for private voluntary organizations to be used to finance operations for blind children;

(f) not less than $10,000,000 shall be made available for cooperative projects among the United States, Israel, and developing countries, of which not less than $5,000,000 shall be made available for the Cooperative Development Program, not less than $2,500,000 shall be made available for cooperative development research projects, and not less than $2,500,000 shall be made available for cooperative projects among the United States and Israel and the countries of Eastern Europe, the Baltic states, and the independent states of the former Soviet Union;

(g) not less than $5,000,000 shall be made available for the Central and Latin American Rural Electrification Support project; [and]

[(h) not less than $5,000,000 shall be for Russian, Eurasian, and Eastern European research and training under the Department of State's title VIII program on Russian, Eurasian, and Eastern European research and training, notwithstanding any other provision of law.]

(h) not less than $23,000,000, of which $3,000,000 shall be derived by transfer from funds earmarked for scholarship programs under the heading "Assistance for the New Independent States of the Former Soviet Union", shall be available for the International Student Exchange Program (for the Cooperative Association of States for Scholarships and the East Central European Scholarship Program), of which not less than $6,000,000 shall be available, notwithstanding any other provision of law, for students from Poland, Hungary, Czechoslovakia, Russia, Belarus, and the Ukraine.

CHILD SURVIVAL AND EDUCATION

Of the funds appropriated under the headings in this title under "Agency for International Development"—

(1) not less than a total of $275,000,000 shall be made available for programs in support of child survival activities: *Provided*, That such activities may include any assistance provided to meet the special needs of displaced children; and

(2) not less than a total of $135,000,000 shall be made available for programs in support of basic education activities, including early childhood education, primary *and secondary* education, teacher training, [and other necessary activities in support of early childhood and primary education,] and literacy training for adults.

POPULATION, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of section 104(b), [$330,000,000] *$350,000,000*: *Provided*, That none of the funds

made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act: *Provided further*, That of the funds appropriated under this heading, not less than 65 per centum shall be made available for the Office of Population of the Agency for International Development: *Provided further, That the Agency for International Development shall submit a report to the Committees on Appropriations no later than March 1, 1993 setting forth the agency's strategy for having a global impact on the international population problem: Provided further, That as part of its annual Congressional Presentation Document for fiscal year 1994, the Agency for International Development shall separately include an agency-wide budget for family planning programs for which development assistance funds are requested for that fiscal year: Provided further, That funds appropriated under this heading for family planning purposes shall not be reduced by a proportion greater than the Development Assistance Fund in order to comply with requirements to provide assistance from funds appropriated to carry out chapter 1 of part I or to carry out part I of the Foreign Assistance Act of 1961: Provided further*, That in addition to funds otherwise available for such purposes, of the funds appropriated under this heading [up to $500,000 may] *not less than $800,000 shall* be used for the administration and planning of family planning assistance programs in addition to operating expense funds otherwise allocated for such office: *Provided further*, That not less than $20,000,000 of the funds appropriated under this heading shall be made available only for the United Nations Population Fund only for the provision of Food and Drug Administration-approved contraceptive commodities and related logistics, notwithstanding any other provision of law or policy: *Provided further*, That none of the funds made available under this heading for the United Nations Population Fund may be obligated if China is denied most-favored-nation trading status by the United States Government: *Provided further*, That none of the funds made available under this heading shall be made available for programs in the People's Republic of China: *Provided further*, That prohibitions contained in section 104(f) of the Foreign Assistance Act of 1961 and section 534 of this Act (relating to prohibitions on funding for abortion as a method of family planning, coercive abortion, and involuntary sterilization) shall apply to the funds made available for the United Nations Population Fund: *Provided further*, That the United Nations Population Fund shall be required to maintain the funds made available under this heading in a separate account and not commingle them with any other funds: *Provided further*, That any agreement entered into by the United States and the United Nations Population Fund to obligate funds earmarked under this heading shall expressly state that the full amount granted by such agreement will be refunded to the United States if, during its five-year program which commenced in 1990, the United Nations Population Fund provides more than $57,000,000 for family planning programs in the People's Republic of China: *Provided further*, That funds made available by the United States to the United Nations Population Fund shall be provided pursuant to an agreement that prohibits the use of those funds to carry out any program, project, or activity that is disapproved by the United States Permanent Representative to the United Nations: *Provided further*, That in determining eligibility for assistance from funds appropriated under this heading, the Agency for International Development shall not subject nongovernmental and multilateral organizations to requirements more restrictive than requirements applicable to foreign governments for such assistance.

DEVELOPMENT FUND FOR AFRICA

For necessary expenses to carry out the provisions of chapter 10 of part I of the Foreign Assistance Act of 1961, $800,000,000, to remain available until September 30, 1994: *Provided*, That not less than $50,000,000 of the funds appropriated under this heading shall be made available to assist activities supported by the Southern Africa Development Coordination Conference: *Provided further*, That funds appropriated under this heading which are made available for activities supported by the Southern Africa Development Coordination Conference shall be made available notwithstanding section 518 of this Act and section 620(q) of the Foreign Assistance Act of 1961: *Provided further*, That [up to $2,000,000 of the funds made available under this heading may] *not less than $3,500,000 of the funds appropriated under this heading shall* be used for administrative and planning costs associated with programs under this heading in addition to operating expense funds otherwise allocated to the Agency's Bureau for Africa[: *Provided further*, That $10,000,000 of the funds appropriated under this heading shall be transferred to "International Organizations and Programs" and shall be made available only for the International Fund for Agricultural Development's Special Programme for Sub-Saharan African Countries Affected by Drought and Desertification]: *Provided further, That up to $10,000,000 of the funds appropriated under this heading shall be transferred to "International Organizations and Programs" and shall be made available only for the International Fund for Agricultural Development's Special Programme for Sub-Saharan African Countries Affected by Drought and Desertification: Provided further, That such funds shall be transferred and made available pursuant to the previous proviso only if, by September 30, 1993, (1) an agreement is reached on the fourth replenishment of the Fund, and (2) contributions by other donors are sufficient to allow the agreement on the second replenishment of the Special Programme to come into force.*

SUB-SAHARAN AFRICA DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of chapters 1 and 10, [$80,000,000] *$100,000,000*, to remain available until expended: *Provided*, That such funds shall be made available for disaster relief, rehabilitation, and reconstruction assistance for sub-Saharan Africa, notwithstanding any other provision of law, and are in addition to funds otherwise available for such purposes: *Provided further, That not less than $25,000,000 of the funds appropriated under this heading shall be made available for Somalia: Provided further, That funds appropriated under this heading may be used for other activities for sub-Saharan Africa consistent with the purposes of chapters 1 and 10 of the Foreign Assistance Act of 1961 in the event that such funds are no longer needed for disaster relief, rehabilitation, and reconstruction purposes.*

ZAIRE

None of the funds appropriated by this Act to carry out chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 shall be transferred to the Government of Zaire: *Provided*, That this provision shall not be construed to prohibit nongovernmental organizations from working with appropriate ministries or departments of the Government of Zaire.

ASSISTANCE FOR DISPLACED CHILDREN

Of the aggregate of the funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, not less than $10,000,000 shall be made available for programs and activities to address the health, education, nutrition, and other special needs of displaced children who have been abandoned or orphaned as a result of poverty, or manmade or natural disaster, of which not less than $2,000,000 shall be made available for assistance for street children: *Provided*, That assistance under this heading shall be made available notwithstanding any other provision of law.

[HUMANITARIAN ASSISTANCE FOR CAMBODIAN CHILDREN

[Of the aggregate of the funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, not less than $5,000,000 shall be made available, notwithstanding any other provision of law, to provide humanitarian assistance through international relief agencies and United States private and voluntary organizations to children within Cambodia: *Provided*, That none of the funds made available under this heading may be made available, directly or indirectly, for the Khmer Rouge.]

ASSISTANCE FOR VICTIMS OF WAR

Of the aggregate of the funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, not less than $5,000,000 shall be made available, notwithstanding any other provision of law, for medical and related assistance for civilians who have been injured as a result of civil strife and warfare, including [assistance to address the needs of the blind, and] the provision of prostheses and vocational rehabilitation and training, *and assistance for the blind.*

WOMEN IN DEVELOPMENT

In recognition that the full participation of women in, and the full contribution of women to, the development process are essential to achieving economic growth, a higher quality of life, and sustainable development in developing countries, not less than $10,000,000 of the funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, in addition to funds otherwise available for such purposes, shall be used to encourage and promote the participation and integration of women as equal partners in the development process in developing countries, of which not less than

$6,000,000 shall be made available as matching funds to support the activities of the Agency for International Development's field missions to integrate women into their programs: *Provided*, That the Agency for International Development shall seek to ensure that country strategies, projects, and programs are designed so that the percentage of women participants will be demonstrably increased.

[ASSISTANCE FOR BURMESE STUDENTS

[Of the funds appropriated under the heading "Development Assistance Fund", not less than $1,000,000 shall be made available, notwithstanding any other provision of law, for assistance for Burmese students.]

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: *Provided*, That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the "Foreign Assistance and Related Programs Appropriations Act, 1985" (as enacted in Public Law 98-473) shall be superseded by the provisions of this section.

APPROPRIATE TECHNOLOGY

Of the aggregate of the funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, not less than [$2,000,000 shall be available for Appropriate Technology International: *Provided,] $1,000,000, to remain available until September 30, 1994, shall be available for Appropriate Technology International: Provided, That such funds shall represent no more than 10 percent of the total cost of project agreements entered into between Appropriate Technology International and non-Federal organizations during fiscal year 1993: Provided further, That such funds that cannot be made available for Appropriate Technology International because of the operation of the previous proviso shall be reprogrammed and made available, during fiscal year 1994, for other purposes consistent with chapter 1 of part I of the Foreign Assistance Act of 1961: Provided further*, That these funds shall be in addition to $3,000,000 in funds available to Appropriate Technology International under its existing cooperative agreement with the Agency for International Development: *Provided further*, That Appropriate Technology International shall qualify, along with any cooperative development organization, for development assistance funds appropriated or otherwise made available by this Act for United States private and voluntary organizations.

HUMANITARIAN ASSISTANCE FOR ROMANIA

Of the aggregate of the funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, not less than $4,500,000 shall be made available, notwithstanding any provision of law which restricts assistance to foreign countries, for humanitarian assistance for Romania. Of this amount—

(1) not less than $1,500,000 shall be made available for activities related to acquired immune deficiency syndrome (AIDS), and other health and child survival activities particularly for the care and treatment of abandoned children, including the provision of improved facilities, food, medicine, and training of personnel;

(2) not less than $1,000,000 shall be made available for activities related to facilitating family reunification, foster care and adoption, and training of adoption and child welfare specialists; and

(3) not less than $2,000,000 shall be made available for family planning assistance, subject to the following:

(A) The prohibitions contained in section 104(f) of the Foreign Assistance Act of 1961 and section 534 of this Act (relating to prohibitions on funding for abortion as a method of family planning, coercive abortion, and involuntary sterilization) shall be applicable to funds made available under this paragraph.

(B) Any recipient of funds under this paragraph shall be required to maintain them in a separate account and not commingle them with any other funds.

(C) Each agreement entered into by the United States to obligate funds made available under this paragraph shall expressly state that the full amount granted by such agreement will be refunded to the United States if any United States funds are used for any family planning program in a country other than Romania, or for abortion services, involuntary sterilization, or coercive activities of any kind.

PRIVATE SECTOR LOANS PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, [$2,553,000] *$5,665,000*, as authorized by section [108(i)] *108* of the Foreign Assistance Act of 1961, as amended: *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans and total loan principal, any part of which is to be guaranteed, not to exceed $118,574,000*. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $1,347,000, to remain available until expended, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development.

AMERICAN SCHOOLS AND HOSPITALS ABROAD

For necessary expenses to carry out the provisions of section 214, [$28,571,000] *$35,000,000*.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491, [$68,965,000] *$40,000,000*, to remain available until expended.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $42,677,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $512,000,000: *Provided*, That in order to effectively monitor its program for the West Bank and Gaza, the Agency for International Development shall station [one professional at either the Consulate General in Jerusalem or the Embassy in Tel Aviv] *at least one professional at the Consulate General in Jerusalem and at least one professional at the United States Embassy in Tel Aviv: Provided further*, That the Agency for International Development shall not designate drivers and cars or provide portal-to-portal transportation service for the Administrator and Deputy Administrator: *Provided further*, That the Agency for International Development shall use Pakistani program funds to pay the severance costs of the agency's foreign service nationals[: *Provided further*, That funds appropriated to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961 that are made available for capital projects in excess of $5,000,000 shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the amount of funds allocated from funds appropriated under this heading for the Capital Projects Office of the Agency for International Development shall not exceed the amount allocated to that office in fiscal year 1992].

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, [$37,181,000] *$41,456,000*, which sum shall be available only for the operating expenses of the Office of the Inspector General notwithstanding section 451 or 614 of the Foreign Assistance Act of 1961 or any other provision of law: *Provided*, [That up to 3 per centum of the amount made available under the heading "Operating Expenses of the Agency for International Development" may be transferred to and merged and consolidated with amounts made available under this heading: *Provided further*,] That except as may be required by an emergency evacuation affecting the United States diplomatic missions of which they are a component element, none of the funds in this Act, or any other Act, may be used to relocate the overseas Regional Offices of the Inspector General to a location within the United States without the express approval of the Inspector General: *Provided further*, That the total number of positions authorized for the Office of Inspector General in Washington and overseas shall be not less than two hundred and fifty-one at September 30, 1993: *Provided further, That for purposes of economy and efficiency and to preclude duplication among executive Departments and agencies with program responsibilities for providing economic assistance to Eastern Europe and the new independent states of the former Soviet Union, the inspector general responsibility (as set forth in the Inspector General Act of 1978, as amended) over the field activities of such programs shall, subject to the concurrence of such Departments and agencies, be the responsibility of the Office of the Inspector General of the Agency for International Development: Provided further, That not less than $600,000 of the funds appropriated under the heading "Assistance for the New Independent States of the Former Soviet Union" shall be made available for the Office of the Inspector General of the Agency for International Development to carry out audit and other responsibilities with regard to assistance programs for such new independent states: Provided further*, That none of the funds appropriated under this heading may be used to subsidize or pay the cost of recreational or health club activities for employees of the Office of the Inspector General.

HOUSING GUARANTY PROGRAM ACCOUNT

For the subsidy cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, [$16,407,000] *$15,000,000: Provided, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $95,000,000: Provided further*, That these funds are available to subsidize loan principal, 100 percent of which shall be guaranteed, pursuant to the authority of

such sections: *Provided further*, That the President shall enter into commitments to guarantee such loans in the full amount provided under this heading, subject to the availability of qualified applicants for such guarantees. In addition, for administrative expenses to carry out guaranteed loan programs, [$7,000,000] *$8,407,000*, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: *Provided further*, That commitments to guarantee loans under this heading may be entered into notwithstanding the [second sentence] *second and third sentences* of section 222(a) and, with regard to programs for Eastern Europe, section 223(j) of the Foreign Assistance Act of 1961[: *Provided further*, That none of the funds appropriated under this heading shall be obligated except through the regular notification procedures of the Committees on Appropriations].

DEBT RESTRUCTURING UNDER THE ENTERPRISE FOR THE AMERICAS INITIATIVE

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of modifying direct loans authorized by chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 (including predecessor legislation) and loans made pursuant to the Export-Import Bank Act of 1945, as amended, $100,000,000, to remain available until expended: Provided, That none of the funds appropriated under this heading shall be obligated except through the regular notification procedures of the Committees on Appropriations.

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, [$2,739,000,000] *$2,526,086,000*: *Provided*, That of the funds appropriated under this heading, not less than $1,200,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1992, whichever is later: *Provided further*, That not less than $815,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance may be provided, with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $200,000,000 shall be provided as Commodity Import Program assistance: *Provided further, That not less than $25,000,000 of the funds available for Egypt by this paragraph shall be made available for the Fund for the Preservation and Restoration of Pharaonic, Islamic and Coptic Antiquities, which shall be established and administered jointly by the Government of Egypt and the United States Embassy: Provided further, That of the amount required to be made available for said Fund, up to the equivalent of $20,000,000 may be derived from local currencies generated by programs under this heading for Egypt: Provided further, That funds disbursed from said Fund shall be used solely to undertake projects which promote the preservation and restoration of Egyptian antiquities: Provided further, That funds deposited in said Fund shall remain available until expended: Provided further*, That in exercising the authority to provide cash transfer assistance for Israel and Egypt, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to each such country: [*Provided further*, That any cash assistance to Egypt from funds appropriated under this heading above amounts provided as cash assistance in fiscal year 1991 shall be subject to the regular notification procedures of the Committees on Appropriations:] *Provided further*, That it is the sense of the Congress that the recommended levels of assistance for Egypt and Israel are based in great measure upon their continued participation in the Camp David Accords and upon the Egyptian-Israeli peace treaty: [*Provided further*, That none of the funds appropriated under this heading (or local currencies generated with funds provided to El Salvador under this Act) may be made available for El Salvador's Special Investigative Unit until 15 days after receipt by the Committees on Appropriations of a report from the Secretary of State which transmits a plan of the Government of El Salvador to transfer the Unit from military to civilian control, including the time period within which this transfer is to occur and the actions that will be taken to effect such a transfer:] *Provided further*, That not less than $25,000,000 of the funds appropriated under this heading shall be made available for the West Bank and Gaza Program through the Near East regional program: *Provided further*, That not less than $15,000,000 of the funds appropriated under this heading shall be made available for Cyprus to be used only for [scholarships or for bicommunal projects] *scholarships, bicommunal projects, and measures aimed at the reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus*: *Provided further*, That not more than $50,000,000 of the funds appropriated under this heading may be made available for Peru: *Provided further, That not less than $25,000,000 of the funds appropriated under this heading shall be made available for Morocco: Provided further, That up to $1,000,000 of the funds appropriated under this heading may be made available, notwithstanding any other provision of law, for food, medical supplies, training, clothing, and other humanitarian assistance for Burmese, including students, who are displaced as a result of civil conflict and are living in Burma or Thailand: Provided further*, That not less than $5,000,000 of the funds appropriated under this heading shall be made available, notwithstanding any other provision of law, for Haiti for emergency relief and humanitarian assistance through private and voluntary organizations: *Provided further, That in the event that the extension of the South Pacific Tuna Treaty is signed* by September 30, 1993, $14,000,000 of the funds appropriated under this heading shall be made available for the South Pacific Tuna Treaty: *Provided further*, That none of the funds appropriated under this heading shall be made available for Zaire: *Provided further*, That not more than $300,000,000 of the funds appropriated under this heading may be made available to finance tied-aid credits, unless the President determines it is in the national interest to provide in excess of $300,000,000 and so notifies the Committees on Appropriations through the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds made available or limited by this Act may be used for tied-aid credits or tied-aid grants except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds appropriated by this Act to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 may be used for tied-aid credits: *Provided further*, That as used in this heading the term "tied-aid credits" means any credit, within the meaning of section 15(h)(1) of the Export-Import Bank Act of 1945, which is used for blended or parallel financing, as those terms are defined by sections 15(h) (4) and (5), respectively, of such Act: *Provided further*, That of the funds appropriated under this heading that are allocated for the Dominican Republic, $1,000,000 shall be withheld from expenditure until the President reports to the Committees on Appropriations on the steps taken by the Government of the Dominican Republic to improve respect for internationally recognized human rights of Haitian laborers engaged in the sugar cane harvesting industry in the Dominican Republic, including the enforcement of the provisions mandated by President Balaguer's decree of October 15, 1990: *Provided further*, That funds appropriated under this heading shall remain available until September 30, 1994.

[INTERNATIONAL FUND FOR IRELAND

[For necessary expenses to carry out the provisions of chapter 4 of part II, $19,704,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415): *Provided*, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That funds made available under this heading shall remain available until expended.]

PHILIPPINES ASSISTANCE

MULTILATERAL ASSISTANCE INITIATIVE

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, $40,000,000, which shall be available for the Multilateral Assistance Initiative for the Philippines: *Provided*, That the President shall seek to channel through indigenous and United States private voluntary organizations and cooperatives not less than $25,000,000 of the funds appropriated under this paragraph and of the funds appropriated and allocated for the Philippines to carry out sections 103 through 106 of such Act: *Provided further*, That funds appropriated under this paragraph shall remain available until September 30, 1994.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

[(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $400,000,000, to remain available until expended, which shall be available, notwithstanding any other provision of law, for economic assistance for Eastern Europe and the Baltic States.

[(b)(1) Of the funds appropriated under this heading not less than 65 percent shall be allocated for bilateral programs for the countries of Eastern Europe and the Baltic States.

[(2) The President shall submit a report containing such allocations to the Committee on Foreign Affairs of the House, the Committee on Foreign Relations of the Senate, and the Committees on Appropriations within 45 days after the date of enactment of this Act. None of the funds appropriated under this heading may be obligated until such allocations have been made and the report required by this paragraph has been submitted to the Congress.

[(3) Not more than 35 percent of the funds appropriated under this heading shall be allocated for regional and multilateral programs.

[(4) Funds appropriated under this heading may be reallocated between countries and

may be reallocated between bilateral, regional, and multilateral programs, notwithstanding the provisions of this subsection, subject to the regular notification procedures of the Committees on Appropriations.

[(c)(1) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available to an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress.

[(2) Funds made available for the Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities and shall be subject to the regular notification procedures of the Committees on Appropriations.

[(d) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

[(e) On December 1, 1992, the President shall submit to the Committees on Appropriations a report containing the amounts of funds obligated and expended for each project and subproject funded from amounts appropriated for assistance for countries in Eastern Europe and the Baltic States under this heading. An update of this report shall be submitted by the President on March 1, 1993, to the Committee on Appropriations.

[(f)(1) In order to promote the effectiveness of assistance made available under this heading and allocated to individual countries, program planning, prioritization and project implementation decisions shall be made, and program and project oversight shall be conducted, to the extent practicable by employees of the Agency for International Development and other United States Government agencies who are in Eastern Europe and the Baltic States and who have project management responsibilities. Employees of other United States Government agencies who are in Eastern Europe and the Baltic States shall coordinate their activities with employees of the Agency for International Development.

[(2) Employees of the Agency for International Development and other United States Government agencies who are in Eastern Europe and the Baltic States and who have program planning, prioritization, management and oversight responsibilities shall regularly consult with appropriate designated foreign officials with responsibility for international assistance programs. To the extent practicable, United States bilateral assistance programs shall reflect priorities based on such consultations and shall include foreign input concerning contractor selection and program evaluation. Nothing in this paragraph shall be interpreted to limit the ability of United States officials from providing assistance to a broad spectrum of local programs.]

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $400,000,000 to remain available until expended, which shall be available, notwithstanding any other provision of law, for economic assistance for Eastern Europe and the Baltic States.

(b)(1) Of the funds appropriated under this heading, not less than 65 percent shall be made available for country-specific activities within regional or multilateral programs, except as provided through the regular notification procedures of the Committees on Appropriations.

(2) The Agency for International Development shall consult periodically with the Committees on Appropriations concerning the availability of funds for countries in Eastern Europe and for the Baltic States.

(c) In the allocation of funds appropriated under this heading, and in coordination with host country governments, priority shall be given to the following sectors:

(1) private sector development, including support for Enterprise Funds, and with emphasis on technical assistance and training for development of market-oriented policies, restructuring and creation of financial institutions (such as stock markets, insurance companies, and banks), creation and management of private business organizations, and privatization of state enterprises;

(2) technical assistance and training, including such activities as support for the development of democratic trade unions, scholarship programs, medical assistance, and curriculum reform;

(3) democratic pluralism and the rule of law, including support, on a nonpartisan basis, for public administration, reform of legal codes and systems, development of free and independent media, and activities to strengthen the legislatures of Eastern European countries and the Baltic States;

(4) environment and energy, with emphasis on assistance in developing host country environmental policies and programs, and encouraging and providing incentives for end-use energy efficiency (including preparation of least-cost energy plans) and conservation and reliance on renewable energy resources, and further activities including training, technical assistance for related energy and environmental investment or regulation, local production of environmental or energy-related equipment, promotion of United States technologies, and dealing with health problems directly associated with pollution;

(5) agriculture and agribusiness, with an emphasis on technical assistance and training for the development of market-oriented policies, agricultural financial institutions and marketing systems, agribusiness organizations, and the privatization of state agricultural organizations; and

(6) housing, with an emphasis on technical assistance and training for the development of market-oriented housing policies, including the privatization of state-owned housing and the promotion of private housing construction.

(d) On January 15, 1994, the President shall submit a report to the Committees on Appropriations containing the amount of funds obligated and expended for each project and subproject funded from amounts appropriated for Eastern Europe under this heading: Provided, That an update of this report shall be submitted by the President on August 15, 1994, to the Committees on Appropriations.

(e)(1) In order to promote the effectiveness of assistance made available under this heading for individual priority areas and to improve program planning, prioritization and project implementation, employees of the Agency for International Development and other United States Government agencies in Eastern Europe and the Baltic States shall coordinate the development and implementation of their respective assistance programs with appropriate designated foreign officials with responsibility for international assistance programs. Such coordination shall reflect the purposes and priorities of United States assistance, shall take into account host country programs and priorities for the uses of United States assistance, and shall have as its purposes the facilitation of United States program planning and the minimization of fluctuations in assistance not related to a country's performance. United States assistance programs should be coordinated and implemented to the maximum extent feasible in accordance with host country priorities and programs where such priorities and programs are consistent with those set forth in subsection (c). Nothing in this paragraph shall be interpreted to limit the ability of United States officials from providing assistance to a broad spectrum of local programs.

(2) Under direction from the President's Coordinator for United States Assistance to Eastern Europe, employees of the Agency for International Development who are in Eastern Europe and the Baltic States shall be primarily responsible for identifying and making recommendations for the agency's potential programs and projects, in consultation with host country governments, managing programs and projects in the field, and assessing results. Such employees of the Agency for International Development shall also be responsible for coordinating the overall activities of all United States Government agencies in Eastern Europe carrying out assistance programs and activities using funds appropriated under this heading.

(3) During fiscal year 1993, the Administrator of the Agency for International Development shall establish at least two regional offices in Eastern Europe and the Baltic States in order to carry out the agency's program management and oversight responsibilities.

(f)(1) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(2) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available to an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

[ASSISTANCE FOR RUSSIA AND EMERGING EURASIAN DEMOCRACIES

[For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, for economic assistance for Russia and the emerging Eurasian democracies, $417,000,000, to remain available until expended: *Provided*, That all funds made available under this heading are subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That not less than 75 per centum of the funds made available under this heading shall be made available for activities consistent with the purposes of sections 103 through 106 of the Foreign Assistance Act of 1961: *Provided further*, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance: *Provided further*, That of the funds appropriated under this heading not less than $50,000,000 shall be made available for scholarship programs bringing people of Russia and the emerging Eurasian democracies to the United States for a broad spectrum of study, training, and internship programs: *Provided further*, That of the funds appropriated under this heading, $50,000,000 may be made avail-

able to provide agricultural commodities for the people of Russia and the emerging Eurasian democracies, with special emphasis on children and pre-natal and post-natal women: *Provided further*, That on December 1, 1992, the President shall submit to the Committees on Appropriations a report containing the amount of funds obligated and expended for each project and subproject funded from amounts appropriated under this heading for Russia and the emerging Eurasian democracies: *Provided further*, That an update of this report shall be submitted to the Committees on Appropriations by the President on March 1, 1993.]

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) FUNDING.—For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, for economic assistance for the new independent states of the former Soviet Union, $417,000,000, to remain available until expended.

(b) TYPES OF ASSISTANCE.—(1) Funds made available under this heading shall be used to provide technical assistance, training, and other assistance to meet humanitarian and economic needs, and support democratic institutions and processes and market-oriented reforms in the new independent states of the former Soviet Union. Such assistance may include such activities as—

(A) scholarship programs, support for the health sector, support for the development of democratic trade unions;

(B) support for private sector development, including development of market-oriented policies, restructuring and creation of financial institutions, privatization of state enterprises, creation and management of private business enterprise, and the enactment of effective laws for the protection of patents, copyrights, trademarks, and other forms of intellectual property; and

(C) support for the agriculture sector, including restructuring and creation of agricultural financial institutions and marketing systems, development of food processing, food transport, and food storage systems, privatization of state farms, and support for agribusiness.

(2) Of the funds appropriated under this heading, not less than $50,000,000 shall be made available for scholarship programs administered by the Agency for International Development bringing people of the new independent states of the former Soviet Union to the United States for a broad spectrum of study, training, and internship programs.

(3) Of the funds appropriated under this heading, not less than 50 percent shall be made available for activities consistent with the purposes of sections 103 through 106 of the Foreign Assistance Act of 1961.

(4) Of the funds appropriated under this heading, up to $12,000,000 may be made available for American Agribusiness Centers in the new independent states of the former Soviet Union.

(5)(A) Funds appropriated under this heading shall be used for the establishment of a comprehensive program for enhancing environmental management and sustainable economic development in the new independent states of the former Soviet Union. This program shall emphasize the active participation of local scientific expertise, nongovernmental organizations, and the public and shall include—

(i) environmental monitoring and protection,

(ii) establishment of appropriate environmental institutions and infrastructure,

(iii) programs to enhance energy conservation and efficiency,

(iv) nuclear safety and other appropriate initiatives consistent with this subparagraph.

(B) In the process of assisting the new independent states of the former Soviet Union in the transition to market economies, United States Government agencies shall promote the utilization of national income accounts, as defined in title I, chapter IV, section 401 of Public Law 101-45, which measure gross sustainable production in order to more accurately account for the deterioration of environmental resources.

(c) ELIGIBLE RECIPIENTS.—Assistance under this heading shall be provided for the governments of the new independent states of the former Soviet Union only to the extent that such governments are taking steps toward—

(1) the establishment of democratic systems,

(2) economic reform, based on progress toward a market-oriented economy,

(3) respect for internationally recognized human rights,

(4) a willingness to build a friendly relationship with the United States, including establishment of responsible policies and practices regarding the nonproliferation of nuclear and other weapons, and

(5) the enactment and implementation of adequate and effective intellectual property protection.

(d) ENTERPRISE FUNDS.—Funds appropriated under this heading may be used to capitalize Enterprise Funds similar to those established under the authority of the Support for East European Democracy (SEED) Act of 1989. Funds made available to an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available to Enterprise Funds shall be expended at the minimum rate necessary to make timely payments for projects and activities.

(e) ADMINISTRATION.—(1) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(2) Up to $5,000,000 of the funds appropriated under this heading may be used for administrative expenses incurred by the Agency for International Development in connection with administering programs for the new independent states of the former Soviet Union.

(3) Funds appropriated by this Act that are made available for assistance for the new independent states of the former Soviet Union may be made available notwithstanding section 510 of this Act.

(f) NOTIFICATION.—None of the funds appropriated under this heading shall be obligated and expended except through the regular notification procedures of the Committees on Appropriations.

(g) REPORTS.—The President shall submit a report to the Committees on Appropriations containing the amount of funds obligated and expended for each project and subproject funded from amounts appropriated under this heading for the new independent states of the former Soviet Union. The report required by this subsection shall be submitted to the Committees on Appropriations by March 1, 1993, and an update of this report shall be submitted by the President to those Committees on July 1, 1993.

(h)(1) RESTRICTION ON ASSISTANCE.—None of the funds appropriated or otherwise made available by this Act (other than funds to carry out humanitarian assistance) may be provided by the Government of the United States to the Government of Russia until all armed forces of Russia and the Commonwealth of Independent States have been withdrawn from Estonia, Latvia, and Lithuania, unless a negotiated agreement, including a timetable for withdrawal of forces, has been completed.

(2) DEFINITION.—As used in this section, the term "humanitarian assistance" means food, clothing, medicine, or other humanitarian assistance.

INDEPENDENT AGENCIES

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out the provisions of title V of the International Security and Development Cooperation Act of 1980, Public Law 96-533, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $16,905,000: *Provided*, That, when, with the permission of the Foundation, funds made available to a grantee under this heading are invested pending disbursement, the resulting interest is not required to be deposited in the United States Treasury if the grantee uses the resulting interest for the purpose for which the grant was made: *Provided further*, That this provision applies with respect to both interest earned before and interest earned after the enactment of this provision: *Provided further, That when determined by the President of the African Development Foundation to be necessary, and subject to such security investigations as the President of the Foundation may determine to be appropriate, the Foundation may employ persons who are not citizens of the United States without regard to statutory provisions prohibiting payment of compensation to persons who are not citizens of the United States.*

INTER-AMERICAN FOUNDATION

For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $30,960,000: *Provided*, That the Inter-American Foundation shall designate a program as the "Dante Fascell Fellows Program".

OVERSEAS PRIVATE INVESTMENT CORPORATION

PROGRAM ACCOUNT

For the subsidy cost as defined in section 13201 of the Budget Enforcement Act of 1990, of direct and guaranteed loans authorized by section 234 of the Foreign Assistance Act of 1961, as follows: cost of direct and guaranteed loans, [$8,945,000] *$11,605,000: Provided, That these funds are available to subsidize gross obligations for the principal amount of direct loans and total loan principal, any part of which is to be guaranteed, not to exceed $650,000,000: Provided further*, That the funds provided in this paragraph shall be available for and apply to costs, direct loan obligations and loan guaranty commitments incurred or made during the period from October 1, 1992 through September 30, 1994.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $8,128,000: *Provided*, That none of the funds appropriated by this paragraph may be used to subsidize or pay the cost of recreational or health club activities for employees of the Overseas Private Investment Corporation.

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such noncredit expenditures and commitments within the limits of funds available to it and in accordance with law (including an amount for official reception and representation expenses which shall not exceed $35,000) as may be necessary.

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $218,146,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That funds appropriated under this heading shall remain available until September 30, 1994.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, $147,783,000.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross and assistance to refugees, including contributions to the Intergovernmental Committee for Migration and the United Nations High Commissioner for Refugees; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code; $620,688,000: *Provided*, That not less than $80,000,000 shall be available for Soviet, Eastern European and other refugees resettling in Israel: *Provided further, That not less than $25,000,000 shall be available for refugees in Bosnia, Croatia, and Slovenia: Provided further*, That not less than $1,500,000 shall be available for Tibetan refugees: *Provided further*, That not less than $315,000,000 shall be available for overseas refugee programs (in addition to amounts available for Soviet, Eastern European, and other refugees resettling in Israel): *Provided further*, That not more than $11,500,000 of the funds appropriated under this heading shall be available for the administrative expenses of the Office of Refugee Programs of the Department of State.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $49,261,000, to remain available until expended: *Provided*, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose.

ANTI-TERRORISM ASSISTANCE

For necessary expenses to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961, [$15,555,000] *$11,848,000*.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $42,500,000: *Provided*, That none of the funds appropriated under this heading shall be made available for grant financed military education and training for any country whose annual per capita GNP exceeds $2,349 unless that country agrees to fund from its own resources the transportation cost and living allowances of its students: *Provided further*, That no country whose annual per capita Gross National Product exceeds $2,349 may receive more than $300,000 of the funds appropriated under this heading except as provided through the regular notification procedures of the Committees on Appropriations: *Provided further, That the civilian personnel for whom military education and training may be provided under this heading may also include members of national legislatures who are responsible for the oversight and management of the military: Provided further*, That none of the funds appropriated under this heading shall be available for Zaire: *Provided further, That of the funds appropriated under this heading, not less than $3,660,000 shall be made available for "expanded IMET" programs initiated subsequent to enactment of, and pursuant to the authority contained in, the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, to undertake such programs: Provided further, That none of the funds appropriated under this heading may be made available for Indonesia unless the Secretary of State certifies to the Committees on Appropriations that: (1) special emphasis is being placed on education of Indonesian military personnel that will foster greater awareness of and respect for human rights and that will improve military justice systems; (2) special emphasis is also being placed on education of civilian and military personnel that will foster greater understanding of the principle of civilian control of the military; and (3) the Secretary of State will use all available and appropriate means to ensure there is progress on the East Timor situation, such as the full availability of legal remedies under Indonesian law to all civilians convicted in connection with the November 1991 East Timor incident, increased access for human rights groups to East Timor, and constructive cooperation with the United Nations Secretary General's efforts to promote dialogue between Indonesia and Portugal to resolve issues concerning East Timor: Provided further, That the certification required by the preceding proviso shall be submitted not later than December 15, 1992.*

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, [$3,300,000,000] *$3,840,000,000*: *Provided*, That of the funds appropriated by this paragraph not less than $1,800,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be available for grants only for Egypt: *Provided further*, That the funds appropriated by this paragraph for Israel shall be disbursed within thirty days of enactment of this Act or by October 31, 1992, whichever is later: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced fighter aircraft programs or for other advanced weapons systems, as follows: (1) up to $150,000,000 shall be available for research and development in the United States; and (2) not less than $475,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further, That of the funds appropriated by this paragraph not less than $47,000,000 shall be available for Morocco, not less than $450,000,000 shall be available for Turkey, and not less than $90,000,000 shall be available for Portugal: Provided further, That funds made available under this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act.*

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of direct loans authorized by section 23 of the Arms Export Control Act as follows: cost of direct loans, [$54,230,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $855,000,000: *Provided further*, That the rate of interest charged on such loans shall be not less than the current average market yield on outstanding marketable obligations of the United States of comparable maturities: *Provided further*, That funds appropriated under this heading shall be made available for Greece, Portugal, and Turkey only on a loan basis, and the principal amount of direct loans for each country shall not exceed the following: $315,000,000 for Greece, $90,000,000 for Portugal, and $450,000,000 for Turkey: *Provided further*, That the principal amount of direct loans provided for Greece and Turkey under this paragraph shall be made available according to a 7 to 10 ratio] *$55,440,000: Provided, That funds appropriated under this paragraph are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $315,000,000: Provided further, That direct loans subsidized under this paragraph, together with grants under this heading, shall be not less than $315,000,000 for Greece: Provided further, That direct loans subsidized under this paragraph may be made available at concessional rates of interest: Provided further, That the concessional rate of interest on Foreign Military Financing Program loans shall be not less than 5 per centum per year: Provided further, That all country and funding level changes in requested concessional financing allocations shall be submitted through the regular notification procedures.* In addition, for administrative expenses necessary to carry out the direct loan program, $200,000, which may be transferred to and merged with funds deposited by foreign purchases for administrative expenses pursuant to sections 43(b) and 43(c) of the Arms Export Control Act.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided*, That all country and funding level changes in requested allocations shall be submitted through the regular notification procedures: *Provided further, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a): Provided further*, That none of the funds appropriated under this heading shall be available for Zaire, Sudan, Liberia, Somalia, Guatemala, Peru, and Malawi: *Provided further*, That not more than $300,000,000 of the funds made available under this heading shall be available for use in financing the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act to countries other than Israel and Egypt: *Provided further*, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security as-

sistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That the Department of Defense shall conduct during the current fiscal year nonreimbursable audits of private firms whose contracts are made directly with foreign governments and are financed with funds made available under this heading (as well as subcontractors thereunder) as requested by the Defense Security Assistance Agency: *Provided further, That not less than $1,000,000 of the funds appropriated under this heading should be made available for landmine clearing and related activities: Provided further*, That not more than $26,000,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: *Provided further*, That not more than **[$287,000,000]** *$310,000,000* of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during the fiscal year 1993 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds appropriated under this heading, and no employee of the Defense Security Assistance Agency, may be used to facilitate the transport of aircraft to commercial arms sales shows.

SPECIAL DEFENSE ACQUISITION FUND

(LIMITATION ON OBLIGATIONS)

Not to exceed **[$150,000,000]** *$250,000,000* may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act for the purposes of the Special Defense Acquisition Fund during fiscal year 1993, *to remain available for obligation until September 30, 1995: Provided, That section 632(d) of the Foreign Assistance Act of 1961 shall be applicable to the transfer to countries pursuant to chapter 2 of part II of that Act of defense articles and defense services acquired under chapter 5 of the Arms Export Control Act.*

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961 $27,166,000.

TITLE IV—EXPORT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

There is hereby appropriated $757,000,000, for the subsidy cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of direct loans, loan guarantees, and tied-aid grants in accordance with section 15 of the Export-Import Bank Act of 1945, as amended: *Provided, That these funds are available to subsidize gross obligations for the principal amount of direct loans, and tied aid grants, and total loan principal, any part of which is to be guaranteed, including insurance, of not to exceed $13,000,000,000: Provided further*, That up to $200,000,000 of funds appropriated by this paragraph shall remain available until expended and may be used for tied-aid grant purposes: *Provided further*, That none of the funds appropriated by this paragraph may be used for tied-aid credits or grants except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State, or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $20,000 for official reception and representation expenses for members of the Board of Directors, **[$38,042,000]** *$45,683,000*: *Provided*, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT PROGRAM

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $40,000,000.

TITLE V—GENERAL PROVISIONS

COST BENEFIT STUDIES

SEC. 501. None of the funds appropriated in this Act (other than funds appropriated for "International Organizations and Programs") shall be used to finance the construction of any new flood control, reclamation, or other water or related land resource project or program which has not met the standards and criteria used in determining the feasibility of flood control, reclamation, and other water and related land resource programs and projects proposed for construction within the United States of America under the principles, standards and procedures established pursuant to the Water Resources Planning Act (42 U.S.C. 1962, et seq.) or Acts amendatory or supplementary thereto.

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 502. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 per centum of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION AGAINST PAY TO FOREIGN ARMED SERVICE MEMBER

SEC. 503. None of the funds appropriated in this Act nor any of the counterpart funds generated as a result of assistance hereunder or any prior Act shall be used to pay pensions, annuities, retirement pay, or adjusted service compensation for any person heretofore or hereafter serving in the armed forces of any recipient country.

TERMINATION FOR CONVENIENCE

SEC. 504. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used for making payments on any contract for procurement to which the United States is a party entered into after the date of enactment of this Act which does not contain a provision authorizing the termination of such contract for the convenience of the United States.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 505. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 506. None of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

AID RESIDENCE EXPENSES

SEC. 507. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

AID ENTERTAINMENT EXPENSES

SEC. 508. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

REPRESENTATIONAL ALLOWANCES

SEC. 509. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further*, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: *Provided further*, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000

shall be available for entertainment allowances: *Provided further*, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: *Provided further*, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: *Provided further*, That of the funds made available by this Act under the heading "Trade and Development Program", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 510. None of the funds appropriated or made available (other than funds for "International Organizations and Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used to finance the export of nuclear equipment, fuel, or technology.

HUMAN RIGHTS

SEC. 511. (a) PROHIBITION.—Funds appropriated by this Act may not be obligated or expended to provide assistance to any country for the purpose of aiding the efforts of the government of such country to repress the legitimate rights of the population of such country contrary to the Universal Declaration of Human Rights.

[(b) COUNTRY LISTINGS.—Not later than thirty days after submission of the report required by section 502B(b) of the Foreign Assistance Act of 1961, the Secretary of State shall submit to the Committees on Appropriations a listing of those countries the governments of which are found, based upon the criteria and findings in the report required by section 502B(b) of the Foreign Assistance Act of 1961, to engage in a consistent pattern of gross violations of internationally recognized human rights. This list shall be accompanied by a report from the Secretary of State describing how, for each country receiving assistance under the Foreign Military Financing Program, such assistance will be conducted to promote and advance human rights and how the United States will avoid identification with activities which are contrary to internationally recognized standards of human rights.]

[(c)] *(b)* HUMAN RIGHTS REPORT.—The Secretary of State shall also transmit the report required by section 116(d) of the Foreign Assistance Act of 1961 to the Committees on Appropriations each year by the date specified in that section: *Provided*, That each such report submitted pursuant to such section shall *(1)* include a review of each country's commitment to children's rights and welfare as called for by the Declaration of the World Summit for Children *and, (2) a description of the military expenditures of each country receiving United States foreign assistance, and the efforts each country is making to reduce those expenditures.*

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 512. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, the Socialist Republic of Vietnam, Iran, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 513. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree *or in the event of an unconstitutional interruption of the legitimate exercise of power by the democratically elected government*: *Provided*, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office, *or that the unconstitutional interruption of the legitimate exercise of power by the democratically elected government has ceased.*

TRANSFERS BETWEEN ACCOUNTS

SEC. 514. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 515. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under the "Agency for International Development" are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1993, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: *Provided*, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the deobligation and reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: *Provided*, That the authority of this subsection may not be used in fiscal year 1993.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 516. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress.

AVAILABILITY OF FUNDS

SEC. 517. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapter 1 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: *Provided further*, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 518. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: *Provided*, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available [in this Act] *during the current fiscal year* for Nicaragua, and for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

FINANCIAL INSTITUTIONS—DOCUMENTATION

SEC. 519. None of the funds appropriated or made available pursuant to this Act shall be available to any international financial institution whose United States governor or representative cannot upon request obtain any document developed by or in the possession of the management of the international financial institution, unless the United States governor or representative of the institution certifies to the Committees on Appropriations that the confidentiality of the information is essential to the operation of the institution.

COMMERCE AND TRADE

SEC. 520. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Pro-*

vided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

(c) None of the funds provided in this Act to the Agency for International Development, other than funds made available to carry out Caribbean Basin Initiative programs under the Tariff Schedules of the United States, section 1202 of title 19, United States Code, schedule 8, part I, subpart B, item 807.00, shall be obligated or expended—

(1) to procure directly feasibility studies or prefeasibility studies for, or project profiles of potential investment in, the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined by section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)); or

(2) to assist directly in the establishment of facilities specifically designed for the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined in section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)).

SURPLUS COMMODITIES

SEC. 521. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 522. For the purposes of providing the Executive Branch with the necessary administrative flexibility, none of the funds made available under this Act for "Development Assistance Fund", "Population, Development Assistance", "Development Fund for Africa", "International organizations and programs", "American schools and hospitals abroad", "Trade and development program", "International narcotics control", "Economic support fund", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating expenses of the Agency for International Development Office of Inspector General", "Anti-terrorism assistance", "Foreign Military Financing Program", "International military education and training", "Inter-American Foundation", "African Development Foundation", "Peace Corps", or "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operation not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 per centum in excess of the quantities justified to Congress unless the Committees on Appropriations are notified fifteen days in advance of such commitment: *Provided further*, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 20 per centum of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further*, That the requirements of this section or any similar provision of this Act *or any other Act* requiring notification in accordance with the regular notification procedures of the Committees on Appropriations may be waived *if doing so is necessitated by emergency circumstances or* if failure to do so would pose a substantial risk to human health or welfare: *Provided further*, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the [emergency] circumstances *requiring such a waiver: Provided further, That waiver authority necessitated by emergency circumstances shall be delegated no further than to the level of Under Secretary: Provided further, That "emergency circumstances" shall be defined as those circumstances requiring the immediate supply or resupply of United States defense articles or defense services to an allied or friendly foreign government when the actual or imminent use of force threatens the foreign government or its territory (1) by a cross border attack by another state, or (2) by a military coup attempt to overthrow a duly elected government.*

CONSULTING SERVICES

SEC. 523. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PROHIBITION ON ABORTION LOBBYING

SEC. 524. None of the funds appropriated under this Act may be used to lobby for abortion.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 525. (a) Notwithstanding any other provision of law or of this Act, none of the funds provided for "International Organizations and Programs" shall be available for the United States proportionate share for any programs for the Palestine Liberation Organization (or for projects whose purpose is to provide benefits to the Palestine Liberation Organization or entities associated with it), Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended: *Provided*, That, subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of this section or any similar provision of law, shall remain available for obligation through September 30, 1994.

(b) The United States shall not make any voluntary or assessed contribution—

(1) to any affiliated organization of the United Nations which grants full membership as a state to any organization or group that does not have the internationally recognized attributes of statehood, or

(2) to the United Nations, if the United Nations grants full membership as a state in the United Nations to any organization or group that does not have the internationally recognized attributes of statehood,

during any period in which such membership is effective.

LOANS TO ISRAEL UNDER ARMS EXPORT CONTROL ACT

SEC. 526. Notwithstanding any other provision of law, Israel may utilize any loan which is or was made available under the Arms Export Control Act and for which repayment is or was forgiven before utilizing any other loan made available under the Arms Export Control Act.

PROHIBITION AGAINST UNITED STATES EMPLOYEES RECOGNIZING OR NEGOTIATING WITH PLO

SEC. 527. In reaffirmation of the 1975 memorandum of agreement between the United States and Israel, and in accordance with section 1302 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83), no employee of or individual acting on behalf of the United States Government shall recognize or negotiate with the Palestine Liberation Organization or representatives thereof, so long as the Palestine Liberation Organization does not recognize Israel's right to exist, does not accept Security Council Resolutions 242 and 338, and does not renounce the use of terrorism.

ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL

SEC. 528. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic Support Fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

CEILINGS AND EARMARKS

SEC. 529. Ceilings and earmarks contained in this Act shall not be applicable to funds or

authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs.

[EL SALVADOR

[SEC. 530. (a) Of the funds appropriated by this Act for the "Foreign Military Financing Program", not more than $11,000,000 may be made available for military assistance (which shall be available only on a grant basis) for El Salvador; and such assistance shall be used only for non-lethal items for maintenance, sustainment, restructuring, and reduction and only in strict accordance with the newly defined mission of the Salvadoran Armed Forces as embodied within the Salvadoran Peace Accords.

[(b) Of the funds appropriated for the "Foreign Military Financing Program" by this Act, not less than $29,000,000 shall be transferred to the Demobilization and Transition Fund established by section 531(f) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, and notwithstanding any other provision of law, shall remain available until expended.

[(c) Funds transferred to the Demobilization and Transition Fund (in addition to amounts otherwise made available for such assistance) may be used for the following:

[(1) assistance described in section 531(f)(3) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991;

[(2) assistance for law enforcement in accordance with subsection (e) of this section; and

[(3) assistance for reconstruction which directly supports the implementation of the Peace Accords, including implementation of the National Reconstruction Plan of the Government of El Salvador.

[(d) None of the funds transferred to the Demobilization and Transition Fund shall be made available for obligation from the Fund except through the regular reprogramming procedures of the Committees on Appropriations, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate.

[(e) Funds transferred to the Demobilization and Transition Fund may be used for assistance for law enforcement in a manner consistent with the Salvadoran Peace Accords and the National Reconstruction Plan of the Government of El Salvador, and may be made available notwithstanding section 660 of the Foreign Assistance Act of 1961.

[(f) Of the funds appropriated by this Act under the heading "Economic Support Fund", not more than $150,000,000 may be made available for El Salvador.]

ASSISTANCE FOR EL SALVADOR

SEC. 530. (a) STATEMENT OF POLICY.—United States assistance for El Salvador shall have the following objectives:

(1) To support national reconciliation and reconstruction in accordance with the requirements of the Peace Accords signed in Mexico on January 16, 1992, and subsequent agreements related to the implementation of those accords (the "Peace Accords").

(2) To support democratic practices, processes, and procedures, including efforts to achieve increased social justice, respect for human rights, and a firm commitment to political pluralism.

(3) To support economic growth, development and stability, working in close consultation and coordination with multilateral development organizations, especially the United Nations, and with non-governmental organizations and associations with expertise in these areas.

(b) NON-LETHAL MILITARY ASSISTANCE.—Of the funds appropriated by this Act for the "Foreign Military Financing Program", not more than $11,000,000 may be made available for military assistance (which shall be available only on a grant basis) for El Salvador, and such assistance shall be used only for non-lethal items for maintenance, sustainment, restructuring, and reduction and only in strict accordance with the newly defined mission of the Salvadoran Armed Forces as embodied within the Salvadoran Peace Accords.

(c) DEMOBILIZATION AND TRANSITION FUND.—Not less than $29,000,000 of the funds appropriated by this Act for Foreign Military Financing assistance, shall be transferred to the "Demobilization and Transition Fund" (the "Fund") established by section 531(f) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, and used only to carry out the purposes of the Fund as specified in section 531(f)(3) of that Act. Amounts transferred to the Fund shall remain available until expended.

(d) LIMITATIONS ON THE PROVISION OF MILITARY ASSISTANCE.—

(1) PROHIBITION.—Except as provided in this section, funds appropriated by this Act may not be made available for Foreign Military Financing assistance for El Salvador.

(2) IMET ASSISTANCE.—Of the funds appropriated by this Act under the heading "International Military Education and Training", not more than $1,400,000 may be made available for El Salvador. Of the amount allocated for El Salvador, not less than 75 percent shall be made available for training military and civilian personnel in administration and management, and in creating and maintaining an effective military judicial system and military code of conduct, including observance of internationally recognized human rights.

(e) ECONOMIC ASSISTANCE.—

(1) IN GENERAL.—Development Assistance and Economic Support Fund assistance provided for El Salvador from funds appropriated by this Act—

(A) shall be implemented in coordination with United Nations reconstruction and reconciliation programs;

(B) may be made available for voluntary contributions to United Nations reconstruction and reconciliation programs for El Salvador.

(2) ECONOMIC SUPPORT FUNDS.—

(A) Of the funds appropriated by this Act under the heading "Economic Support Fund", not more than $150,000,000 may be made available for El Salvador.

(B) Of the Economic Support Funds allocated for El Salvador for fiscal year 1993, $20,000,000 shall be withheld from expenditure until 15 days after receipt by the Committees on Appropriations of a report from the Secretary of State which describes and assesses the efforts being made by the Government of El Salvador to collect on loans made by the Banco Agricola Comercial which were the subject of indictments issued during 1991.

(f) CONDITION FOR TERMINATION OF ALL UNITED STATES ASSISTANCE.—

(1) PROHIBITION.—Subject to paragraph (2), no United States assistance may be furnished to El Salvador if the duly-elected head of Government of El Salvador is deposed by military coup or decree, or in the event of an unconstitutional interruption of the legitimate exercise of power by the democratically elected government.

(2) REQUIREMENT FOR RESUMPTION OF ASSISTANCE.—Assistance prohibited under paragraph (1) may only be resumed pursuant to a law subsequently enacted by the Congress.

(g) PRIOR NOTIFICATION.—None of the funds appropriated by this Act shall be obligated or expended for El Salvador except as provided through the regular notification procedures of the Committees on Appropriations, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives: Provided, That this subsection shall not apply to funds appropriated by this Act to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961.

NOTIFICATION CONCERNING AIRCRAFT IN CENTRAL AMERICA

SEC. 531. (a) During the current fiscal year, the authorities of part II of the Foreign Assistance Act of 1961 and the Arms Export Control Act may not be used to make available any helicopters or other aircraft for military use, and licenses may not be issued under section 38 of the Arms Export Control Act for the export of any such aircraft, to any country in Central America unless the Committees on Appropriations, the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified in writing at least fifteen days in advance.

(b) During the current fiscal year, the Secretary of State shall promptly notify the committees designated in subsection (a) whenever any helicopters or other aircraft for military use are provided to any country in Central America by any foreign country.

[ENVIRONMENT AND GLOBAL WARMING

[SEC. 532. (a) It is the policy of the United States that sustainable economic growth must be predicated on the sustainable management of natural resources. The Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank (MDB) to promote vigorously within each MDB, and especially within the African Development Bank and the European Bank for Reconstruction and Development, the expansion of programs in areas which address the problems of global climate change through requirements to—

[(1) expand programs in energy conservation, end use energy efficiency, and renewable energy and promotion by—

[(A) continuing to augment and expand professional staffs with expertise in these areas;

[(B) giving priority to these areas in the "least cost" energy sector investment plans;

[(C) encouraging and promoting these areas in policy-based energy sector lending;

[(D) developing loans for these purposes; and

[(E) convening seminars for MDB staff and board members on these areas and alternative energy investment opportunities;

[(2) provide analysis for each proposed loan to support additional power generating capacity comparing demand reduction costs to proposal costs;

[(3) continue to assure that environmental impact assessments (EIA) of proposed energy projects are conducted early in the project cycle, include consideration of alternatives to the proposed project, and encourage public participation in the EIA process;

[(4) continue to include the environmental costs of proposed projects with significant environmental impacts in economic assessments; and

[(5) continue to provide technical assistance as a component of energy sector lending.

[(b) The Secretary of the Treasury shall vigorously promote within the International Monetary Fund reforms which address the problems of global climate change through requirements to—

[(1) augment and expand professional staff to address the macroeconomic policies of recipient countries in conjunction with environmental preservation and sustainability;

[(2) establish a systematic process within the Fund to review environment, public

health, and poverty impacts of proposed lending prior to such lending taking place; and

[(3) require that a report on the status of operationalizing these reforms be submitted to Congress prior to obligation of any additional funds to the IMF.

[(c) The Secretary of the Treasury shall, not later than March 1, 1993, submit a report to the Congress which shall include—

[(1) a detailed description of how the natural resource management initiatives mandated by this section have been incorporated in the Administration's efforts to address Third World Debt (the Brady Plan);

[(2) a detailed description of progress made by each of the MDBs in adopting and implementing programs meeting the standards set out in subsection (a) including, in particular, efforts by the Department of the Treasury to assure implementation of this section, progress made by each MDB in subsection (a)(1)(B), and the amounts and proportion of lending in the energy sector for projects or programs in subsection (a)(1);

[(3) the progress the African Development Bank and the European Bank for Reconstruction and Development have made in implementing environmental reforms;

[(4) an updated analysis of each MDB's forestry sector loans, and a current analysis of each MDB's energy sector loans, and their impact on emissions of CO_2 and the status of proposals for specific forestry and energy sector activities to reduce CO_2 emissions;

[(5) the progress the International Bank for Reconstruction and Development has made in implementing the recommendations set forth in the April 1, 1988, report on "Debt-for-Nature Swaps"; and

[(6) the progress the Global Environmental Facility has made in implementing clear procedures ensuring public availability to project documentation and the status of obligation of the United States contribution to the Fund.

[(d)(1) The Administrator of the Agency for International Development shall update, as appropriate, guidance to all Agency missions and bureaus detailing the elements of the "Global Warming Initiative", which will continue to emphasize the need to reduce emissions of greenhouse gases, especially CO_2 and CFCs, through strategies consistent with continued economic development. This initiative shall continue to emphasize the need to accelerate sustainable development strategies in areas such as reforestation, biodiversity, end-use energy efficiency, least-cost energy planning, and renewable energy, and shall encourage mission directors to incorporate the elements of this initiative in developing their country programs.

[(2) The Administrator shall pursue this initiative by, among other things—

[(A) increasing the number and expertise of personnel devoted to this initiative in all bureaus and missions;

[(B) devoting increased resources to technical training of mission directors;

[(C) accelerating the activities of the Multi-Agency Working Group on Power Sector Innovation;

[(D) focusing tropical forestry assistance programs on the key middle- and low-income developing countries (hereinafter "key countries") which are projected to contribute large amounts of greenhouse gases to the global environment;

[(E) assisting countries in developing a systematic analysis of the appropriate use of their total tropical forest resources, with the goal of developing a national program for sustainable forestry;

[(F) focusing energy assistance activities on the key countries, where assistance would have the greatest impact on reducing emissions from greenhouse gases; and

[(G) continuing to follow the directives with respect to key countries and countries that receive large Economic Support Fund assistance contained in section 534(b)(3) of Public Law 101-167.

[(3) None of the funds appropriated in this Act shall be available for any program, project or activity which would—

[(A) result in any significant loss of tropical forests; or

[(B) involve commercial timber extraction in primary tropical forest areas unless an environmental assessment—

[(i) identifies potential impacts on biological diversity;

[(ii) demonstrates that all timber extraction will be conducted according to an environmentally sound management system which maintains the ecological functions of the natural forest and minimizes impacts on biological diversity; and

[(iii) demonstrates that the activity will contribute to reducing deforestation.

[(4) Funds appropriated to carry out the provisions of sections 103 and 106 of the Foreign Assistance Act of 1961, as amended, may be used by the Agency for International Development, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and energy programs aimed at reducing emissions of greenhouse gases with regard to the key countries in which deforestation and energy policy would make a significant contribution to global warming, except that such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

[(e) Of the funds appropriated under the headings in this Act under "Agency for International Development", not less than $700,000,000 shall be made available for environment and energy activities, including funds earmarked under section 533 of this Act, of which:

[(1) not less than $20,000,000 of the aggregate of the funds appropriated to carry out the provisions of sections 103 through 106 and chapter 10 of part I of the Foreign Assistance Act of 1961 shall be made available for biological diversity activities, of which $5,000,000 shall be made available for the Parks in Peril project pursuant to the authority of section 119(b) of that Act;

[(2) not less than $20,000,000 of the funds appropriated to carry out the provisions of chapters 1 and 10 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 shall be made available to support replicable renewable energy projects, and at least five new renewable energy projects are to be initiated during fiscal year 1993;

[(3) not less than $7,000,000 of the funds appropriated to carry out the provisions of sections 103 and 106 and chapter 10 of part I of the Foreign Assistance Act of 1961 shall be made available for assistance in support of elephant conservation and preservation;

[(4) not less than $25,000,000 of the funds appropriated to carry out the provisions of sections 103 and 106 of the Foreign Assistance Act of 1961 shall be made available for the Office of Energy of the Agency for International Development;

[(5) up to $50,000,000 of the funds appropriated to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be made available to carry out the "Forests for the Future Initiative" and to achieve a Global Forest Agreement; and

[(6) not less than $50,000,000, to remain available until expended, of the funds appropriated to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961, shall be made available for the United States contribution to the Global Environmental Facility: *Provided*, That such funds shall be transferred to the Department of the Treasury and may be made available to the Facility by the Secretary of the Treasury if the Secretary determines (and so reports to the Committees on Appropriations) that the Facility has: (1) established clear procedures ensuring public availability of documentary information on all Facility projects and associated projects of the Facility implementing agencies, and (2) established clear procedures ensuring that affected peoples in recipient countries are consulted on all aspects of implementation of Facility projects.

[(f) Funds appropriated under the headings in this Act under "Agency for International Development" should, to the extent feasible and inclusive of funds earmarked under subsection (e) of this section, be targeted for assistance for the following activities:

[(1) $50,000,000 for projects associated with the Global Environmental Facility;

[(2) a total of $10,000,000 for CORECT, the Environmental Technology Export Council, and the International Fund for Renewable Energy Efficiency; and

[(3) $55,000,000 for activities consistent with the Global Warming Initiative.]

ENVIRONMENT

SEC. 532. (a) It is the policy of the United States that sustainable economic growth must be predicated on the sustainable management of natural resources. The Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank (MDB) to continue to promote vigorously the environmental and energy initiatives established in section 533(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513). The Secretary of the Treasury, in cooperation with the Secretary of State, shall also undertake direct, bilateral discussions with appropriate officials of the governments of the member nations of the Organization for Economic Cooperation and Development with a goal of building greater international support for the environmental goals established in subsection (d) of this section. The Secretary of the Treasury shall submit a report to the Committees on Appropriations by May 1, 1993, which describes the progress of these bilateral discussions.

(b) The Secretary of the Treasury shall, not later than May 1, 1993, submit a report to the Congress containing the same information as requested in section 533(b) of Public Law 101-513.

(c)(1) In furtherance of the policies contained in section 533(a) of Public Law 101-513 and section 1308 of the International Development and Finance Act of 1989 (Public Law 101-240), and as a basis for measuring more effectively progress by the MDBs toward improved environmental performance, the Secretary of the Treasury shall instruct the United States Executive Directors of the MDBs to encourage each MDB to develop and implement action plans in the areas of sustainable energy development, forest conservation, forced displacement of populations, and environmental impact assessment. Such action plans shall address, at a minimum, meeting the benchmarks established in paragraph (2) for each area. On May 1, 1993 and May 1, 1994, the Secretary of the Treasury shall submit a report to the Congress describing in detail the progress being made by the MDBs in developing and implementing such plans.

(2) For the purposes of paragraph (1), benchmarks are as follows:

(A) In the area of sustainable energy development—

(i) all loans in the energy sector should be based on, or support development of, "least-cost" integrated resource plans. Such plans shall include analyses of possible end-use energy efficiency measures and nonconventional renewable energy options, and such plans shall reflect the quantifiable environmental costs of proposed energy developments;

(ii) a substantial portion of loans and grants in the energy, industry, and transportation sectors shall be devoted to end-use energy efficiency improvements and nonconventional renewable energy development; and

(iii) all organizational units within the MDBs that maintain technical expertise on energy shall create staff positions for an End-Use Efficiency Coordinator and a Renewable Energy Coordinator, which positions shall be staffed by individuals with professional experience in program design and management and educational degrees in relevant technical disciplines.

(B) In the area of forest conservation—

(i) forestry loans should not directly or indirectly support commercial logging in relatively undisturbed primary forests, nor should loans result in any significant loss of tropical forests;

(ii) forestry loans should not be disbursed until legal, economic, land tenure, and other policy conditions needed to ensure sustainability are in place;

(iii) loans should not support mineral, petroleum, or other industrial development in, or construction or upgrading of roads through, relatively undisturbed primary forests unless adequate safeguards and monitoring systems, developed in consultation with local populations, are already in place to prevent degradation of the surrounding forests;

(iv) loans should be consistent with and support the needs and rights of indigenous peoples and other long-term forest inhabitants and should not be made to countries which have shown an unwillingness to resolve fairly the territorial claims of such people; and

(v) support for protection of biological diversity, in close consultation with local communities, should be increased to account for a larger proportion of MDB lending.

(C) In the area of forced displacement of populations—

(i) the World Bank, Inter-American Development Bank, and Asian Development Bank should maintain a listing, available to the Secretary of the Treasury, of all ongoing projects involving forced displacement of populations, including the number of people displaced and a report on the status of the implementation of their resettlement policy guidelines for each such project, and obtain agreements with borrowers to ensure that all ongoing projects involving forced displacement will be in full compliance with their resettlement policy guidelines by mid-1993; and

(ii) the African Development Bank should adopt and implement policy guidelines on forced displacement similar to such guidelines of the other MDBs.

(D) In the area of procedures for environmental impact assessment (EIA)—

(i) each MDB should require that draft and final EIA reports be made available to the public in borrowing and donor countries and that the public be offered timely opportunities for comment on the EIA process, including initial scoping sessions, review of EIA categories assigned to individual projects, and opportunities to comment on draft and final EIA reports;

(ii) each MDB should apply EIA requirements to all sector and structural adjustment loans;

(iii) each MDB should require that the EIA process include analyses of the potential impacts of proposed projects on the global environment; and

(iv) each MDB should require the head of the appropriate environmental unit, rather than project officers, determine the appropriate type of environmental analysis required under the bank's EIA procedures.

(d) The Secretary of the Treasury shall instruct the United States Executive Director to the International Monetary Fund (IMF) to promote regularly and vigorously the following policy and staffing changes, through formal initiatives before the Board and management of the IMF and through bilateral discussions with other member nations:

(1) full compliance with section 594 of Public Law 101-167, and section 55 of the Bretton Woods Agreements Act, as amended;

(2) establishment of an independent audit department which includes poverty and environmental experts, to systematically review the policy prescriptions implemented by the IMF;

(3) promulgation of policies and procedures including consultation with poverty and environmental experts in the formulation of Policy Framework Paper (PFPs); and

(4) establishment of procedures for public access to PFPs and other relevant information.

The Secretary of the Treasury shall submit a report to the Committees on Appropriations by May 1, 1993, which describes the progress in implementing these reforms.

(e) The Administrator of the Agency for International Development shall instruct all Agency missions and bureaus to continue to implement all elements of the "Global Warming Initiative" as defined in, and which may continue under, the authorities of sections 533(c) (1) through (4) of Public Law 101-513. The Initiative shall continue to emphasize the need to reduce emissions of greenhouse gases through strategies consistent with continued economic development, such as forest conservation, end-use energy efficiency, least-cost energy planning, and renewable energy development. The Administrator shall direct Agency mission directors to incorporate these strategies in their country programs.

(f) Of the funds appropriated by this Act under the headings in title II of this Act under "Agency for International Development", not less than $650,000,000 shall be made available for environment and energy activities, including funds earmarked under section 533 of this Act, including the following—

(1) Not less than $20,000,000 of the aggregate of the funds appropriated to carry out the provisions of sections 103 through 106 and chapter 10 of part I of the Foreign Assistance Act of 1961 shall be made available for biological diversity activities, of which: $5,000,000 shall be made available for the Parks in Peril project pursuant to the authority of section 119(b) of that Act, and pursuant to an agreement that ensures that such funds will make up no more than 80 percent of the entire costs of the project; $1,500,000 shall be for the National Science Foundation's international biological diversity program; $750,000 shall be for the Neotropical Bird Conservation Initiative of the National Fish and Wildlife Foundation; up to $2,000,000 shall be for Project Noah;

(2) Not less than $15,000,000 of the funds appropriated for the Development Assistance Fund and to carry out the provisions of chapter 10 of part I of the Foreign Assistance Act of 1961 shall be made available to support replicable renewable energy projects, and the Agency for International Development shall initiate at least five significant new activities in renewable energy during fiscal year 1993;

(3) Not less than $7,000,000 of the funds appropriated for the Development Assistance Fund and to carry out the provisions of chapter 10 of part I of the Foreign Assistance Act of 1961 shall be made available for assistance in support of elephant conservation and preservation; and

(4) Not less than $25,000,000 of the funds appropriated for the Development Assistance Fund shall be made available for the Office of Energy of the Agency for International Development, of which up to $5,000,000 may be made available for rural electrification in sub-Saharan Africa.

(g) Of the funds appropriated by this Act to carry out the provisions of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, the Agency for International Development should, to the extent feasible and inclusive of funds earmarked under subsection (f) of this section, target assistance for the following activities:

(1) $50,000,000 for projects associated with the Global Environment Facility;

(2) a total of $10,000,000 for CORECT, the Environmental Technology Export Council, and the International Fund for Renewable Energy Efficiency; and

(3) $55,000,000 for activities consistent with the Global Warming Initiative.

(h) Funds appropriated by this Act or any subsequent Act for the Development Assistance Fund and the Development Fund for Africa may be used for expenses (including related support costs) relating to the environment and energy sectors, of individuals detailed to or employed by the Agency for International Development, particularly those involved with the "Global Warming Initiative" described in this subsection.

(i) Of the funds appropriated by this Act to carry out the provisions of section 23 of the Arms Export Control Act, not less than $15,000,000 shall be made available to countries in Africa for programs which support conservation and biological diversity.

[MONTREAL PROTOCOL FACILITATION FUND

[(INCLUDING TRANSFER OF FUNDS)

[SEC. 533. Not less than $15,000,000 of the funds appropriated by this Act to carry out sections 103 and 106 of the Foreign Assistance Act of 1961 shall be used to support the creation of a fund to facilitate and support global participation in the Montreal Protocol on Substances that Deplete the Ozone Layer: *Provided*, That these funds shall be transferred to the Bureau of Oceans, International Environment and Scientific Affairs of the Department of State and shall be made available, after consultations with the Environmental Protection Agency, to the United Nations Environment Program in its role as Secretariat to the Protocol: *Provided further*, That the United States representative to the Secretariat shall seek assurances that none of these funds shall be contributed to any developing country that is not a party to the Protocol and operating under Article 5 of the Protocol.]

MONTREAL PROTOCOL FACILITATION FUND

(INCLUDING TRANSFER OF FUNDS)

SEC. 533. Not less than $15,000,000 of the funds appropriated by this Act for the Development Assistance Fund shall be used to support the Interim Multilateral Fund for the Implementation of the Montreal Protocol on Substances that Deplete the Ozone Layer: Provided, That these funds shall be made available, after consultations with the Bureau of Oceans, International Environment and Scientific Affairs of the Department of State and the Environmental Protection Agency, to the United Nations Environment Program in its role as Treasurer of the Interim Multilateral Fund: Provided further, That the United States representative to the Executive Committee that oversees the implementation of the Interim Multilateral Fund shall seek assurances that none of these funds shall be contributed to any developing country that is not a Party to the Protocol and operating under Article 5 of the Protocol.

PROHIBITION CONCERNING ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 534. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations. The Congress reaffirms its commitments to Population, Development Assistance and to the need for informed voluntary family planning.

AFGHANISTAN—HUMANITARIAN ASSISTANCE

SEC. 535. Of the aggregate amount of funds appropriated by this Act, to be derived in equal parts from the funds appropriated to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961, and chapter 4 of part II of that Act, up to $50,000,000 may be made available for the provision of food, medicine, or other humanitarian [assistance to the Afghan people] *and economic assistance for Afghanistan*, notwithstanding any other provision of law. *In providing economic assistance under this section, the President shall take into consideration the objective of reducing narcotics production, trafficking, and abuse within Afghanistan.* In carrying out this section, the Administrator of the Agency for International Development shall ensure that an equitable portion of the funds is made available to benefit Afghan women and girls, particularly in programs in refugee camps in Pakistan and in reconstruction projects in Afghanistan.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 536. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development, nor shall any of the funds appropriated by this Act be made available to any private voluntary organization which is not registered with the Agency for International Development.

PRIOR CONSULTATIONS ON IFI REPLENISHMENTS

SEC. 537. Prior to entering into formal negotiations on any replenishment for any international financial institution or multilateral development bank, the Secretary of the Treasury shall consult with the Committees on Appropriations and appropriate authorizing committees on the United States position entering those negotiations.

REFUGEE RESETTLEMENT

SEC. 538. It is the sense of the Congress that all countries receiving United States foreign assistance under this Act, the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480), or trade promotion programs should fully cooperate with the international refugee assistance organizations, the United States, and other governments in facilitating lasting solutions to refugee situations. Further, where resettlement to other countries is the appropriate solution, such resettlement should be expedited in cooperation with the country of asylum without respect to race, sex, religion, or national origin.

REPORTING REQUIREMENT

SEC. 539. The President shall submit to the Committees on Appropriations the reports required by section 25(a)(1) of the Arms Export Control Act.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 540. None of the funds appropriated in this Act shall be obligated or expended for Sudan, Liberia, Lebanon, Zaire, Yemen, Haiti, *Ivory Coast*, Guatemala, Malawi, Peru, Uganda, Cambodia, Indonesia, or Somalia except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 541. For the purpose of this Act, "program, project, and activity" shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

FAMILY PLANNING, CHILD SURVIVAL AND AIDS ACTIVITIES

SEC. 542. Up to $8,000,000 of the funds made available by this Act for assistance for *family planning*, health, child survival, and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out *family planning activities*, child survival activities and activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome in developing countries: *Provided*, That such individuals shall not be included within any personnel ceiling applicable to any United States Government agency during the period of detail or assignment: *Provided further*, That funds appropriated by this Act that are made available for child survival activities or activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: *Provided further*, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 518 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 543. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, the Socialist Republic of Vietnam, Iran, Syria, North Korea, People's Republic of China, Laos, Jordan, or Yemen unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

RECIPROCAL LEASING

SEC. 544. Section 61(a) of the Arms Export Control Act is amended by striking out "1992" and inserting in lieu thereof "1993".

DEFENSE EQUIPMENT DRAWDOWN

SEC. 545. (a) Defense articles, services and training drawn down under the authority of section 506(a) of the Foreign Assistance Act of 1961, shall not be furnished to a recipient unless such articles are delivered to, and such services and training initiated for, the recipient country or international organization not more than one hundred and twenty days from the date on which Congress received notification of the intention to exercise the authority of that section: *Provided*, That if defense articles have not been delivered or services and training initiated by the period specified in this section, a new notification pursuant to section 506(b) of such Act shall be provided, which shall include an explanation for the delay in furnishing such articles, services, and training, before such articles, services, or training may be furnished.

(b) Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 546. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 547. Funds appropriated by this Act may be obligated and expended [subject to] notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956.

NOTIFICATION TO CONGRESS ON DEBT RELIEF AGREEMENTS

SEC. 548. The Secretary of State shall transmit to the Appropriations Committees of the Congress and to such other Committees as appropriate, a copy of the text of any agreement with any foreign government which would result in any debt relief no less than thirty days prior to its entry into force, other than one entered into pursuant to this Act, together with a detailed justification of the interest of the United States in the pro-

posed debt relief: *Provided*, That the term "debt relief" shall include any and all debt prepayment, debt rescheduling, and debt restructuring proposals and agreements: *Provided further*, That the Secretary of State and the Secretary of the Treasury should in every feasible instance notify the Appropriations Committees of the Congress and such other Committees as appropriate not less than 15 days prior to any formal multilateral or bilateral negotiation for official debt restructuring, rescheduling, or relief: *Provided further*, That the Secretary of State or the Secretary of the Treasury, as appropriate, shall report not later than February 1 of each year a consolidated statement of the budgetary implications of all debt-related agreements entered into force during the preceding fiscal year.

MIDDLE EAST REGIONAL COOPERATION AND ISRAELI-ARAB SCHOLARSHIPS

SEC. 549. Middle East regional cooperative programs which have been carried out in accordance with section 202(c) of the International Security and Development Cooperation Act of 1985 shall continue to be funded at a level of not less than $7,000,000 from funds appropriated under the heading "Economic Support Fund".

MEMBERSHIP DESIGNATION IN ASIAN DEVELOPMENT BANK

SEC. 550. It is the sense of the Congress that the United States Government should use its influence in the Asian Development Bank to secure reconsideration of that institution's decision to designate Taiwan (the Republic of China) as "Taipei, China". It is further the sense of the Congress that the Asian Development Bank should resolve this dispute in a fashion that is acceptable to Taiwan (the Republic of China).

DEPLETED URANIUM

SEC. 551. None of the funds provided in this or any other Act may be made available to facilitate in any way the sale of M-833 antitank shells or any comparable antitank shells containing a depleted uranium penetrating component to any country other than (1) countries which are members of NATO, (2) countries which have been designated as a major non-NATO ally for purposes of section 1105 of the National Defense Authorization Act for Fiscal Year 1987 or, (3) Taiwan: *Provided*, That funds may be made available to facilitate the sale of such shells notwithstanding the limitations of this section if the President determines that to do so is in the national security interest of the United States.

EARMARKS

SEC. 552. *(a)* Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this [section] [subsection] with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this [section] *subsection* shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

OPPOSITION TO ASSISTANCE TO TERRORIST COUNTRIES BY INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 553. (a) INSTRUCTIONS FOR UNITED STATES EXECUTIVE DIRECTORS.—The Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution to vote against any loan or other use of the funds of the respective institution to or for a country for which the Secretary of State has made a determination under section 6(j) of the Export Administration Act of 1979.

(b) DEFINITION.—For purposes of this section, the term "international financial institution" includes—

(1) the International Bank for Reconstruction and Development, the International Development Association, and the International Monetary Fund; and

(2) wherever applicable, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, and the African Development Fund.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 554. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

SOUTH AFRICA—SCHOLARSHIPS

SEC. 555. Of the funds made available by this Act under the heading "Economic Support Fund", $10,000,000 may be made available for scholarships for disadvantaged South Africans.

NARCOTICS CONTROL PROGRAM

SEC. 556. (a)(1) Funds made available under this Act shall be available for obligation consistent with requirements to apply the provisions of section 481(h) of the Foreign Assistance Act of 1961 (relating to International Narcotics Control).

(2) Funds made available by this Act to carry out the provisions of the Arms Export Control Act and [section 534] *sections 534 and 541* of the Foreign Assistance Act of 1961 may be provided for training and equipment for law enforcement agencies or other units in Colombia, Bolivia, Ecuador, and Peru that are organized for the specific purpose of narcotics enforcement: *Provided*, That assistance under this paragraph may be provided notwithstanding section 660 of the Foreign Assistance Act of 1961 and the second sentence of section 534(e) of that Act: *Provided further*, That the waiver contained in this paragraph does not apply to Peru's Sinchi police: *Provided further*, That assistance provided pursuant to this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) Of the funds appropriated under title II of this Act for the Agency for International Development, up to $10,000,000 should be made available for narcotics education and awareness programs (including public diplomacy programs) of the Agency for International Development, and $40,000,000 of the funds appropriated under title II of this Act should be made available for narcotics related economic assistance activities.

(c) Section 515(d) of the Foreign Assistance Act of 1961 is amended by striking out "(excluding salaries of the United States military personnel)" and inserting in lieu thereof "(excluding salaries of the United States military personnel other than the Coast Guard)".

(d) For purposes of satisfying the requirement of section 484 of the Foreign Assistance Act of 1961, funds made available by this Act for the purposes of section 23 of the Arms Export Control Act may be used to finance the leasing of aircraft under chapter 6 of the Arms Export Control Act.

TURKISH AND GREEK MILITARY FORCES ON CYPRUS

SEC. 557. Any agreement for the sale or provision of any article on the United States Munitions List (established pursuant to section 38 of the Arms Export Control Act) entered into by the United States after the enactment of this section shall expressly state that the article is being provided by the United States only with the understanding that it will not be transferred to Cyprus or otherwise used to further the severance or division of Cyprus. The President shall report to Congress any substantial evidence that equipment provided under any such agreement has been used in a manner inconsistent with the purposes of this section.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 558. Notwithstanding any other provision of law, and subject to the regular notification requirements of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel and Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national secu-

rity reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

[ASSISTANCE FOR CAMBODIAN PEACE, DEMOCRACY, AND DEVELOPMENT

[SEC. 559. (a) HUMANITARIAN AND DEVELOPMENT ASSISTANCE FOR CAMBODIA.—Not less than $20,000,000 of the funds appropriated by this Act under the heading "Economic Support Fund" and for "development assistance" shall be made available, predominantly through international organizations and United States private and voluntary organizations, for humanitarian and development assistance exclusively for Cambodian civilians, notwithstanding any other provision of law (other than sections 531(e) and 634A of the Foreign Assistance Act of 1961, section 522 of this Act (regarding notification requirements), and the provisions of this section).

[(b) ASSISTANCE TO SUPPORT ADMINISTRATIVE PROGRAMS.—Of the assistance provided under subsection (a), not less than $10,000,000 shall be used to support administrative programs in Cambodia in order to ensure that such programs continue to function and serve the Cambodian people during the implementation of the United Nations settlement agreement for Cambodia.

[(c) RELATION TO ASSISTANCE FOR CAMBODIAN CHILDREN.—Any assistance provided under this section shall be in addition to the assistance provided under the heading "Humanitarian Assistance for Cambodian Children".

[(d) DEFINITIONS.—For purposes of this section—

[(1) the term "development assistance" means (A) assistance furnished to carry out any of the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961, including the development of infrastructure and human resources development, and (B) assistance to support administrative programs; and

[(2) the term "humanitarian assistance" means food, clothing, medicine, and other humanitarian assistance, including equipment for the surveying and eradication of explosive mines, but such term does not include (A) the provision of any weapons, weapon systems, or ammunition, or (B) the provision to Cambodian military units of any other equipment, vehicles, or material.

[(e) RESTRICTION ON ASSISTANCE.—None of the funds made available under this section may be made available, directly or indirectly, for the Khmer Rouge.

[(f) TERMINATION OF ASSISTANCE.—The President shall terminate assistance under this section to any Cambodian organization that he determines is cooperating, tactically or strategically, with the Khmer Rouge in their military operations.

[(g) REPORTING REQUIREMENTS.—(1) Not later than 120 days after the enactment of this Act, the President shall submit to the Speaker of the House of Representatives and the President Pro Tempore of the Senate a report on the United States plans for contributing to the long-term rehabilitation, reconstruction and development needs of Cambodia.

[(2) Not later than December 1, 1992, the President shall submit to the Speaker of the House of Representatives and the President Pro Tempore of the Senate a report on the status of the United Nations demobilization and cantonment process for each of the four Cambodian factions, and the degree of integration and cooperation among the four factions, and the status of the repatriation process.]

ASSISTANCE FOR CAMBODIA

SEC. 559. (a) ACTS OF GENOCIDE IN CAMBODIA.—As a party to the Genocide Convention, the United States reaffirms that genocide is a crime under international law which it undertakes to prevent and punish, and calls upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide in Cambodia.

(b) HUMANITARIAN AND DEVELOPMENT ASSISTANCE FOR CAMBODIA.—

(1) ASSISTANCE.—Except as provided in paragraph (2), not less than $20,000,000 of the funds appropriated for fiscal year 1993 for development assistance and economic support fund assistance shall be made available, only through international relief agencies, United States private and voluntary organizations, and United Nations agencies, for humanitarian and development assistance exclusively for Cambodian civilians and in accordance with the priority needs identified by the Agency for International Development's Report to Congress on Cambodia's Humanitarian and Development Assistance Priorities (transmitted pursuant to the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991), notwithstanding any other provision of law.

(2) DEFINITION.—For purposes of this section, the term "humanitarian assistance" includes food, potable water, clothing, medicine, and other humanitarian assistance, including training and equipment for the surveying and removal of explosive mines, but such term does not include (A) the provision of any weapons, weapon systems, or ammunition, or (B) the provision to Cambodian military units of any other equipment, vehicles, or material.

(c) HUMANITARIAN ASSISTANCE TO CHILDREN.—In addition to funds otherwise available for such purposes under subsection (b), not less than $5,000,000 of the funds made available for fiscal year 1993 for development assistance and economic support fund assistance shall be made available to provide humanitarian assistance to children and war victims in Cambodia, notwithstanding any other provision of law.

(d) TERMINATION OF ASSISTANCE.—The President shall terminate assistance under this section to any Cambodian organization that he determines is cooperating, tactically or strategically, with the Khmer Rouge in their military operations.

(e) ONSITE ASSESSMENT OF NEEDS FOR ASSISTANCE.—Not later than 120 days after the date of enactment of this Act, the President shall conduct an onsite assessment on a multilateral basis in cooperation with the United Nations, or on an independent basis, within Cambodia (including Phnom Penh) to determine the requirements for the development of social economic and social infrastructure and for the eradication of explosive mines.

(f) REPORT REGARDING THE KHMER ROUGE.—Not later than May 1, 1993, the President shall submit to the Speaker of the House of Representatives and the President Pro Tempore of the Senate a report describing all violations of the United Nations peace agreement by the Khmer Rouge since July 1, 1992, and United States responses to those violations. Such report shall be submitted in both classified and unclassified form.

(g) APPLICABILITY OF EXISTING LAW.—

(1) TRADE RESTRICTIONS.—Funds shall be made available under this section notwithstanding any law or regulation prohibiting trade with Cambodia or any national of Cambodia.

(2) REPROGRAMMING NOTIFICATIONS.—Funds shall be made available under this section subject to the provisions of section 522 of this Act.

(3) PROHIBITIONS.—Any funds made available under this section shall be subject to the prohibitions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985.

COMPETITIVE INSURANCE

SEC. 560. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States marine insurance companies have a fair opportunity to bid for marine insurance when such insurance is necessary or appropriate.

IRELAND

SEC. 561. It is the sense of the Congress that of the funds appropriated or otherwise made available for the International Fund for Ireland, the Board of the International Fund for Ireland should give great weight in the allocation of such funds to projects which will create permanent, full-time jobs in the areas that have suffered most severely from the consequences of the instability of recent years. Areas that have suffered most severely from the consequences of the instability of recent years shall be defined as areas that have high rates of unemployment.

[ASSISTANCE TO AFGHANISTAN

[SEC. 562. Funds appropriated by this Act may not be made available, directly or for the United States proportionate share of programs funded under the heading "International Organizations and Programs", for assistance to be provided inside Afghanistan if that assistance would be provided through the Soviet-controlled government of Afghanistan. This section shall not be construed as limiting the United States contributions to international organizations for humanitarian assistance.]

ELIGIBILITY FOR ASSISTANCE

SEC. 562. (a) ASSISTANCE THROUGH NON-GOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961: Provided, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: Provided further, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 1993, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954.

[EL SALVADOR ECONOMIC SUPPORT FUNDS

[SEC. 563. Not less than 25 per centum of the Economic Support Funds made available for El Salvador by this Act shall be used for projects and activities in accordance with the provisions applicable to assistance under chapter 1 of part I of the Foreign Assistance Act of 1961.]

CONTRACTING FOR SERVICES

SEC. 563. Funds appropriated by this and subsequent Acts making appropriations for foreign operations, export financing, and related programs for the Agency for International Development may be used by such agency to contract with individuals for personal services in the United States: Provided, That such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Office of Personnel Management.

DISADVANTAGED ENTERPRISES

SEC. 564. (a) Except to the extent that the Administrator of the Agency for International Development of the Foreign Assistance Act of 1961 determines otherwise, not less than 10 percent of the aggregate amount made available for the current fiscal year for the "Development Assistance Fund", "Population, Development Assistance", and the "Development Fund for Africa" shall be made available only for activities of United States organizations and individuals that are—

(1) business concerns owned and controlled by socially and economically disadvantaged individuals,

(2) historically black colleges and universities,

(3) colleges and universities having a student body in which more than 40 per centum of the students are Hispanic American, and

(4) private voluntary organizations which are controlled by individuals who are socially and economically disadvantaged.

(b)(1) In addition to other actions taken to carry out this section, the actions described in paragraphs (2) through (5) shall be taken with respect to development assistance and assistance for sub-Saharan Africa for the current fiscal year.

(2) Notwithstanding any other provision of law, in order to achieve the goals of this section, the Administrator—

(A) to the maximum extent practicable, shall utilize the authority of section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(B) to the maximum extent practicable, shall enter into contracts with small business concerns owned and controlled by socially and economically disadvantaged individuals, and organizations contained in paragraphs (2) through (4) of subsection (a)—

(i) using less than full and open competitive procedures under such terms and conditions as the Administrator deems appropriate, and

(ii) using an administrative system for justifications and approvals that, in the Administrator's discretion, may best achieve the purpose of this section; and

(C) shall issue regulations to require that any contract in excess of $500,000 contain a provision requiring that no less than 10 per centum of the dollar value of the contract be subcontracted to entities described in subsection (a), except—

(i) to the extent the Administrator determines otherwise on a case-by-case or category-of-contract basis; and

(ii) this subparagraph does not apply to any prime contractor that is an entity described in subsection (a).

(3) Each person with contracting authority who is attached to the agency's headquarters in Washington, as well as all agency missions and regional offices, shall notify the agency's Office of Small and Disadvantaged Business Utilization at least seven business days before advertising a contract in excess of $100,000, except to the extent that the Administrator determines otherwise on a case-by-case or category-of-contract basis.

(4) The Administrator shall include, as part of the performance evaluation of any mission director of the agency, the mission director's efforts to carry out this section.

(5) The Administrator shall submit to the Congress annual reports on the implementation of this section. Each such report shall specify the number and dollar value or amount (as the case may be) of prime contracts, subcontracts, grants, and cooperative agreements awarded to entities described in subsection (a) during the preceding fiscal year.

(c) As used in this section, the term "socially and economically disadvantaged individuals" has the same meaning that term is given for purposes of section 8(d) of the Small Business Act, except that the term includes women.

STINGERS IN THE PERSIAN GULF REGION

SEC. 565. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

PROHIBITION ON LEVERAGING AND DIVERSION OF UNITED STATES ASSISTANCE

SEC. 566. (a) None of the funds appropriated by this Act may be provided to any foreign government (including any instrumentality or agency thereof), foreign person, or United States person in exchange for that foreign government or person undertaking any action which is, if carried out by the United States Government, a United States official or employee, expressly prohibited by a provision of United States law.

(b) For the purposes of this section the term "funds appropriated by this Act" includes only (1) assistance of any kind under the Foreign Assistance Act of 1961; and (2) credits, and guaranties under the Arms Export Control Act.

(c) Nothing in this section shall be construed to limit—

(1) the ability of the President, the Vice President, or any official or employee of the United States to make statements or otherwise express their views to any party on any subject;

(2) the ability of an official or employee of the United States to express the policies of the President; or

(3) the ability of an official or employee of the United States to communicate with any foreign country government, group or individual, either directly or through a third party, with respect to the prohibitions of this section including the reasons for such prohibitions, and the actions, terms, or conditions which might lead to the removal of the prohibitions of this section.

APPROPRIATIONS OF UNITED STATES-OWNED CURRENCIES

SEC. 567. The provisions of section 1306 of title 31, United States Code, shall not be waived to carry out the provisions of the Foreign Assistance Act of 1961 by any provision of law enacted after the date of enactment of this Act unless such provision makes specific reference to this section.

DEBT-FOR-DEVELOPMENT

SEC. 568. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including *endowments*, debt-for-development and debt-for-nature exchanges, a nongovernmental organization [may invest] *which is a grantee or contractor of the Agency for International Development may invest funds made available under this Act or prior Acts or* local currencies which accrue to that organization as a result of economic assistance provided under the heading "Agency for International Development" and any interest earned on such investment may be used[, including for the establishment of an endowment,] for the purpose for which the assistance was provided to that organization.

LEBANON

SEC. 569. (a) Of the funds appropriated by this Act to carry out chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 not less than $10,000,000 shall be made available for Lebanon and may be provided in accordance with the general authorities contained in section 491 of the Foreign Assistance Act of 1961, of which not less than $6,000,000 shall be derived from funds appropriated to carry out chapter 1 of part I and not less than $4,000,000 shall be derived from funds appropriated to carry out chapter 4 of part II.

(b) All deliveries to Lebanon of equipment purchased with Foreign Military Financing credits or grants shall be subject to the regular notification procedures of the Committees on Appropriations.

LOCATION OF STOCKPILES

SEC. 570. Section 514(b)(2) of the Foreign Assistance Act of 1961 is amended by striking out "$378,000,000 for fiscal year 1991, of which amount not less than $300,000,000 shall be available for stockpiles in Israel" and inserting in lieu thereof "$389,000,000 for fiscal year 1993, of which amount not less than $200,000,000 shall be available for stockpiles in Israel, and up to $189,000,000 may be available for stockpiles in the Republic of Korea".

ASSISTANCE FOR PAKISTAN

SEC. 571. (a) The date specified in section 620E(d) of the Foreign Assistance Act of 1961 is amended to read as follows: "September 30, 1993".

(b) None of the funds appropriated in this Act shall be obligated or expended for Pakistan except as provided through the regular notification procedures of the Committees on Appropriations.

SEPARATE ACCOUNTS

SEC. 572. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I (including the Philippines Multilateral Assistance Initiative) or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated, and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate ac-

count pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as:

(i) project and sector assistance activities, or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all appropriate steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) CONFORMING AMENDMENTS.—The provisions of this subsection shall supersede the tenth and eleventh provisos contained under the heading "Sub-Saharan Africa, Development Assistance" as included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 and sections 531(d) and 609 of the Foreign Assistance Act of 1961.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I (including the Philippines Multilateral Assistance Initiative) or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98-1159).

(3) NOTIFICATION.—At least fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 573. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 574. (a) DENIAL OF ASSISTANCE.—None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistant to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

(b) IMPORT SANCTIONS.—If the President considers that the taking of such action would promote the effectiveness of the economic sanctions of the United Nations and the United States imposed with respect to Iraq, and is consistent with the national interest, the President may prohibit, for such a period of time as he considers appropriate, the importation into the United States of any or all products of any foreign country that has not prohibited—

(1) the importation of products of Iraq into its customs territory, and

(2) the export of its products to Iraq.

[REPEAL OF FISCAL YEAR 1991 PROVISION

SEC. 575. The amendment to section 516(a) of the Foreign Assistance Act of 1961 made by section 589 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513) is hereby repealed.]

POW/MIA MILITARY DRAWDOWN

SEC. 575. (a) Notwithstanding any other provision of law, the President may direct the drawdown, without reimbursement by the recipient, of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value not to exceed $15,000,000 in fiscal year 1993, as may be necessary to carry out subsection (b).

(b) Such defense articles, services and training may be provided to Cambodia and Laos, under subsection (a) as the President determines are necessary to support efforts to locate and repatriate members of the United States Armed Forces and civilians employed directly or indirectly by the United States government who remain unaccounted for from the Vietnam War, and to ensure the safety of United States Government personnel engaged in such cooperative efforts and to support United States Department of Defense-sponsored humanitarian projects associated with the POW/MIA efforts. Any aircraft shall be provided under this section only to Laos and only on a lease or loan basis, but may be provided at no cost notwithstanding section 61 of the Arms Export Control Act and may be maintained with defense articles, services and training provided under this section.

(c) The President shall, within sixty days of the end of any fiscal year in which the authority of subsection (a) is exercised, submit a report to the Congress which identifies the articles, services, and training drawn down under this section.

(d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles, defense services, and military education and training provided under this section.

CHEMICAL WEAPONS PROLIFERATION

SEC. 576. None of the funds appropriated by this Act may be used to finance the procurement of chemicals, dual use chemicals, or chemical agents that may be used for chemical weapons production: Provided, That the provisions of this section shall not apply to any such procurement if the President determines that such chemicals, dual use chemicals, or chemical agents are not intended to be used by the recipient for chemical weapons production.

[KENYA

[SEC. 577. Notwithstanding any other provision of law, none of the funds appropriated by this Act under the headings "Economic Support Fund" and "Foreign Military Financing Program", may be made available for Kenya unless the President certifies, and so reports to the Congress, that the Government of Kenya is taking steps to—

[(1) charge and try or release all prisoners, including any persons detained for political reasons;

[(2) cease any physical abuse or mistreatment of prisoners;

[(3) restore the independence of the judiciary; and

[(4) restore freedoms of expression: *Provided*, That none of the funds appropriated by this Act under the headings "Economic Support Fund" and "Foreign Military Financing Program" may be obligated or expended for Kenya until 30 days after such report is transmitted to the Congress.]

KENYA

SEC. 577. (a) RESTRICTIONS.—None of the funds appropriated by this Act under the headings "Economic Support Fund" and "Foreign Military Financing Program" may be made available for Kenya unless the President determines, and so certifies to the Congress, that the Government of Kenya—

(1) has released all political detainees and has ended the prosecution of individuals for the peaceful expression of their political beliefs;

(2) has ceased the physical abuse or mistreatment of prisoners;

(3) has restored judicial independence;

(4) has taken significant steps toward respecting human rights and fundamental freedoms, including the freedom of thought, conscience, belief, expression, and the freedom to advocate the establishment of political parties and organizations; and

(5) has set and published an elections schedule or timetable for the holding of multi-party elections.

(b) CONGRESSIONAL NOTIFICATION.—During fiscal year 1993, none of the funds appropriated by this Act to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance

Act of 1961 shall be obligated for Kenya unless the Committees on Appropriations are notified at least 15 days in advance in accordance with the regular notification procedures of those Committees.

(c) DATE OF AVAILABILITY OF FUNDS.—None of the funds appropriated by this Act under the heading "Economic Support Fund" or "Foreign Military Financing Program" may be obligated or expended for Kenya until 30 days after the certification described in subsection (a) is made to the Congress.

MEDITERRANEAN EXCESS DEFENSE ARTICLES

SEC. 578. (a) Section 573(e) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, is amended by striking out "three year period beginning on October 1, 1989" and inserting in lieu thereof "four-year period beginning on October 1, 1992".

(b) During fiscal year 1993, the provisions of section 573(e) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, (as amended by subsection (a) of this section) shall be applicable, for the period specified therein, to excess defense articles made available under sections 516 and 519 of the Foreign Assistance Act of 1961.

PRIORITY DELIVERY OF EQUIPMENT

SEC. 579. Notwithstanding any other provision of law, the delivery of excess defense articles that are to be transferred on a grant basis under section 516 of the Foreign Assistance Act to NATO allies and to major non-NATO allies on the southern and southeastern flank of NATO shall be given priority to the maximum extent feasible over the delivery of such excess defense articles to other countries.

ISRAEL DRAWDOWN

SEC. 580. Section 599B(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (as amended by Public Law 102-145, as amended), is further amended—

(a) by striking out "fiscal year 1992" and inserting in lieu thereof "fiscal year 1993"; and

(b) by striking out "Appropriations Act, 1992" and inserting in lieu thereof "Appropriations Act, 1993".

HUMAN RIGHTS PERFORMANCE

SEC. 581. Prior to the provision of assistance from funds appropriated by this Act for Eastern Europe, the Baltic States, and the independent states of the former Soviet Union, the President should take into consideration the extent to which such countries are taking significant steps, as appropriate, toward—

(1) implementation of internationally recognized human rights, including provisions of the Helsinki Final Act and other documents of the Conference on Security and Cooperation in Europe;

(2) political pluralism based on democratic principles, and the rule of law; and

(3) economic reform, based on market principles and private property.

ESTABLISHING CATEGORIES OF ALIENS FOR PURPOSES OF REFUGEE DETERMINATIONS; ADJUSTMENT OF STATUS FOR CERTAIN SOVIET AND INDOCHINESE PAROLEES

SEC. 582. (a) EXTENSION OF PROVISIONS.—The Foreign Operations, Export Financing, and Releted Programs Appropriations Act, 1990 (Public Law 101-167), is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by inserting "and within the number of such admissions allocated for each of fiscal years 1993 and 1994 for refugees who are nationals of the independent states of the former Soviet Union, Estonia, Latvia, and Lithuania under such section" after "Act"; and

(B) in subsection (e), by striking out "October 1, 1992" each place it appears and inserting in lieu thereof "October 1, 1994"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1994".

(b) CORRECTION OF REFERENCES TO SOVIET UNION.—That Act is amended—

(1) in section 599D(b)—

(A) in paragraphs (1)(A), (2)(A), and (2)(B), by striking out "of the Soviet Union" each place it appears and inserting in lieu thereof "of an independent state of the former Soviet Union or of Estonia, Latvia, or Lithuania"; and

(B) in paragraph (1)(A), by striking out "in the Soviet Union," and inserting in lieu thereof "in that state"; and

(2) in section 599E(b)(1), by striking out "of the Soviet Union," and inserting in lieu thereof "of an independent state of the former Soviet Union, Estonia, Latvia, Lithuania,".

(c) REPEAL OF EXECUTED REPORTING REQUIREMENTS.—Section 599D of that Act is amended by repealing subsection (f).

ASSISTANCE FOR GUATEMALA

SEC. 583. (a) USE OF ASSISTANCE.—For fiscal year 1993, assistance that is provided for Guatemala under chapter 1 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961—

(1) may be provided to and used only by civilian government agencies and nongovernmental organizations;

(2) shall be targeted for assistance for programs that directly address poverty, basic human needs, and environmental concerns; to improve the performance of democratic institutions or otherwise to promote pluralism; for the National Reconciliation Commission; for fiscal reform and fiscal administration; or for programs that promote foreign and domestic trade and investment;

(3) may not be used for partisan political purposes or as an instrument of counterinsurgency;

(4) may be used for costs of retraining, relocation, and reemployment in civilian pursuits of former combatants and noncombatants affected by the conflict in Guatemala; and

(5) may be used for costs of monitoring activities associated with provisions set forth in an agreement for lasting peace pursuant to the Accord of Mexico and in fulfillment of the Accord of Oslo or other subsequent accords reached by the parties to the conflict.

(b) SPECIAL NOTIFICATION REQUIREMENT.—[(1) None of the funds appropriated in this Act shall be obligated or expended for Guatemala except as provided through the regular notification procedures of the Committee on Appropriations of each House of Congress.]

[(2)] *(1)* Funds made available pursuant to subsections (a)(4) and (a)(5) may be made available only upon notification by the President to the appropriate congressional committees that the Government of Guatemala and representatives of the Guatemalan National Revolutionary Unity (URNG) have signed an agreement providing for a "lasting peace agreement" pursuant to the Accord of Mexico and in fulfillment of the Accord of Oslo or any other subsequent accords reached by the parties to the conflict.

[(3)] *(2)* The President shall, prior to submitting any notifications for assistance for Guatemala in fiscal year 1993, take into consideration the progress the Government of Guatemala has made toward eliminating human rights violations and in investigating and bringing to trial those responsible for major human rights cases, such as those relating to Sister Dianna Ortiz, Michael Devine, and Myrna Mack.

(c) DEFINITIONS.—As used in this section—

(1) the term "Accord of Mexico" means the Accord on the Procedure to Attain Peace Through Peaceful Means agreed to by the parties in Mexico City on April 26, 1991;

(2) the term "Accord of Oslo" means the Accord of Oslo of March 30, 1990; and

(3) the term "appropriate congressional committees" means the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate.

ASSISTANCE FOR JORDAN

SEC. 584. None of the funds appropriated or otherwise made available by this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to Jordan unless the President determines and so certifies to the Congress that (1) Jordan has taken steps to advance the peace process in the Middle East, (2) Jordan is in compliance with United Nations Security Council sanctions against Iraq, and (3) that such assistance is in the national interest of the United States.

NUCLEAR NON-PROLIFERATION POLICY IN SOUTH ASIA

SEC. 585. *(a)* The Foreign Assistance Act of 1961 is amended by inserting the following new section:

"SEC. 620F. NUCLEAR NON-PROLIFERATION POLICY IN SOUTH ASIA.

"(a) FINDINGS.—The Congress finds that—

"(1) the proliferation of weapons of mass destruction remains one of the most serious threats to international peace and stability;

"(2) South Asia, in particular, is an area where the threat of a regional nuclear exchange remains high due to continued Indo-Pakistani tensions over issues such as Kashmir;

"(3) to date, United States efforts to halt proliferation in South Asia have failed;

"(4) although global disarmament is a desirable goal which should be vigorously pursued, both regional and sub-regional security arrangements can serve to decrease tensions and promote non-proliferation in certain areas;

"(5) thus far, there has been some success on a regional basis, such as the South Pacific Nuclear Weapons Free Zone and the Treaty of Tlatelolco in Latin America;

"(6) in particular, in Latin America, the Treaty of Tlatelolco has been signed by all the nuclear powers;

"(7) a critical part of this treaty is Protocol II which prohibits nuclear attacks by nuclear weapons states on signatories to the treaty;

"(8) in 1991, a proposal was made for a regional conference on non-proliferation in South Asia which would include Pakistan, India, the People's Republic of China, the Soviet Union, and the United States; and

"(9) thus far, Pakistan, China, Russia, and the United States have expressed interest in attending such a conference, whereas India has refused to attend.

"(b) POLICY.[—The Congress is encouraged by the impending bilateral conference be-

tween the United States and India to address the serious question of nuclear proliferation in South Asia. It is the sense of the House] *It is the sense of the Congress* that the President should pursue a policy which seeks a regional negotiated solution to the issue of nuclear non-proliferation in South Asia at the earliest possible time, including a protocol to be signed by all nuclear weapons states, prohibiting nuclear attacks by nuclear weapons states on countries in the region. Such a policy should have as its ultimate goal concurrent accession by Pakistan and India to the Nuclear Non-Proliferation Treaty, and should also include as needed a phased approach to that goal through a series of agreements among the parties on nuclear issues, such as the agreement reached by Pakistan and India not to attack one another's nuclear facilities.

"(c) REPORT ON PROGRESS TOWARD REGIONAL NON-PROLIFERATION.—Not later than [six months after the date of enactment of this Act] *April 1, 1993* and every six months thereafter, the President shall submit a report to the Committees on Appropriations, the Speaker of the House of Representatives, and the chairman of the Committee on Foreign Relations of the Senate, on nuclear proliferation in South Asia, including efforts taken by the United States to achieve a regional agreement on nuclear non-proliferation, and including a comprehensive list of the obstacles to concluding such a regional [agreement.] *agreement.*".

["(d)] *(b)* REPORT ON SOUTH ASIAN NUCLEAR PROGRAMS.—Not later than six months after the enactment of this Act, the President shall submit a report with respect to the People's Republic of China, Pakistan, India and Sri Lanka *and India* in writing to the Committees on Appropriations, the Speaker of the House of Representatives, the chairman of the Committee on Foreign Relations of the Senate, on that country's nuclear and ballistic missile programs, including, but not limited to—

["(1)] *(1)* a determination as to whether that country possesses a nuclear explosive device or whether it possesses all the components necessary for the assembly of such a device;

["(2)] *(2)* a complete report on the status of that country's missile development program, foreign assistance to that program, and foreign sales of missiles or missile components to that country and steps which the United States has taken in response to such sales; and

["(3)] *(3)* a report on whether that country has agreed to fully adhere, and is adhering, to all peaceful nuclear cooperation agreements with the United States and has formally agreed to place all United States-supplied nuclear materials under international safeguards in [perpetuity.".] *perpetuity.*

CASH FLOW FINANCING

SEC. 586. For each country that has been approved for cash flow financing (as defined in section 25(d) of the Arms Export Control Act, as added by section 112(b) of Public Law 99-83) under the Foreign Military Financing Program, any Letter of Offer and Acceptance or other purchase agreement, or any amendment thereto, for a procurement in excess of $100,000,000 that is to be financed in whole or in part with funds made available under this Act shall be submitted through the regular notification procedures to the Committees on Appropriations.

RESCISSION

SEC. 587. (a) Of the unexpended balances of funds (including earmarked funds) made available in Public Law 101-513 and prior Acts making appropriations for foreign operations, export financing, and related programs to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, $37,500,000 are rescinded.

(b) Of the unexpended balances of funds (including earmarked funds) made available in Public Law 101-513 and prior Acts making appropriations for foreign operations, export financing, and related programs to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $37,500,000 are rescinded.

(c) Of the funds made available (including earmarked funds) in Public Law 101-513 and prior Acts making appropriations for foreign operations, export financing, and related programs to carry out the provisions of section 23 of the Arms Export Control Act and section 503 of the Foreign Assistance Act of 1961, [$75,000,000] *$45,750,000* are rescinded.

ANTI-NARCOTICS UPDATE

SEC. 588. (a) Of the funds appropriated by this Act under the heading "Economic Support Fund", assistance may be provided as follows:

(1) to strengthen the administration of justice in countries in Latin America and the Caribbean in accordance with the provisions of section 534 of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act; and

(2) notwithstanding section 660 of the Foreign Assistance Act of 1961, up to $10,000,000 may be made available for technical assistance, training, and commodities with the objective of creating a professional civilian police force for Panama, *and for programs to improve penal institutions and the rehabilitation of offenders in Panama (which programs may be conducted other than through multilateral or regional institutions),* except that such technical assistance shall not include more than $5,000,000 for the procurement of equipment for law enforcement purposes, and shall not include lethal equipment.

(b) Funds made available pursuant to this section may be made available notwithstanding the third sentence of section 534(e) of the Foreign Assistance Act of 1961. Funds made available pursuant to subsection (a)(1) for Bolivia, Colombia and Peru and subsection (a)(2) may be made available notwithstanding section 534(c) and the second sentence of section 534(e) of the Foreign Assistance Act of 1961.

[AUTHORITIES FOR THE INTER-AMERICAN AND AFRICAN DEVELOPMENT FOUNDATIONS

[SEC. 589. Unless expressly provided to the contrary and subject to the regular notification procedures of the Committees on Appropriations, provisions of this Act and provisions contained in prior Acts making appropriations for foreign operations, export financing, and related programs shall not be construed to prohibit activities authorized by or conducted under the Inter-American Foundation Act or the African Development Foundation Act.]

AUTHORITIES FOR THE PEACE CORPS, THE INTER-AMERICAN FOUNDATION AND THE AFRICAN DEVELOPMENT FOUNDATION

SEC. 589. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act, or the African Development Foundation Act. The appropriate agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

REPORT ON CREDIT PROGRAMS

SEC. 590. The Comptroller General of the United States shall conduct a study of each credit program within the international affairs (Budget Function 150) account, calculating for loans, guarantees and insurance commitments for each such credit program: (1) the probability of repayment by each country of existing United States international loans and the probability of default by each country on existing United States international guarantees, (2) subsidy estimates for each country and each such credit program, and (3) risk assessments for each country within each such credit program for fiscal year 1994. The Secretaries of Treasury, State, Defense, and Agriculture, and the Administrator of the Agency for International Development, the Chairman of the Export-Import Bank, and the President of the Overseas Private Investment Corporation shall provide the necessary information to support these analyses. This study shall be transmitted to the Committees on Appropriations and the Committees on the Budget not later than March 15, 1993.

OTHER ASSISTANCE FOR EASTERN EUROPE

SEC. 591. Notwithstanding any other provision of law, a total of $500,000 of the Polish currencies which are held by the United States as of the date of the enactment of this Act which are derived from programs administered by the Commodity Credit Corporation, or pursuant to the Agricultural Trade Development and Assistance Act of 1954, section 416(b) of the Agricultural Act of 1949, or the Food for Progress Act of 1985, shall be made available for the Research Center on Jewish History and Culture of the Jagiellonian University of Krakow, Poland: Provided, That such currencies shall be made available notwithstanding 31 U.S.C. 1306 and section 567 of this Act: Provided further, That local currencies made available for the Jagiellonian University by this section shall be made available only to the extent that they do not diminish planned funding for the American Children's Hospital, Krakow, Poland.

AGRICULTURAL AID TO THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 592. Of the funds appropriated by this Act under the heading "Assistance for the New Independent States of the Former Soviet Union", $50,000,000 shall be made available only for provision of United States agricultural commodities to address the food and nutrition needs of the people of the new independent states of the former Soviet Union: Provided, That in providing assistance under this section, primary emphasis shall be given to meeting the food and nutrition needs of children and pregnant and post-partum women: Provided further, That funds made available for the purposes of this section through other United States Government programs involving the purchase of agricultural commodities may be used in lieu of an equal amount of funds earmarked under this section, except that such funds shall not exceed $20,000,000 of the funds made available under this section, such purchases shall not include any commodities which are acquired through price-support operations by the Commodity Credit Corporation, and such funds may be provided under the authorities of this section: Provided further, That the President may enter into agreements with the governments of the new independent states and nongovernmental organizations to provide for the sale of any part of the United States agricultural commodities in the new independent states for local currencies: Provided further, That any such local cur-

rencies shall be used in the new independent states to process, transport, store, distribute or otherwise enhance the effectiveness of the use of United States agricultural commodities provided under this section, and to support agricultural and rural development activities.

STATE DEPARTMENT RESEARCH AND TRAINING PROGRAM

SEC. 593. Of the funds appropriated by this Act under the headings "Assistance for Eastern Europe and the Baltic States" and "Assistance for Russia and Emerging Eurasian Democracies", not less than a total of $5,000,000 shall be made available for Russian, Eurasian, and Eastern European research and training under the Department of State's title VIII program on Russian, Eurasian, and Eastern European research and training, notwithstanding any other provision of law.

DEBT RESTRUCTURING

SEC. 594. (a) DEBT REDUCTION.—Part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following new chapter:

"CHAPTER 12—ENTERPRISE FOR THE AMERICAS INITIATIVE

"SEC. 499. REDUCTION OF CERTAIN DEBT.

"(a) AUTHORITY TO REDUCE DEBT.—(1) The President may reduce the amount owed to the United States (or any agency of the United States) that is outstanding as of January 1, 1992, as a result of concessional loans made to an eligible country by the United States under part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (or predecessor foreign economic assistance legislation).

"(2) The authorities of this section may be exercised only in such amounts or to such extent as is specifically provided in advance by appropriations Acts.

"(3) Any debt reduction pursuant to this section shall be accomplished at the direction of the Facility established pursuant to section 601 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in a manner consistent with sections 604 (b) and (c) of that Act.

"(b) ELIGIBILITY FOR DEBT REDUCTION.—(1) In addition to meeting the requirements of section 603(a) of that Act, to be eligible for debt reduction under this section a country must have a government that is democratically elected, not repeatedly providing support for acts of international terrorism, not failing to cooperate on international narcotics control matters, and not engaging in a consistent pattern of gross violations of internationally recognized human rights.

"(2) The President shall determine whether a country is eligible for debt reduction under this section.

"(c) REPAYMENT OF PRINCIPAL.—The principal amount of each new obligation issue pursuant to subsection (a) shall be repaid in United States dollars and deposited in the appropriate United States Government account.

"(d) INTEREST ON NEW OBLIGATIONS.—Interest on each new obligation issued pursuant to subsection (a) shall be paid consistent with section 606 of that Act: Provided, That—

"(1) in addition to those set forth in section 612(a) of that Act, activities eligible to receive assistance from a fund established consistent with section 608 of that Act shall include child survival and other child development activities;

"(2) in addition to those set forth in section 612(d) of that Act, entities eligible for grants from such a fund shall include nongovernmental child survival or child development organizations;

"(3) the administering body established consistent with section 607(c) of that Act shall include at least one representative from a nongovernmental organization with experience and expertise in child survival or child development; and

"(4) the Board established under section 610 of that Act shall include at least one representative from a nongovernmental organization with experience and expertise in child survival or child development.

"(e) ANNUAL REPORT.—The President shall prepare an annual report to Congress on the implementation of this section in conjunction with the report required under section 614 of that Act.".

(b) MULTILATERAL INVESTMENT FUND.—The Inter-American Development Bank Act (22 U.S.C. 283–283z-8) is amended by adding at the end the following:

"SEC. 37. (a) The Secretary of the Treasury is authorized to contribute, and to make payment of, $500,000,000 to the Multilateral Investment Fund established pursuant to the agreements of February 11, 1992: Provided, That such funds shall only be disbursed from the Fund to countries that have governments that are democratically elected, that do not harbor or sponsor international terrorists; that do not fail to cooperate in narcotics matters; and that do not engage in a consistent pattern of gross violations of internationally recognized human rights.

"(b) There is hereby authorized to be appropriated without fiscal year limitation $500,000,000 for the contribution authorized in subsection (a).".

CAPITAL PROJECT AND CASH PAYMENT ASSISTANCE

SEC. 595. (a) ALLOCATION OF FUNDS.—(1) Of the funds appropriated by this Act under the headings "Economic Support Fund", "Philippines Assistance", "Assistance for Eastern Europe and the Baltic States", and "Assistance for the New Independent States of the Former Soviet Union", an amount substantially equal to 10 percent of the aggregate amount appropriated under such headings shall be made available for developmentally-sound and sustainable capital projects and investment activities as defined in subsection (d).

(2) Funds made available under subsection (a)(1) for capital projects in excess of $25,000,000 shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) STUDY OF CASH PAYMENT ASSISTANCE.—

(1) SCOPE.—The Comptroller General of the United States shall conduct a study of cash payment assistance. Such study shall include the amounts of assistance provided under this Act as cash payment assistance, the purpose and recipients of cash payment assistance, the extent to which commodity or capital financing were explored in lieu of such cash assistance to achieve the purpose, an analysis of the purposes of cash payment assistance, accountability for and monitoring of how such assistance is used by recipients, the feasibility of separate accounting procedures for countries that use cash payments for the purchase of United States goods and services or the repayment of debt owed to the United States Government, and the degree to which recipients of cash payment assistance are required to and in fact use such assistance to purchase United States goods and services.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Congress a report setting forth the findings of the study conducted under paragraph (1).

(c) EXPORT-IMPORT BANK "WAR CHEST" AUTHORITY.—If the amounts appropriated or otherwise provided by this Act for purposes of section 15(e)(1) of the Export-Import Bank Act of 1945 are not totally used by the end of fiscal year 1993, then, at the close of such fiscal year the Chairman of the Export-Import Bank of the United States shall submit to the Congress a report stating—

(1) the reasons for the Bank's decision not to use these funds for those purposes; and

(2) the amount of sales or bids lost because of the Bank's decision not to use these funds.

(b) DEFINITIONS.—For purposes of this section—

(1) the term "capital projects and investment activities" may include projects and activities involving (1) the construction, expansion, operation, alteration of, or the acquisition of equipment for, a physical facility or physical infrastructure, including related technical assistance, training, engineering, and other services, (2) procurement of equipment, including related technical assistance, training, and other assistance to support sustained use of such equipment, (3) feasibility studies or similar engineering and economic services, and (4) facilitation of United States private investment in developmentally-sound and sustainable activities;

(2) the term "cash payment assistance" means foreign assistance made through cash payments.

LIMITATIONS ON ASSISTANCE FOR PERU

SEC. 596. (a) None of the funds appropriated by this Act under the heading "Foreign Military Financing Program" may be made available for Peru unless the President determines and so certifies to the Congress that constitutional democracy has been restored in Peru, characterized by, among other things—

(1) having held free and fair elections;

(2) a representative and functioning legislature;

(3) an independent and effective judiciary; and

(4) restoration of individual rights, including freedom of speech, assembly, and the press.

(b) In the event the President makes the determination and certification required by subsection (a), no Foreign Military Financing assistance shall be made available for Peru except through the regular notification procedures of the Committees on Appropriations, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives.

(c) In the event the President makes the determination under subsection (a), assistance may be made available for Peru notwithstanding the funding limitation on assistance for Peru under the heading "Economic Support Fund".

FUNDING FOR MULTILATERAL DEVELOPMENT BANKS

SEC. 597. Each of the amounts appropriated by this Act under the following headings shall be reduced by 8.3 percent: "Contribution to the International Bank for Reconstruction and Development" separately for the General Capital Increase and the contribution to the Global Environment Facility, "Contribution to the International Development Association", "Contribution to the International Finance Corporation", "Contribution to the Inter-American Development Bank" separately for the paid-in share portion of the increase in capital stock and the Fund for Special Operations, "Contribution to the Asian Development Bank", "Contribution to the Asian Development Fund", "Contribution to the African Development Fund".

PROJECT EDEN

SEC. 598. Of the funds appropriated under this Act for the Agency for International Development, not less than $2,000,000 shall be made available only for the establishment and administrative costs of the Middle East Environmental Defense Network (Project EDEN).

PROCUREMENT REQUIREMENTS

SEC. 599. (a) PROCUREMENT.—Section 604 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 604. PROCUREMENT.

"(a) STATEMENT OF POLICY.—It shall be the policy of the United States—

"(1) to give preference to the procurement of commodities and services from the United States in foreign assistance programs using funds authorized to be appropriated by this Act; and

"(2) to the extent that United States suppliers, contractors and goods are eligible for procurements financed by such donor or lender countries, to permit suppliers, contractors and goods of other donor or lender countries to compete for United States Government-financed procurements.

"(b) LIMITATIONS ON PROCUREMENT OUTSIDE THE UNITED STATES.—

"(1) IN GENERAL.—Funds made available for assistance under this Act may be used by the President for procurement only in the United States, the recipient country, or developing countries, except as provided otherwise in this subsection. For purposes of this section, the term "developing countries" shall not include advanced developing countries.

"(2) OTHER PROCUREMENT.—The provisions of paragraph (1) shall be applicable except where it is determined that—

"(A) the provision of such assistance requires commodities or services of a type that are not produced in and available for purchase in any country described in paragraph (1); or

"(B) procurement in such other country is essential—

"(i) to meet emergency situations; or

"(ii) to promote efficiency in the use of United States foreign assistance resources, including to avoid impairment of foreign assistance objectives, where such other country permits United States firms to compete for the procurement of similar commodities and services under its foreign assistance programs.

"(C) DELEGATION OF AUTHORITY.—With respect to determinations made by the agency primarily responsible for administering Part I (the 'agency'), the authority to make determinations under subparagraph (B) shall—

"(i) in the case of paragraph (2)(B)(i), not be delegated below the level of Mission Director, country representative or, with respect to determinations made in Washington, the responsible Assistant Administrator, as appropriate; and

"(ii) in the case of paragraph (2)(B)(ii) with respect to procurement transactions exceeding $100,000, not be delegated below the level of Assistant Administrator and, where such procurement is at or below that amount, below the level of Mission Director or country representative.

"(3) PROCUREMENT OF MOTOR VEHICLES.—

"(A) IN GENERAL.—None of the funds (including commodity import program assistance) made available to carry out this Act shall be used to finance the purchase, sale, long-term lease, exchange, or guaranty of a sale of motor vehicles unless such motor vehicles are manufactured in the United States.

"(B) EXCEPTION.—Subparagraph (A) shall not apply where a determination is made that—

"(i) motor vehicles cannot be manufactured in the United States to meet demands when time is of the essence;

"(ii) there is a projected lack of adequate spare parts and service facilities for United States manufactured vehicles, based on information provided by the Buy-America Advocate; or

"(iii) there are no United States manufacturers for export of the particular type of vehicle needed.

"(C) DETERMINATION.—With respect to determinations made by the agency under subparagraph (B), such determinations shall be in writing and, in the case of a determination to procure in excess of 10 vehicles per project or in excess of 5 vehicles for use by a field mission, shall be made at a level not lower than the Assistant Administrator of such agency.

"(4) PRICE LIMITATION.—No funds made available under this Act may be used for the purchase in bulk of any commodities at prices higher than the market price prevailing in the United States at the time of purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

"(5) AGRICULTURE COMMODITIES.—

"(A) IN GENERAL.—In providing for the procurement of any agricultural commodity or product available for disposition under the Agricultural Trade Development and Assistance Act of 1954 for transfer by grant under this Act to any recipient country in accordance with its requirements, the President shall, insofar as practicable and when in furtherance of the purposes of this Act, authorize the procurement of such agricultural commodity only within the United States except to the extent that such agricultural commodity is not available in the United States in sufficient quantities to supply emergency requirements of recipients under this Act.

"(B) LIMITATION.—No funds made available under this Act may be used for the procurement of any agricultural commodity or product thereof outside the United States when the domestic price of such commodity is less than parity, unless the commodity to be financed could not reasonably be produced in the United States in fulfillment of the objectives of a particular assistance program under which such commodity procurement is to be financed.

"(6) CONSTRUCTION AND ENGINEERING SERVICES.—Funds made available under this Act may be made available for the procurement of construction or engineering services from advanced developing countries eligible under the Geographic Code 941 which have attained a competitive capability in international markets for construction services only if such country—

"(A) is receiving direct economic assistance under chapter 1 of part I or chapter 4 of part II of this Act, and

"(B) has its own foreign assistance programs which finance the procurement of construction or engineering services and permits United States firms to compete for those services.

"(7) MARINE INSURANCE.—In providing assistance in the procurement of commodities in the United States, United States dollars shall be made available for marine insurance on such commodities where such insurance is placed on a competitive basis in accordance with normal trade practice prevailing prior to the outbreak of World War II. In the event a participating country, by statute, decree, rule, or regulation, discriminates against any marine insurance company authorized to do business in any State of the United States, then commodities which are purchased with funds provided under this Act and which are destined for such country shall be insured in the United States against marine risk with a company or companies authorized to do a marine insurance business in any State of the United States.

"(c) NON-PROJECT ASSISTANCE.—

"(1) COMMODITY IMPORT PROGRAMS.—None of the funds made available to carry out chapters 1 and 10 of part I and chapter 4 of part II of this Act may be used under any commodity import program to make any payment to a supplier unless the supplier has certified to the agency such information as such agency shall by regulation prescribe, including but not limited to, a description of the commodity supplied by the supplier, its condition, and its source and origin, and on the basis of such information such agency shall have approved such commodity as eligible and suitable for financing under this Act.

"(2) CERTAIN CASH TRANSFER PROGRAMS.—

"(A) RESTRICTIONS ON USE OF FUNDS.—Funds made available under cash transfers or similar programs pursuant to chapters 1 and 10 of part I and chapter 4 of part II of this Act shall not be used to finance directly or indirectly, commodity import transactions unless such transactions meet agency requirements for United States source, origin, and nationality.

"(B) EXCEPTION.—Subparagraph (A) shall not apply where the proposed use of such funds to directly or indirectly finance transactions from countries other than the United States is approved by the responsible Assistant Administrator or higher-level official of the agency.

"(d) ANNUAL REPORT.—The Administrator of the agency shall submit an annual procurement report to Congress which—

"(1) details procurement by the agency of United States commodities and services during the preceding reporting period;

"(2) compares Buy-America procurement for the same period of the preceding year;

"(3) contains data for all agency activities that reflect the percentages of commodities and services financed by the agency that are of United States source or origin;

"(4) analyzes mission or bureau programs to identify shortfalls in performance in meeting Buy-America requirements contained in law and regulations; and

"(5) identifies remedial action to overcome such shortfalls.".

(b) BUY-AMERICA ADVOCATE.—Part III of the Foreign Assistance Act of 1961 is amended by inserting after section 604 (as amended by this section) the following new section:

"SEC. 604A. BUY-AMERICA ADVOCATE.

"(a) DESIGNATION OF FUNCTIONS.—The Administrator of the agency primarily responsible for administering part I shall designate within the agency a Buy-America Advocate for the purpose of fostering the participation of United States business in the development process. The Buy-America Advocate shall be a senior career employee of the agency and shall have experience in commodity import transactions and private enterprise activities. The Advocate shall report directly to the Administrator with respect to the responsibilities described below.

"(b) RESPONSIBILITIES OF THE BUY-AMERICA ADVOCATE.—The Buy-America Advocate shall have such responsibilities and duties as the Administrator shall determine including, in conjunction with other agency offices as appropriate—

"(1) to have access to and the authority to review all documentation involving procurement activities of the agency;

"(2) to have full access to technical services and information involving procurement activities, particularly the procurement of commodities and the entering into of contracts, including all information provided under the Buy America Reporting System (BARS) or any successor system to BARS;

"(3) to review all programs involving cash transfers to determine whether a commodity import program would accomplish the same policy objectives as the cash transfer; any disagreement with a determination by the Buy-America Advocate that the same policy objectives can be accomplished by a commodity import program shall, as appropriate, be resolved by the Administrator;

"(4) to receive and review all waiver actions approved at the level of Assistant Administrator and, based on that review, to recommend to the Administrator, as appropriate, any actions which may be necessary to ensure that Buy America procurement opportunities are maximized;

"(5) to develop and support general outreach activities with the United States business community, including procedures whereby interested United States contractors and suppliers can be apprised of, and encouraged to participate in, prospective procurement actions under this Act;

"(6) to coordinate its efforts with agency officials who perform duties in the area of trade and investment promotion and information; and

"(7) to assist in the preparation of the report required in section 604(d).

"(c) SUPPORT.—The Administrator shall ensure that the Buy-America Advocate is assisted by qualified staff and receives such other support, including access to all procurement documentation of the Agency, as may be necessary to carry out the responsibilities specified in this section.".

(c) REPEALS.—Sections 496(n)(4) and 636(i) of the Foreign Assistance Act of 1961 are repealed.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 599A. (a) FINDINGS.—The Senate finds that—

(1) since 1948 the Arab countries have maintained a primary boycott against Israel, refusing to do business with Israel;

(2) since the early 1950s the Arab League has maintained a secondary and tertiary boycott against American and other companies that have commercial ties with Israel;

(3) the boycott seeks to coerce Amercian firms by blacklisting those that do business with Israel and harm America's competitiveness;

(4) the United States has a longstanding policy opposing the Arab League boycott and United States law prohibits American firms from providing information to Arab countries to demonstrate compliance with the boycott;

(5) with real progress being made in the Middle East peace process and the serious confidence-building measures taken by the State of Israel, an end to the Arab boycott of Israel and of American companies that have commercial ties with Israel is long overdue and would represent a significant confidence-building measure;

(6) the President has proposed the sale of 72 advanced F-15 aircraft to Saudi Arabia despite its refusal to renounce publicly the Arab boycott of American firms that do business with or invest in Israel; and

(7) in the interest of Middle East peace and free commerce, the President must take more concrete steps to press the Arab states to end their practice of blacklisting and boycotting American companies that have trade ties with Israel.

(b) POLICY.—It is the sense of the Senate that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel and

(2) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel; and

(C) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

MORATORIUM ON ANTIPERSONNEL LANDMINES

SEC. 599B. (a) FINDINGS.—The Congress makes the following findings:

(1) Anti-personnel landmines, which are specifically designed to maim and kill people, have been used indiscriminately in dramatically increasing numbers, primarily in insurgencies in poor developing countries. Noncombatant civilians, including tens of thousands of children, have been the primary victims.

(2) Unlike other military weapons, landmines often remain implanted and undiscovered after conflict has ended, causing untold suffering to civilian populations. In countries like Cambodia, Laos, Afghanistan, and Angola, tens of millions of unexploded landmines have rendered whole areas uninhabitable. In Afghanistan, an estimated four hundred thousand people have been maimed and an additional two hundred thousand people killed by landmines during the fourteen-year civil war. In Cambodia, an estimated twenty thousand civilians have lost limbs and another sixty are being maimed each month from landmines.

(3) Over thirty five countries are known to manufacture landmines, including the United States. However, the United States is not a major exporter of landmines. During the past ten years the Department of State has approved ten licenses for the commercial export of antipersonnel landmines valued at $980,000, and during the past five years the Department of Defense has approved the sale of thirteen thousand one hundred and fifty-six antipersonnel landmines valued at $841,145.

(4) The United States signed, but has not ratified, the 1981 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects. The Convention prohibits the indiscriminate use of landmines.

(5) When it signed the Convention, the United States stated: "We believe that the Convention represents a positive step forward in efforts to minimize injury or damage to the civilian population in time of armed conflict. Our signature of the Convention reflects the general willingness of the United States to adopt practical and reasonable provisions concerning the conduct of military operations, for the purpose of protecting noncombatants.".

(6) The Administration should submit the Convention to the Senate for ratification, and the President should actively negotiate under United Nations or other auspices an international agreement, or a modification of the Convention, to prohibit the sale, transfer or export of antipersonnel landmines. This would be an appropriate response to the end of the Cold War and the promotion of arms control agreements to reduce the indiscriminate killing and maiming of civilians.

(7) The United States should set an example for other countries in such negotiations, by implementing a one-year moratorium on the sale, transfer or export of antipersonnel landmines.

(b) POLICY.—(1) It shall be the policy of the United States to seek verifiable international agreements prohibiting the sale, transfer or export, further limiting the use, and eventually, the termination of production, possession or deployment of antipersonnel landmines.

(2) It is the sense of the Congress that, as a first step, the President should actively seek to negotiate under United Nations or other auspices an international agreement, or a modification of the Convention, to prohibit the sale, transfer or export of antipersonnel landmines.

(c) MORATORIUM.—For a period of one year beginning on the date of enactment of this Act, (1) no sale may be made or financed, no transfer may be made, and no license for export may be issued, under the Arms Export Control Act, with respect to any antipersonnel landmines; and (2) no assistance may be provided under the Foreign Assistance Act of 1961, with respect to the provision of any antipersonnel landmine.

[TITLE VI—ADDITIONAL PROVISIONS

PROHIBITION OF IMET FOR INDONESIA

SEC. 601. Funds appropriated by this Act may not be used for assistance under the heading "International Military Education and Training" for Indonesia.]

TITLE VI—LOAN GUARANTEES TO ISRAEL

LOAN GUARANTEES TO ISRAEL PROGRAM

SEC. 601. Title III of Chapter 2 of Part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 226. LOAN GUARANTEES TO ISRAEL PROGRAM.

"(a) IN GENERAL.—Subject to the terms and conditions of this section, during the period beginning October 1, 1992, and ending September 30, 1997, the President is authorized to issue guarantees against losses incurred in connection with loans to Israel made as a result of Israel's extraordinary humanitarian effort to resettle and absorb immigrants into Israel from the republics of the former Soviet Union, Ethiopia and other countries. In the event that less than the full amount authorized to be issued under subsection (b) of this section is issued in such period, the authority to issue the balance of such guarantees shall be available in the fiscal year ending on September 30, 1998.

"(b) FISCAL YEAR LEVELS.—The President is authorized to issue guarantees in furtherance of the purposes of this section. Subject to subsection (d), the total principal amount of guarantees which may be issued by the President under this section shall be up to $10,000,000,000 which may be issued as follows:

"(1) in fiscal year 1993, up to $2,000,000,000 may be issued on October 1, 1992 or thereafter;

"(2) subject to subsection (d), in fiscal years 1994 through 1997, up to $2,000,000,000 in each fiscal year may be issued on October 1 or thereafter.

"(3) If less than the full amount of guarantees authorized to be made available in a fiscal year pursuant to paragraphs (1) and (2) of this subsection is issued to Israel during that fiscal year, the authority to issue the balance of such guarantees shall extend to any subsequent fiscal year ending on or before September 30, 1998.

"(c) USE OF GUARANTEES.—Guarantees may be issued under this section only to support activities in the geographic areas which were subject to the administration of the Government of Israel before June 5, 1967.

"(d) LIMITATION ON GUARANTEE AMOUNT.—The amount of authorized but unissued guarantees that the President is authorized to issue as specified in subsection (b) shall be reduced by an amount equal to the amount extended or estimated to have been extended by the Government of Israel during the previous year for activities which the President determines are inconsistent with the objectives of this section or understandings reached between the United States Government and the Government of Israel regarding the implementation of the loan program. The President shall submit a report to Congress no later than September 30 of each fiscal year during the pendency of the program specifying the amount calculated under this subsection and that will be deducted from the amount of guarantees authorized to be issued in the next fiscal year.

"(e) FEES.—

"(1) Fees charged for the loan guarantee program under this section each year shall be an aggregate annual origination fee equal to the estimated subsidy cost of the guarantees issued under this section for that year, calculated by the Office of Management and Budget for the Federal Credit Reform Act of 1990. This shall also include an amount for the administrative expenses of the Agency for International Development in administering the program under this section. All such fees shall be paid by the Government of Israel to the Government of the United States. Funds made available for Israel under chapter 4 of Part II of the Foreign Assistance Act of 1961, as amended, may be utilized by the Government of Israel to pay such fees to the United States Government. No further appro-

priations of subsidy cost are needed for the loan guarantee authorized hereunder for fiscal years 1993 and the four succeeding fiscal years.

"(2) The origination fee shall be payable to the United States Government on a pro rata basis as each guarantee for each loan or increment is issued.

"(f) AUTHORITY TO SUSPEND.—Except as provided in subsections (l) and (m) of this section, the President shall determine the terms and conditions for issuing guarantees. If the President determines that these terms and conditions have been breached, the President may suspend or terminate the provision of all or part of the additional loan guarantees not yet issued under this section. Upon making such a determination to suspend or terminate the provision of loan guarantees, the President shall submit to the Speaker of the House of Representatives and the President Pro Tempore of the Senate his determination to do so, including the basis for such suspension or termination.

"(g) PROCEDURES FOR SUSPENSION OR TERMINATION.—Any suspension or termination pursuant to subsection (f) shall be in accordance with the following procedures:

"(1) Upon making a determination to suspend or terminate the provision of loan guarantees, the President shall submit to the Speaker of the House of Representatives and the President Pro Tempore of the Senate his determination to do so, including the basis for such suspension or termination.

"(2) Such a suspension or termination shall cease to be effective if Congress enacts, within 30 days of submission, a joint resolution authorizing the assistance notwithstanding the suspension.

"(3) Any such joint resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

"(4) For the purpose of expediting the consideration and enactment of joint resolutions under this subsection, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

"(5) In the event that the President suspends the provision of additional loan guarantees under subsection (f) and Congress does not enact a joint resolution pursuant to this subsection, the provision of additional loan guarantees under the program established by this section may be resumed only if the President determines and so reports to Congress that the reasons for the suspension have been resolved or that the resumption is otherwise in the national interest.

"(h) ECONOMIC CONTEXT.—The effective absorption of immigrants into Israel from the republics of the former Soviet Union and Ethiopia within the private sector requires large investment and economic restructuring to promote market efficiency and thereby contribute to productive employment and sustainable growth. Congress recognizes that the Government of Israel is developing an economic strategy designed to achieve these goals, and that the Government of Israel intends to adopt a comprehensive, multi-year economic strategy based on prudent macroeconomic policies and structural reforms. Congress also recognizes that these policies are being designed to reduce direct involvement of the government in the economic system and to promote private enterprise, important prerequisites for economic stability and sustainable growth.

"(i) CONSULTATIONS.—It is the sense of the Congress that, as agreed between the two Governments and in order to further the policies specified in subsection (h), Israel and the United States should continue to engage in consultations concerning economic and financial measures, including structural and other reforms, that Israel should undertake during the pendency of this program to enable its economy to absorb and resettle immigrants and to accommodate the increased debt burden that will result from loans guaranteed pursuant to this section. It is the sense of the Congress that these consultations on economic measures should address progress and plans in the areas of budget policies, privatization, trade liberalization, financial and capital markets, labor markets, competition policy, and deregulation.

"(j) GOODS AND SERVICES.—During the pendency of the loan program authorized under this section, it is anticipated that, in the context of the economic reforms undertaken pursuant to subsections (h) and (i) of this section, Israel's increased population due to its absorption of immigrants, and the liberalization by the Government of Israel of its trade policy with the United States, the amount of United States investment goods and services purchased for use in or with respect to the country of Israel will substantially increase.

"(k) REPORTS.—The President shall report to Congress by December 31 of each fiscal year until December 31, 1999, regarding the implementation of this section.

"(l) APPLICABILITY OF FOREIGN ASSISTANCE ACT AUTHORITIES.—Section 223 of the Foreign Assistance Act shall apply to guarantees issued under subsection (a) in the same manner as such section applies to guarantees issued under section 222, except that subsections (a), (e)(1), (g), and (j) of section 223 shall not apply to such guarantees and except that, to the extent section 223 is inconsistent with the Federal Credit Reform Act of 1990, that Act shall apply. Loans shall be guaranteed under this section without regard to sections 221, 222, and 238(c). Notwithstanding section 223(f), the interest rate for loans guaranteed under this section may include a reasonable fee to cover the costs and fees incurred by the borrower in connection with this program or financing under this section in the event the borrower elects not to finance such costs or fees out of loan principal. Guarantees once issued hereunder shall be unconditional and fully and freely transferable.

"(m) TERMS AND CONDITIONS.—

"(1) Each loan guarantee issued under this section shall guarantee 100 percent of the principal and interest payable on such loans.

"(2) The standard terms of any loan or increment guaranteed under this section shall be 30 years with semiannual payments of interest only over the first 10 years, and with semiannual payments of principal and interest on a level payment basis, over the last 20 years thereof, except that the guaranteed loan or any increments issued in a single transaction may include obligations having different maturities, interest rates, and payment terms if the aggregate scheduled debt service for all obligations issued in a single transaction equals the debt service for a single loan or increment of like amount having the standard terms described in this sentence. The guarantor shall not have the right to accelerate any guaranteed loan or increment or to pay any amounts in respect of the guarantees issued other than in accordance with the original payment terms of the loan. For purposes of determining the maximum principal amount of any loan or increment to be guaranteed under this section, the principal amount of each such loan or increment shall be—

"(A) in the case of any loan issued on a discount basis, the original issue price (excluding any transaction costs) thereof; or

"(B) in the case of any loan issue on an interest-bearing basis, the stated principal amount thereof.".

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1993".

PRIVILEGE OF THE FLOOR—H.R. 5368

Mr. LEAHY. Mr. President, I understand we are under my original unanimous-consent request. I add to it a unanimous-consent request on behalf of Senator CRANSTON that during the consideration of H.R. 5368, the foreign operations bill, Mick Anderson, Jennifer Cano, and Robyn Lieberman, be accorded the privilege of the floor.

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

Mr. LEAHY. Mr. President, 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. 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.

Mr. LEAHY. Mr. President, the bill before the Senate is H.R. 5368, the fiscal year 1993 Foreign Operations Export Financing and Related Programs Appropriations bill.

I want to thank Senator KASTEN, my distinguished colleague from Wisconsin, the ranking minority member, and his staff for their help in getting a very difficult bill to the Senate floor. There were many points when we wondered if we would make it. It became a "Perils of Pauline" type of legislation. BOB's expertise and cooperation were indispensable.

Before I discuss the highlights, I would like to point out four printing errors in the bill. I mention that for information of the Senators. In three places the text is printed in roman type when it should be italicized, indicating a Senate amendment. Those are: Page 16, line 21 through line 7, on page 17.

Starting with the colon on line 9, page 21, through the word "assistance" on line 15.

And starting with the word "by" on line 25, page 37 through the word "Treaty" on line 2, page 38.

The other printing error is on page 154. Section 576 should be in roman type instead of italic. This section was in the House-passed bill, and it is not a Senate amendment.

I note that we are not going to take time to reprint obviously, but I did want to note this, and I ask unanimous consent that the permanent record show those changes.

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

Mr. LEAHY. Mr. President, I understand it is properly enrolled.

Mr. President, I am going to state frankly that I am disappointed in parts of this bill. The bill I recommended to the Foreign Operations Subcommittee represented a much deeper cut in the

foreign aid than the bill now before the Senate. My subcommittee recommendation was $1.3 billion below the President's request. It was some $900 million below our budget authority allocation. It was more than $550 million below the current continuing resolution for fiscal 1992. With these huge Federal deficits our Nation is facing, my intention was to make a large cut in foreign aid.

But the bill as recommended by the subcommittee was significantly changed in the full committee. And $540 million in cuts, all grant military aid, was restored. Other cuts offset this add somewhat.

Foreign aid is still cut by about $800 million from the President's request. The President said a few months ago he wanted—could we have order, Mr. President?

The PRESIDING OFFICER. The Senate is not in order. The Senate will be in order.

Mr. LEAHY. I thank the Chair.

Mr. President, the President of the United States said a number of times that he hoped that appropriations bills would show restraint in cuts to help with the deficit. I happen to agree with him.

I know the distinguished chairman of the full committee, Senator BYRD, has worked very, very hard to keep spending under control in all the various appropriations bills, and we have been bringing out appropriations bills that are less than the President's request.

Foreign aid is still cut by about $800 million from the President's request. But it is about $500 million less than I recommended. That was the will of the majority of the committee. They preferred to restore a large part of my recommended cut. I did not have the votes to maintain my full foreign aid cut.

The majority of the committee wanted to spend more money on foreign aid. I happened to disagree. We should spend less not more. We are in a democratic society. And the majority of members of the committee voted to increase spending in foreign aid above what I had recommended.

So, Mr. President, the H.R. 5368 is now at $14.234 billion in discretionary budget authority. It is a cut of almost $800 million from the President's request of nearly $15.1 billion. It is $467 million above our budget authority allocation. It is some $300 million below current spending in the year-long continuing resolution.

So I want to emphasize to the Senate that even after the $540 million in foreign aid that the full committee added for military aid, this bill still cuts foreign aid; not as sharp as I think it should but subtantially nonetheless.

The bill also provides $11 million in new military aid for El Salvador, on top of about $30 million in military aid still in the pipeline. So the Salvadoran generals will get up to $41 million of the American taxpayers' money, nearly a year after the war down there has ended. But this additional military aid may only be used for nonlethal equipment.

So at least there is that very important limitation. And the demobilization and transition to peace fund which is the result of a provision I drafted in the fiscal 1991 foreign ops bill will receive another $29 million. The demobilization fund is a critically important program to provide incentives to excombatants on both sides to lay down their weapons and reintegrate into their civilian life.

Before I turn to Senator KASTEN for his comments, I want to mention a few points of special interest to members.

While the bill is $467 million discretionary budget authority below our 602(b) allocation, it is exactly as our outlay allocation. Any amendment without an offset for any required outlays will be subject to a Budget Act point of order.

I want to say that I cannot support any adds to this bill. I firmly believe that foreign aid has to tale a cut to contribute to reducing the deficit. Senators should not expect me to support any amendments to decrease foreign aid above the level in this bill.

At the same time that we are cutting foreign aid we are attempting to refocus it to be more responsive to the dramatic changes in the world.

Mr. President, the disintegration of the Soviet Union has given us an opportunity to start addressing some of our most pressing needs, like building markets for United States exports, or supporting global environmental programs, or curbing the population explosion, or helping refugees in Africa, the former Yugoslavia, and Eastern Europe, or stopping the spread of AIDS.

I received letters from many Senators, both sides of this aisle, asking me to increase these programs. Not many wrote asking me to increase military aid above the House level. Reluctantly, Senator KASTEN and I also had to cut our contributions to the multilateral development banks across the board to make a partial contribution to President Bush's enterprise for America's debt restructuring program.

We provided $100 million to the multilateral investment fund, and $100 million for the debt restructuring program. Secretary Brady told us this was a top priority of the administration, and Treasury staff said EAI is so important that, if necessary, we should cut necessary contributions to the multilateral development banks. The full committee added the $12.3 billion quota increase for the IMF that the administration requested. The administration considers the IMF quota increase vital to its aid program for Russia.

The bill also contains a legislative provision establishing a special 10-year loan guarantee program to assist Israel, absorbing an anticipate 1 million immigrants from the former Soviet Union and Ethiopia.

This legislation, which tracks the outlines of the Leahy-Kasten compromise proposal which I put into the CONGRESSIONAL RECORD on March 18, reflects the agreement between the administration and the Government of Israel. It has been carefully reviewed by all concerns. I hope there will be no controversy about this issue. It is time to get it resolved, to get it behind us.

I want to emphasize to Members that the loan guarantee provision requires Israel to pay fees equal to the subsidy cost of the loan guarantees. This is protection of all U.S. taxpayers. But I also note that Israel itself is fully supporting this. There is no appropriations bill for any subsidy costs associated with this program, or a cost to the American taxpayers.

Originally, the administration agreed to cap Israel's share of the subsidy cost at 3.5 percent, with the American taxpayer picking up anything above that rate. Senator KASTEN, myself, and many others in the Senate and the House, strongly disagreed with this arrangement. In fact, I said so both to President Bush and Prime Minister Rabin.

After considerable negotiations over the August recess, all parties agreed to the position contained in the Leahy-Kasten compromise proposal of last March; that is, that Israel will pay the full cost of the guarantees through fees paid to the U.S. Treasury. The Leahy dollar-for-dollar offset is part of this provision as well.

The amount the Government of Israel spends on settlements in the occupied territories will be deducted from the amount of guarantees made available to them. Also, for the first time in law, this provision prohibits the use of any United States assistance outside Israel's borders, since June 5, 1967. That is also a provision from the Leahy-Kasten compromise proposal.

I might quickly highlight a few points of this bill.

We reduce ESF by $213 million from the House level, nearly $600 million from the President's request. We have increased development assistance by $158 million above last year. We have earmarked $650 million for all bilateral economic accounts for international and environmental programs.

We increased the House special disaster fund for sub-Saharan Africa to $100 million. We specify that at least $25 million is for Somalia. We increase subsidies for Eximbank, export financing programs, by $153 million above last year, now to $757 million.

We increase the population program to $350 million, a $20 million increase over the House. We provided $417 million for the former Soviet Republics; $400 million for Eastern Europe, for the

Baltics. The level for the former Soviet Republics is equivalent to the President's request, $450 million, because of a $33 million adjustment with Senator HOLLING's subcommittee to cover USIA programs in the former Soviet Union.

We earmarked $25 million for refugees in Bosnia, Croatia, and Slovenia to assist them through the winter; $275 million for child survival, increasing it $25 million above last year; $65 million for international AIDS programs. We also recommended legislation to strengthen Buy-America requirements in the foreign aid program. AID has found many loopholes to evade buy-American requirements. We have tried to plug some of those loopholes. Foreign aid can do more to help the U.S. economy, and it should.

We have done a number of things in this bill to make sure that it does. We have very little time to get this bill done. We have to get to conference with the House as quickly as possible.

I urge all Senators to show maximum restraint on the amendments and allow this bill to get to conference immediately. If we can finish in an hour or so, we can be on our way.

I yield the floor.

Mr. KASTEN. Mr. President, I would like to take a few moments to comment on this legislation, but before I do, I would like to express my thanks to the senior Senator from Vermont for his cooperation throughout committee consideration of this legislation. He has been fair to me and to all members of the committee. I commend him for his leadership.

As the chairman has said, the budget situation this year is extremely tight, and domestic considerations must take priority over foreign assistance. While we have received numerous pleas from other members, outside groups and the administration to increase amounts in this legislation, that budget situation and domestic concerns demand that we hold the line on foreign assistance.

This is not our first reduction, however. This recommendation for approximately $14 billion in foreign assistance appropriations represents a reduction of almost $7 billion, more than 25 percent—over the last 7 or 8 years.

I am pleased that we have been able to reach a successful conclusion to the long dispute over loan guarantees for refugee absorption in Israel. This legislation includes virtually the same positions that Senator INOUYE and I introduced last year, which was cosponsored by 72 other Members of the Senate, and those of the compromise Senator LEAHY and I reached earlier this year with the administration.

We are at long last able to consider the loan guarantees in their proper light; they are a humane and necessary response to a grave humanitarian threat.

It has been the established United States policy of more than two decades to encourage the free emigration of Jews from the Soviet Union. This loan guarantee proposal is a further step in the implementation of that policy, a policy initiated by the late Senator "Scoop" Jackson of Washington.

This policy has not become less important in the period after the collapse of communism. There are serious warning signs of a rise in anti-Semitism in the former Soviet Union. Our humanitarian loan guarantees would help confront this threat at zero cost to the taxpayers.

According to some estimates, the population of Israel will rise by 25 percent over the next 3 to 4 years. The Israelis will need a lot of help to accommodate that influx.

Mr. President, it is important to understand that these guarantees are not U.S. grants. Under the proposal included in this bill, the U.S. taxpayer will not spend a single dollar to subsidize this program.

Notwithstanding our budgetary problems, we have been able to include a number of other important provisions, including one which provides $50 million to purchase and make available American made foods traditionally used in mother, baby, and child nutrition programs. Dairy products are essential to the health of the most vulnerable citizens of the Soviet Union—the elderly, infants, and children. In recent months, milk production has increased. The counterseasonal decline in the August Minnesota-Wisconsin price, down 5 cents, is also an indicator that additional steps are needed to stimulate demand. My State of Wisconsin is the major dairy producing State in this country. Dairy farmers in Wisconsin and across the Nation are struggling to make a living these days; times are hard. By reducing the government surplus, we will promote higher prices for American farmers. This humanitarian program is an ideal opportunity to help farmers abroad, and help American family farmers as well.

Time is obviously very short as we look toward adjournment of this Congress. Once again, I want to express my appreciation to the senior Senator from Vermont, and also to the chairman and ranking Member of the full committee, Senators BYRD and HATFIELD, who have been most cooperative throughout this process.

I hope that the Senate can consider this matter in a timely fashion so that we can conference the bill before having to adjourn sine die.

As the chairman has said, the budget situation this year is extremely tight, and domestic considerations must take priority over foreign assistance.

While we have received numerous pleas from other Members, outside groups, and the administration to increase the amount in this legislation, the budget situation and domestic concerns demand that we hold the line on foreign assistance, and this legislation does that.

I am pleased that we have been able to reach a successful conclusion to a long and difficult dispute at times over the loan guarantees for refugee absorption in Israel.

The legislation includes virtually the same positions Senator INOUYE and I introduced last year which was cosponsored by 72 other Members of the Senate and those are the compromises that Senator LEAHY, the chairman of the committee, and I reached earlier this year with the administration.

I hope that the Senate can consider this matter in a timely fashion, so that we can conference the bill before having to adjourn sine die. There are a number of amendments which I believe can be agreed to and only a few amendments that will require a record vote, and I am hopeful that we can proceed with dispatch.

The PRESIDING OFFICER (Mr. KERREY). The Senator form Vermont.

Mr. LEAHY. Mr. President, in some ways what we see on the floor now is the tip of the iceberg. The part below the water line is what Senator KASTEN and I have been doing over many months working with our colleagues, with each other, our staffers, and other Members both in the Senate and in the House to get this bill where it is.

I just want to understand, Mr. President, under the unanimous-consent request am I correct in understanding that the committee amendments have been accepted?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. So the bill is now open to amendment.

The PRESIDING OFFICER. The bill is open to amendment.

AMENDMENT NO. 3323

Mr. LEAHY. Mr. President, on behalf of myself, and Senators KASTEN, HOLLINGS, DODD, BYRD, SASSER, COATS, METZENBAUM, D'AMATO, and COHEN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. KASTEN, Mr. HOLLINGS, Mr. DODD, Mr. BYRD, Mr. SASSER, Mr. COATS, Mr. METZENBAUM, Mr. D'AMATO, Mr. COHEN, and Mr. MITCHELL, proposes an amendment numbered 3323.

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

The PRESIDING OFFICER. Without objection, it so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

IMPACT ON EMPLOYMENT IN THE UNITED STATES

SEC. . (a) None of the funds appropriated by this Act may be obligated or expended for any financial incentive to a business enterprise currently located in the United States

for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees in the United States because United States production is being replaced by such enterprise outside the United States.

(b) None of the funds appropriated by this Act may be obligated or expended for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone in that country.

Mr. LEAHY. Mr. President, I am sure many members saw the television program "60 Minutes" the other night on the issue of the export of U.S. jobs abroad. I did, and it was very upsetting. The amendment we are offering to this bill deals with the problem raised by this program.

The program charged that our foreign aid program is, in some cases, subsidizing the relocation of U.S. manufacturing firms abroad, especially to Central America. The program alleged that foreign aid dollars are knowingly used, at least by some foreign aid officials—remember these are U.S. taxpayer dollars—to induce or otherwise persuade American manufacturers to shut down or reduce their U.S. operations, to take that money, and move overseas where labor costs are cheaper, throwing American taxpayers out of work, American taxpayers, incidentally who came up with the money to pay for the program in the first place.

Basically, it charged that some AID officials knowingly fund organizations or programs which seek to persuade U.S. businesses to export American jobs abroad, and do this at a time of high unemployment and when the country is in the middle of a major recession.

The Agency for International Development vehemently insists that it does not knowingly induce or provide incentives to U.S. firms to reduce or close their U.S. operations and relocate abroad. AID also emphatically insists that it in no way cooperates with union blacklisting. Unfortunately for AID, "60 Minutes" taped a couple of AID employees actually engaged in such practices in El Salvador, incidentally a country that receives more foreign aid from the United States per capita than any country outside of the Middle East.

What I saw was outrageous and must be immediately stopped.

In fairness to AID, Mr. President, I ask unanimous consent that a fact sheet prepared by AID on the "60 Minutes" allegations be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. LEAHY. Mr. President, I am deeply concerned about how our foreign aid dollars are being used to help U.S. foreign investment. Some time ago, I and others called for a GAO review of precisely the kinds of concerns about the export of American jobs identified in the "60 Minutes" program. The GAO audit of foreign aid programs will be very helpful in identifying any additional problems in this area.

Mr. President, I ask unanimous consent that a letter to the Comptroller General from myself and others be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. LEAHY. Mr. President, foreign investment is good for the U.S. economy. It means growing economies abroad, and that means more U.S. exports and more American jobs. Each billion dollars in exports means approximately 20,000 American jobs. Every administration, Republican and Democratic, as well as Congress in the postwar era has strongly supported U.S. foreign investment. In the last decade, there has been great interest in Congress in making much greater use of the foreign aid program to promote U.S. foreign investment and U.S. exports.

That, I think, is what AID investment and export promotion programs are designed and intended to do. It is certainly Congress' intent in funding such programs. However, it seems that in some cases, overzealous AID officials have gotten carried away and have crossed the line between promoting new American foreign investment on the one hand, and persuading U.S. firms to relocate abroad on the other.

Whether it is only a few overzealous employees, or whether it is complacency in AID management, it must be made absolutely clear that it is unacceptable that the American taxpayers' dollars to be used by one of our Government agencies to bring about the firing of Americans so we can hire more people in other countries.

So that there can be no possible misunderstanding about the proper use of foreign aid to promote U.S. investment, Senator KASTEN, Senator HOLLINGS, myself and others are offering this amendment which prohibits any funds provided by this act from being used to provide any incentives to or in any way to induce U.S. businesses to relocate abroad if such relocation will reduce U.S. jobs. AID will be flatly banned from using any foreign aid funds to promote foreign investment by U.S. firms if such investment would result in the relocation of the U.S. operation abroad with a loss of American jobs.

Mr. President, I urge the adoption of the amendment.

EXHIBIT 1

FACTSHEET ON ALLEGATIONS

Erroneous allegations have been made that support by the U.S. Agency for International Development (A.I.D.) for expanded trade and investment in Latin America, specifically El Salvador and Honduras, results in the loss of American jobs in the United States. The allegations claim that (1) A.I.D. is subsidizing U.S. companies—particularly apparel firms—to entice them to move jobs offshore; (2) A.I.D.'s financing of free zone development, vocational training, and investment promotion organizations in Central America is contributing directly to this phenomenon and (3) foreign workers hired in these free zones are exploited with A.I.D.'s knowledge and acquiescence.

The real story about U.S. foreign assistance to Latin America and the Caribbean is that it is stimulating economic growth and improving the trade and investment climate in Latin America, leading to dramatic U.S. export growth and the creation of new U.S. jobs.

Since 1986, American exports to Latin America and the Caribbean have more than doubled to an estimated $80 billion this year. This export growth has resulted in more than a million new U.S. jobs being created.

With regard to the apparel industry, U.S. apparel firms are in fact better positioned to be competitive in the world market today than 10 years ago. U.S. apparel exports to Latin America have more than tripled in the last five years. The growth has been particularly dramatic to El Salvador and Honduras, where apparel exports have grown tenfold since 1987, from $29 million in 1987 to an estimated $305 million this year. Clearly, this growth in exports to the region is creating new jobs in the United States.

The following are facts in response to some of the more serious and erroneous claims recently made.

Allegation: U.S. taxpayer dollars are being used to convince U.S. businesses to move overseas and lay off American workers.

Fact: No U.S. taxpayers dollars are being used as an incentive for American companies to shut down their U.S. operations, move to Latin America and lay off American workers. As U.S. businesses look for ways to survive in a globally competitive marketplace, some look overseas to lower a portion of their production costs in order to keep their U.S. business operating and competitive. Coproduction, a corporate survival tool in an increasingly competitive global market, is not new nor is it a result of U.S. foreign assistance programs.

In actuality, U.S. taxpayer-supported foreign assistance expands U.S. business opportunities and U.S. exports, increasing employment at home and abroad. U.S. foreign assistance supports policy reform to strengthen market-based economic growth and improve the climate for trade and investment in Latin America. As economies in Latin America grow, these countries' purchasing power increases resulting in more U.S. exports. Latin America spends 60 cents of every trade dollar in the U.S. as compared to Asia which spends only 10 cents.

Since 1986, U.S. exports to Latin America and the Caribbean, including El Salvador and Honduras, have increased so dramatically that more than a million new American jobs will have been created by the end of 1992 because of that growth in exports. Latin America is the United States' fastest growing market, estimated to exceed $80 billion this year. The U.S. foreign assistance program in Central America, of which support for organization like FUSADES is a part, has helped produce a very significant net increase in American jobs.

Allegation: The apparel industry has lost 500,000 jobs in the United States over the

past 10 years and nearly 200,000 of those jobs were lost to Caribbean Basin countries. U.S. tax dollars are financing this job loss.

Fact: Job creation in Latin America is not at the expense of American jobs. There is not a finite number of jobs in a growing global economy. One job gained in one country does not mean a loss of a job in another country. To the contrary, renewed economic growth in Latin America means expanding markets for U.S. exports and job creation in the United States.

A primary purpose of U.S. foreign assistant to Latin America is to strengthen market-based economic growth and improve the climate for trade and investment. As economies in Latin America grow, these countries' purchasing power increases, resulting in more U.S. exports. Latin America spends 60 cents of every trade dollar in the U.S. as compared to Asia which spends only 10 cents. This demand for U.S. exports creates U.S. jobs at home. Every $1 billion of exports maintains 20,000 jobs.

The U.S. apparel industry, in fact, has benefitted from co-production arrangements with Caribbean Basin countries, by enabling U.S. firms to better compete with foreign competition at home and abroad. A number of U.S. apparel firms credit their co-production arrangements with Caribbean Basin countries with their survival in the global market. In the last five years, as U.S. firms have become more competitive, apparel imports from Taiwan, Korea and Hong Kong have declined by 25%.

While Caribbean Basin countries' apparel exports to the United States have risen, 80% of these imports contain U.S. materials. In fact, U.S. apparel exports (including unfinished materials) to countries like El Salvador and Honduras have risen 58% and 39% annually for the last five years respectively. So far this year, U.S. apparel exports to El Salvador are up an astounding 225% and to Honduras 113%.

Allegation: FUSADES is a foreign business lobby supported by A.I.D.

Fact: FUSADES is not a foreign business lobby. FUSADES was established by private Salvadoran citizens who wanted to make a contribution to overcoming the tremendous economic, social, and political turmoil in El Salvador in the 1980's. FUSADES promotes social and economic development in a democratic society and a free enterprise system. Originally founded as a "think tank", it is now a multi-faceted organization which is also involved in agricultural diversification, small business and microenterprise support, community development, and postwar reconstruction. The promotion activities in question represent only 6% of FUSADES programs. FUSADES activities do not impact negatively on the U.S.; on the contrary, they create considerable opportunities for U.S. business and workers. Supporting local efforts to get El Salvador on solid footing supports export-oriented jobs in the U.S. FUSADES is becoming financially self-sufficient, and A.I.D. support is scheduled to end in 1994.

Allegation: In an internal A.I.D. document, A.I.D. directed FUSADES to "target U.S. firms" and convince them to move to El Salvador.

Fact: It is not the policy of the Agency for International Development to encourage U.S. business to shut down and move overseas. In order for a company to make such a critical decision as to expand its operation overseas, it must first consider the enormous cost, complexity and risk involved in such a move. If a company is contemplating expanding overseas, then FUSADES will provide information on the merits of El Salvador versus another location.

The specific citation, "target U.S. firms," was made in the context of contacting U.S. firms which were already considering expanding operations overseas in order to remain competitive. By choosing a location in this Hemisphere, these U.S. firms would have a larger positive impact on the U.S. economy because of greater sourcing of U.S. inputs and stronger commercial linkages.

Allegation: Through FUSADES and other programs in Central America, A.I.D. is providing loans and direct financing to U.S. companies to train workers in their factories in Central America.

Fact: No A.I.D. training programs are set up for any individual company (U.S. or otherwise) in El Salvador. A.I.D. finances vocational and technical training for the poor in El Salvador and elsewhere. Improvement of the human resource base in Central America is central to economic development and in moving to a partnership based on trade not aid.

Allegation: A.I.D. paid for and endorsed the FUSADES "Rosa Martinez" ad, thereby supporting the exploitation of cheap labor.

Fact: Untrue. Both A.I.D. and FUSADES publicly disavowed this ad. The ad was canceled and FUSADES no longer has a contract with the firm that produced it. In a public letter to the magazine in which the ad appeared, FUSADES states that it "does not encourage or support any economic activity that will exploit or demean Salvadoran workers, nor is it our intent to support investment or trade to El Salvador that seeks to export American jobs."

While A.I.D. provides financial support to FUSADES, A.I.D. did not provide funds specifically for this ad nor did A.I.D. review or approve this ad. A.I.D. does not endorse, in any way, campaigns to promote the exploitation of labor.

Allegation: The apparel manufacturing plant that closed in Decatursville, Tennessee moved its operation to El Salvador to make the identical clothing.

Fact: Untrue. The plant that closed in Decatursville, Tennessee was owned by a company that went bankrupt. The plant in El Salvador is owned by a 40 year old U.S. company that does not make the identical items as the Decatursville plant. In fact, this company has increased its U.S. employment 20% since expanding to Central America in 1984.

Allegation: A.I.D. encouraged the "60 Minutes" fictitious company, New Age Textiles, to lay off American workers in Miami to open up a production facility in Honduras or El Salvador.

Fact: False. A.I.D. did not nor would it ever encourage a U.S. firm to lay off American workers. In fact, New Age Textiles portrayed themselves as a company with no factory and only a contract production arrangement in Miami. They claimed they had just received a very large order that their contractor in Miami could not fill so they were exploring options for additional production.

Allegation: A.I.D. provides direct financing—including Section 936—to U.S. firms to facilitate the opening of production facilities in Caribbean Basin countries.

Fact: A.I.D. programs do not provide direct financing or preferential access to financing directed to any specific company.

Section 936 of the Internal Revenue Code was established in 1976 by the U.S. Congress as a mechanism to encourage economic development in Puerto Rico. Section 936 exempts U.S. companies from tax on income generated in Puerto Rico as long as the income remains in Puerto Rico. Through the Tax Reform Act of 1986, Congress preserved this exemption when the funds were invested either in Puerto Rico or in a Caribbean Basin country which had entered into a tax information agreement with the United States.

Section 936 funds are available for investment in Puerto Rico or in an eligible Caribbean Basin country at attractive interest rates because they are tax exempt. However, any borrower submitting application to a Puerto Rico bank for financing must meet the same requirements that any other lending organization in the United States would impose, including conforming to U.S. Treasury regulations.

Allegation: A.I.D. supports export processing zones in which companies engage in a practice called "blacklisting" to ensure that pro-union workers are denied employment.

FACT: The United States Government does not support "blacklisting" or any other violation of internationally recognized workers' rights. In fact, the United States Government encourages any aggrieved party to petition the Office of the United States Trade Representative for the removal of trade benefits (preferential access) from any country believed to be engaged in violations of internationally recognized workers' rights.

A.I.D. has actively supported respect for workers' rights through a thirty year relationship and substantial program with the AFL-CIO's Latin American institute, the American Institute for Free Labor Development (AIFLD). Democratic labor unions have been strengthened and more than 650,000 individuals have been trained through A.I.D.-supported AIFLD programs in collective bargaining, arbitration, negotiation, and union organization and management. In fact, more than 20,000 Salvadorans have received such training in the past two years.

In no way does A.I.D. support the exploitation of labor or the denial of internationally recognized workers' rights. A.I.D. support to both business development and the democratic labor movement in Latin America are important to the achievement of strong economies and stable democracies.

Allegation: In Honduras, FIDE and local employers stated that unions were being kept out of the free zones by use of a blacklist.

Fact: We have no knowledge of the existence of a blacklist. Honduras is a highly unionized country. In the export processing zones, wages and benefits exceed those in other areas. Labor is not being exploited in the EPZs. The EPZ workers make on average higher wages than workers outside the zones. They also have access to health clinics, day care, and worker recreational facilities.

U.S. TRADE AND EMPLOYMENT GROWTH AS A RESULT OF AN IMPROVED TRADE AND INVESTMENT CLIMATE IN LATIN AMERICA AND THE CARIBBEAN

U.S. EXPORT GROWTH TO LATIN AMERICA AND THE CARIBBEAN

The Latin American and the Caribbean region is the United States' fastest growing market in the world. Since 1986, U.S. exports to the region have averaged an annual rate of growth of 17%. U.S. exports to the region are projected to rise 26% this year, up some $17 billion to $80 billion—that's compared to a 5% increase world-wide.

Because of this strong export growth, the United States registered a trade surplus of $2.5 million with the region in 1991—the first surplus in 10 years. This year, the surplus is projected to rise to $15 billion.

Manufactured goods—which are U.S. job intensive—represent more than 80% of the exports to the region and are leading this export growth—up 30% so far this year. For example, U.S. exports of cars and trucks are up 90%; U.S. auto parts are up 38%; electrical machinery exports are up 29%; telecommunications equipment up 28%; industrial machinery up 24%; furniture up 23%; the list goes on and on.

The U.S. market share of industrialized-country exports to Latin America and the Caribbean has gained relative to that of Japan and Europe, rising from 50 percent in 1986 to 58 percent in 1991.

EXPORT GROWTH GENERATES NEW JOBS

It is estimated that each $1 billion in U.S. exports supports 20,000 U.S. jobs. The expected $80 billion in U.S. exports to the region this year will support more than 1,500,000 U.S. jobs. More than one-half of those jobs have been created since 1986.

WIDESPREAD BENEFITS TO THE U.S. STATES

The great majority of states have benefitted from recent growth in exports to Latin America and the Caribbean. Forty-three states and the District of Columbia expanded exports to the region as a whole during 1987–90. Texas, with $17 billion in shipments, led all states in exports to Latin America and the Caribbean in 1990. Other leading exporters to these countries in 1990 were: Florida ($7.7 billion), California ($5.8 billion), Louisiana ($2.8 billion), New York ($2.4 billion), Michigan ($1.8 billion), Illinois ($1.5 billion), Pennsylvania ($1.2 billion), and Georgia ($1.2 billion).

Significant trading relationships are emerging between individual U.S. states and Latin American partners. For example, in the midwest, Michigan's exports to Guatemala grew 94% and to Dominican Republic and Jamaica by 78% from 1987 to 1990. Neighboring Ohio's trade with Chile grew by 158%, to Honduras and Dominican Republic by 200%, and to Bolivia by 172% during the same period.

EXAMPLES OF U.S. BUSINESSES BENEFITTING FROM AN IMPROVING TRADE AND INVESTMENT CLIMATE IN LATIN AMERICA AND THE CARIBBEAN

Chicago-based Navistar International Transportation Corporation recently signed an agreement to supply DINA Camiones of Mexico, a major Mexican truck manufacturer, with diesel engines. The agreement could add 3,000-5,000 engines annually to the production schedule at Navistar's Melrose Park, Illinois, engine plant. Navistar believes that its Mexican contract will further solidify 800 jobs at its Melrose Park engine plant.

Last May, Mississippi's Litton/Ingalls shipbuilders won a $214 million Venezuelan contract to refurbish two Venezuelan missile frigates. Litton/Ingalls estimates that contract will create 700 U.S. jobs. Allowing foreign bids on that job was a major step for Venezuela, part of broader reforms to open the economy to foreign trade and investment.

A Birmingham, Alabama company, American Ductile Iron Pipe, went from no business in Latin America to $30 million in sales in a little over a year. This, and the promise of growing exports to the region, prevented the company from laying off U.S. workers during the economic slowdown.

Falcon Products, a St. Louis furniture company, opened a joint production factory in Mexico in 1974 to complement its St. Louis plant. That factory was integral to Falcon's expansion from 60 U.S. employees then to 600 today, in Missouri, Tennessee, Arkansas, New York and Illinois. It has enabled Falcon to make sales in North America, Europe and Asia.

New York-based Val D'Or opened up factories in Guatemala and El Salvador in 1989 and 1991 to make new products for clients that had, to that point, been sourcing from Asia. As a result of the Salvadoran operation, Val D'Or has opened a new office in Miami and has created at least 25 new U.S. jobs.

In the two years since Operation Just Cause, U.S. exports to Panama have skyrocketed: Mack Trucks, up 300 percent; Apple Computer, up 80 percent (to $1.8 million); Caterpillar Tractor, up 40 percent; and M/Mars, up 20 percent.

Economic growth and lower tariffs helped U.S. exports to Bolivia jump 37 percent (to $190 million) in 1991. Minnesota cellular telephone company Millicom now services Bolivia's 3 largest cities.

Blue Diamond Growers is an 80-year-old marketing and processing company representing 4,500 California almond growers. Blue Diamond bulk sales of almonds to Mexico have increased from 311,000 pounds in FY 1986/87 to 3 million pounds in FY 1990/91.

The Venezuelan Government recently removed product restrictions and reduced import barriers and duties for assembled vehicles. Ford Venezuela can now import complete vehicles for niche markets which were too small to justify local assembly of specialized vehicles. In 1991, Ford Venezuela began importing Lincoln and Mercury cars, trucks and vans. This new export trade from the U.S. to Venezuela is worth about $25 million.

3M operates in 17 Latin American Countries and has plants in 13 of them. One in six 3M jobs in the United States exists because of 3M's overseas operations, including those in Latin America.

Texas-based Age Industries, Inc. is a small manufacturer of industrial products. Its total sales for its El Paso plant in 1991 were $4 million. In 1989, Age industries built a new plant in El Paso to manufacture corrugated boxes, 80 percent of which are exported to Mexico. Age Industries' sales to Mexico have increased by 42 percent over the last three years. In order to keep pace with Mexican demand, the company has hired 30 new employees, increasing its workforce by 40 percent.

As a result of Uruguay's improving business climate, General Electric sold two 125 megawatt gas turbine generators to the national electric utility for $25 million, and will sell 10 locomotives to Uruguay's state railroad for $10 million. Caterpillar recently sold $8 million worth of diesel engines and earthmoving equipment. Motorola recently signed a $2 million contract for telecommunications equipment with Uruguay's Defense Ministry.

Minority-owned McAllen Bolt and Screw has been exporting to Mexico for the past seven years. As a result of McAllen's Mexican business, its workforce has almost quadrupled growing from only 10 people in 1985 to 38 today. Over the years, the company has successfully expanded the types of product it exports to Mexico to include: fasteners, industrial tools, tapes and adhesives. McAllen Bolt and Screw had sales of $5.6 million last year and expects revenues to be higher this year.

Economic growth and lower trade barriers have made Argentina a major market for U.S. foodstuffs. Welch's and Smucker's have new agreements to sell juices, canned goods and jellies through an Argentine distributor. Argentina's Norte supermarkets set aside 1,000 square feet in each of their stores for Kraft, Lipton, Best Foods and Nabisco products.

THE SALVADORAN FOUNDATION FOR ECONOMIC AND SOCIAL DEVELOPMENT (FUSADES)

FUSADES was established by private Salvadoran citizens who wanted to make a contribution to overcoming the tremendous economic, social, and political turmoil in their country in the early 1980's. It is an apolitical, nonprofit, private foundation supported by over 250 Salvadorans. FUSADES has received support from the A.I.D. as well as other donors, such as the Inter-American Development Bank. It promotes social and economic development in a democratic society and a free enterprise system.

FUSADES, and A.I.D. support thereof, has evolved over the years in response to changing circumstances in El Salvador. Originally founded as a "think tank", it is now a multifaceted organization involved in economic and social studies and policy analysis. Legislative and judicial reform, agricultural diversification, small and microenterprise support, community development, and post-war reconstruction. The investment promotion activities in question represent only 6% of FUSADES programs.

FUSADES efforts have had considerable success, especially in light of the environment in which they were undertaken—economic collapse and a civil war. FUSADES activities which improve the lives of Salvadorans do not impact negatively on the United States; on the contrary, they create considerable opportunities for U.S. business and workers. Since 1985, FUSADES has been responsible for creating over 76,000 new jobs in industry, agriculture and services. These jobs were produced primarily by Salvadorans investing in their own country (because of the war, there are few U.S. businesses in El Salvador). Nearly $100 million in investment can be attributed to FUSADES activities. Thousands of small and microenterprisees have been assisted. Another FUSADES success is its role in developing and building consensus for the economic reform program adopted in 1990. This reform program is widely supported by the international donor community and has had considerable success in creating jobs, bringing down inflation, and in achieving real economic growth after years of stagnation.

FUSADES represents the progressive private sector concerned about the future of El Salvador. In addition to the above activities, FUSADES helped start HABITAT, for low-income housing; FIPRO, to improve worker safety standards and practices, and FEPADE, vocational/technical training institute.

Yet, it is true that the United States has made a considerable investment in FUSADES. Again, under extraordinary circumstances in which there were few viable options. A.I.D. has provided over $100 million in support to FUSADES; over 80% of this amount was assistance which FUSADES provided to third party beneficiaries, i.e., small farmers, microenterprises, industrial firms. As a development agency, A.I.D. supports programs which provide economic opportunities and an improved quality of life for citizens in recipient countries. A.I.D. contributes to the U.S. economy since goods and services under A.I.D. projects are purchased in the United States. Supporting local efforts to get El Salvador on solid footing sup-

ports export-oriented jobs in the United States, where 60 cents of every trade dollar are spent. This is not dependency. Every $1 billion in U.S. exports supports 20,000 U.S. jobs. A.I.D. support for both the Salvadoran labor movement via the AFL–CIO's institute and FUSADES are important to developing a strong economy, a strong free labor movement, and a strong democracy.

SELECTED UNITED STATES EXPORTS TO EL SALVADOR, HONDURAS AND LATIN AMERICA AND THE CARIBBEAN

[Dollar amounts in millions of U.S. dollars]

	1987	1991	Projections [1] 1992	1987–91 annual rate [1] (percent)	1991–92 annual rate (percent)
Country:					
El Salvador:					
Total exports	$370.7	$534.0	$872.5	9.6	63.4
Total manufactured exports	242.1	337.0	621.0	8.6	84.3
Apparel	6.0	36.9	119.9	57.5	224.9
Plant and Equipment for civil engineering	3.6	7.0	12.4	18.1	77.1
Machinery for particular industry	18.0	24.5	36.0	8.0	46.9
Office and data processing machines	10.3	9.7	16.0	−1.5	64.9
Motor vehicle parts	4.6	5.2	6.3	3.1	21.2
Furniture and parts	.5	1.3	4.3	27.0	230.8
Honduras:					
Total exports	392.9	626.7	873.1	12.4	39.3
Total manufactured exports	279.9	435.4	599.6	11.7	37.7
Apparel	23.3	87.1	185.5	39.0	113.0
Electrical machinery	11.0	17.1	26.6	11.7	55.6
Specialized machinery	17.3	33.9	43.3	18.3	27.7
Furniture and parts	1.0	1.6	2.0	12.5	25.0
Road vehicles	16.4	17.2	45.0	1.2	161.6
Office and data processing machines	3.9	8.5	20.8	21.5	144.7
General industrial machinery	19.3	27.3	32.3	9.1	18.3
Latin America:					
Total exports	34,823.7	63,468.9	80,154.7	16.2	26.3
Total manufactured exports	26,556.7	49,984.4	64,999.5	17.1	30.0
Apparel	785.4	1,805.4	2,527.2	23.1	40.0
Furniture and parts	167.0	641.1	791.0	40.0	23.4
Office and data processing machines	1,478.8	2,691.0	3,336.7	16.1	24.0
Motor cars and other motor vehicles	630.6	1,272.6	2,422.0	19.2	90.3
Motor vehicle parts	1,318.7	3,720.6	5,125.5	29.6	37.8
Footwear	93.6	167.9	191.6	15.7	14.1
General industrial machinery	1,671.5	3,004.5	3,727.1	15.8	24.1
Telecommunications equipment	1,452.8	2,627.0	3,367.5	16.0	28.2
Electrical machinery	2,916.5	5,655.1	7,289.2	18.0	28.9

[1] Projections for 1992 are based on January through June, 1991 and 1992 data.

Source: Department of Commerce, total Exports F.a.s.

EXHIBIT 2

CONGRESS OF THE UNITED STATES,
Washington, DC, September 2, 1992.

Mr. CHARLES A. BOWSHER,
Comptroller General, General Accounting Office, Washington, DC.

DEAR COMPTROLLER GENERAL: We are writing to request the GAO to undertake a study of the roles of the U.S. Agency for International Development (AID) and other federally-supported agencies and programs in assisting in the creation of the so-called "export promotion zones" in developing countries, and in influencing U.S. based companies in their decisions whether to move overseas, especially to these export processing zones, versus whether to continue to operate in the US. Our concern is not the legitimate promotion of U.S. foreign investment and trade. Rather, we seek to have the GAO examine:

The implications for the U.S. economy of supporting export processing zones abroad through U.S. foreign assistance,

The effectiveness of foreign assistance used for such purposes in promoting U.S. foreign investment and host nation development, and

Whether and to what extent U.S. foreign assistance funds are being used, either by U.S. agencies, by contractors of U.S. agencies, or by government or private sector recipients of U.S. assistance, for the purpose of inducing U.S. based business to reduce or close operations in the United States and relocate to foreign nations.

With the approval of Congress, U.S. foreign assistance funds have long been used to promote private sector commercial development and to enhance trade and investment in developing countries. Congress has consistently supported use of foreign assistance funds to promote U.S. foreign investment, both for the economic benefits this brings to the U.S. economy, and for economic development in recipient nations. Since the 1980s, however, projects promoting free trade zone exports have become a major element in AID private sector programs, especially in Latin America and the Caribbean. Our understanding is that AID closely coordinates these activities with those of the U.S. Department of Commerce, the U.S. Department of Agriculture, the Office of the United States Trade Representative, the Overseas Private Investment Corporation, and the Export-Import Bank.

The number of export processing zones in Latin America and the Caribbean and elsewhere around the world is increasing dramatically and a growing number of U.S.-based companies are establishing manufacturing operations or are entering into joint ventures within export processing zones (EPZs) in foreign countries or entered into supply contracts with foreign companies operating within those EPZs. Those U.S.-based companies involved do so, in part, because of favorable financial, tax, tariff, and regulatory treatment they receive. It is clearly time for an independent review of whether the U.S. programs creating and/or nurturing the EPZs are effectively managed and enhance trade and investment in developing countries, as well as the impact of EPZs on the U.S. manufacturing sector. Also, as noted above, Congress lacks an understanding how U.S. foreign assistance funds are being used by AID and other agencies to promote U.S. investment in these zones and, in particular, whether knowingly or inadvertently, U.S. foreign assistance funds are being used to induce U.S. firms to reduce or close operations in the United States and to move abroad, with a consequent loss of U.S. jobs.

Initially we had in mind a three-part inquiry. Part one was to constitute a letter report factually substantiating that AID and other federally-funded agencies are involved in financing and developing EPZs in Central America. Parts two and three of the inquiry were to focus on documenting the level and appropriateness of U.S. funds directed toward creating and supporting EPZs and the impact such activities have upon the U.S. domestic manufacturing base. Your staff preliminarily met with congressional staff to discuss the breadth and depth of that initial request. Based upon that discussion, agreement was reached that, in furtherance of this and other legitimate congressional business, we would seek, with due regard for the protection of proprietary information, pertinent contract and other factual information from A.I.D. and other US agencies regarding EPZ activities in Honduras and El Salvador. At the same time, the GAO would analyze and report on what AID and other government agencies have done or are doing with respect to creating and supporting EPZs in foreign countries—goals of such programs, level of activities, and level of financial support—as well as how U.S. foreign assistance funds are used with respect to providing incentives to U.S. businesses to locate in these zones. In addition, the report should attempt to identify and assess to the extent feasible the impact these zones have on U.S. industry. We believe the approach outlined here will help us better understand the roles that the U.S. government plays in supporting the development of EPZs in foreign countries, and for ensuring that U.S. foreign assistance funds are being used appropriately to promote foreign investment and not to export U.S. jobs.

We believe members of our staffs should meet to discuss next steps after you have spent time scoping the pertinent issues, developing a study methodology on how best to proceed, and securing all of the requisite documents to understand the full range of corresponding activities in which AID and other federally-supported agencies have been or continue to be engaged.

Thank you for your attention and consideration in what we consider a very important study. Please feel free to have your staff contact the appropriate members of our staffs whenever necessary.

Sincerely yours,

Representative GEORGE E.

BROWN.
Representative LEE HAMILTON.
Senator PATRICK LEAHY.
Senator TOM HARKIN.

Mr. LEAHY. Mr. President, I yield to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KASTEN. Mr. President, this amendment is designed to answer allegations that AID programs have been utilized to induce U.S. businesses to relocate outside the United States thereby eliminating U.S. jobs. I note that the administration at the highest levels denies categorically that this is the policy of the U.S. Government.

This amendment which is similar to a prohibition affecting OPEC programs is the minimum necessary in order to assure that reported incidents involving programs in El Salvador and elsewhere not be repeated.

If allegations which have been made are accurate the situation is totally unacceptable and must be stopped and officials responsible must be reprimanded.

Through this legislation we must assure that it does not occur again. In addition to this amendment, the one that we now offer, Senator LEAHY and I this week sent a letter to the IG, the inspector general of AID asking him to immediately look into the fact of this situation and report back to us as quickly as possible. At this time I ask unanimous consent that a copy of the letter be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 28, 1992.

Gen. HERBERT BECKINGTON,
Inspector General, Agency for International Development, Washington, DC.

DEAR GENERAL BECKINGTON: Last evening, the CBS program "60 Minutes" presented a segment on a program administered by A.I.D. which in its entirety constituted an accusation that the U.S. Government through A.I.D. has been subsidizing the migration of American jobs to lesser developed countries. The report as presented raises questions of serious concern to this Subcommittee.

It is important to the Subcommittee as we address the several issues implicit in the "60 Minutes" program that we have a clear factual understanding of the events that formed the basis of the televised episode. As a matter of priority you are requested to undertake an immediate review directed to establishing the following points:

(1) Were the conditions depicted in the CBS report factual and complete as to the episode described?

We would appreciate your giving urgent attention to this request and a report of your findings at the earliest possible time.

Sincerely,

ROBERT W. KASTEN, Jr.,
Ranking Member,
Foreign Operations Subcommittee.
PATRICK J. LEAHY,
Chairman,
Foreign Operations Subcommittee.

Mr. KASTEN. Mr. President, the issue is similar to one that I have brought to this floor many times, the so-called buy America policy regarding procurement of goods and services for foreign AID programs.

This issue brings to the floor again our shared concern that U.S. foreign assistance must include strong provisions encouraging the purchase of U.S. goods and services. At a time when the American people are more conscious than ever of the waste of their tax dollars, we have to crackdown on U.S. subsidizing foreign businesses. It is extremely important that foreign AID programs be a valuable investment in the U.S. economy as well as the economies of other nations.

I hope that our colleagues will support this amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I yield to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I rise to commend the Senator from Vermont, the Senator from Wisconsin, and the Senator from South Carolina in sending this amendment to the floor.

Once again we find the Senator from Vermont providing leadership and indicating his concerns about jobs in the United States and jobs being exported. I think he has been supremely effective in moving with rapidity and response to the program that we all saw on "60 Minutes" the other night on the export of American jobs, and so I just want to say that I am pleased to see that Senator LEAHY, Senator KASTEN, and Senator HOLLINGS have offered this amendment.

I commend all three of them for their efforts in doing so.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 3323) was agreed to.

Mr. LEAHY. Mr. President, I ask if we could withhold acceptance of the amendment. Normally, I would not do so on my own amendment, but I understand there may be a couple other Senators who wish to speak on it.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LEAHY. Mr. President, has the amendment been accepted?

The PRESIDING OFFICER. The amendment was agreed to.

Mr. LEAHY. Mr. President, I ask unanimous consent that the acceptance of the amendment be vitiated.

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

Mr. LEAHY. Mr. President, I understand the amendment is still before the Senate.

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Mr. President, I understand other Senators wish to speak on it. I ask if they do that they come to the floor as quickly as possible, because we are going to go off this amendment in just a few minutes and on to some others, because of the time constraint the leadership has placed on this bill.

So I am going to suggest the absence of a quorum, but I urge Senators that they be here very, very quickly or we will have to go forward.

The PRESIDING OFFICER. Will the Senator withhold the suggestion of the absence of a quorum so the Chair may make an announcement?

Mr. LEAHY. Yes, I withhold.

MAKING CONTINUING APPROPRIATIONS

The PRESIDING OFFICER. The Chair announces that House Joint Resolution 553 was just received from the House.

Under the previous order, the joint resolution is deemed read three times and passed, and the motion to reconsider is laid upon the table.

FOREIGN OPERATIONS APPROPRIATIONS FOR FISCAL YEAR 1993

The Senate continued with the consideration of the bill.

Mr. LEAHY. Mr. President, 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. BYRD. 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. BYRD addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from West Virginia, the President pro tempore, is recognized.

JOB FLIGHT POLICY

Mr. BYRD. Mr. President, I rise to support the amendment offered by the Senator from Vermont [Mr. LEAHY]. This amendment, of which I am a cosponsor, would prohibit the United States from spending any money to lure U.S. manufacturers into moving their operations to any foreign country if that move would result in the loss of U.S. jobs. Frankly, I have been appalled by recent reports of U.S. Government efforts and aid money being used to export U.S. jobs. Just this last Sunday, "60 Minutes" aired a report that graphically portrayed some of the abuses that are also detailed in a National Labor Committee report aptly entitled "Paying to Lose Our Jobs,"

and last night on "Nightline," Ted Koppel also addressed the issue. "Nightline" talked with some of the victims of this appalling policy in my own State of West Virginia. These accounts charge that while the U.S. Agency for International Development may espouse the "Trade, Not Aid" development policy intended to create new investment in Central America and the Caribbean, in practice, AID acted primarily to divert investment from the United States and other countries to Latin America and the Caribbean.

AID documents publicized by the National Labor Committee substantiate these claims. In a 1991 funding agreement, AID explicitly instructed the El Salvadoran Foundation for Economic and Social Development—a Foundation that owes 94 percent of its funding to U.S. AID money—to pursue a proactive, direct and systemic sales effort involving direct contact with targeted U.S. firms to convince them to explore opportunities in El Salvador. Specifically, El Salvador was directed to target electronics and apparel firms in the northeast and southeast United States. Earlier, the Dominican Republic was instructed by AID to "promote business opportunities, particularly in agribusiness and free zone manufacturing, by targeting key sectors in crucial foreign markets (mainly in the U.S.)." I find it ironic that this administration, which has so adamantly resisted discussing any kind of U.S. industrial policy, is so willing to direct the industrial and economic development of its neighbors. It is also ironic, and sad, that this foreign industrial policy includes many of the investment incentives—including favorable tax, tariff, lending, infrastructure and worker training terms—that are only now and inadequately, in my opinion, being addressed for American cities and the American work force.

The United States has spent large sums of money on these efforts, money that could be better spent even within our own country. The AID Private Enterprise Development Initiative has spent at least $289,730,000 since 1983 to help establish free trade zones, construct state-of-the-art manufacturing facilities, and train workers in countries that face no quotas on their exports to the United States. Even some U.S. Food for Peace aid money has been used to build factory space that may house a U.S. company that relocated. And to top it off, AID money also pays for advertisements luring U.S. firms to move to Latin America and the Caribbean. The Dominican Republic has 23 of these free trade zones, with 5 more under construction and 7 in the planning stages. The U.S. Department of Commerce noted that there are some 235 facilities operating in the Dominican Republic's free zones, two-thirds of which are U.S. companies, employing over 120,000 workers—this, while U.S. workers in the textile and apparel industries are losing jobs at the rate of 2,000 each month. We should be promoting American exports, not exporting American jobs.

The generosity of Uncle Sam to this area under the much-touted Caribbean Basin Initiative has also invited other far less needy countries to exploit Uncle Sam's goodwill. These recent exposés have pointed out that Asian firms, which face a mere 1-percent tariff on their textile and apparel imports to the United States, are moving in droves to the Latin American and Caribbean free trade zones in order to benefit from the lack thereof of quotas on imports to the United States. The 1-percent tariff was imposed on these firms to protect American workers from unfair trade practices. Yet, U.S. AID money, given to the countries of the Caribbean Basin Initiative, is being used to advertise in Asia. These advertisements laud the low labor costs in the Caribbean Basin, they laud the tax incentives being offered, and they point out in boxcar letters the biggest hook of all—the lack of U.S. import quotas.

The administration, in a letter rebutting the "60 Minutes" charges, argues that by creating jobs in the Caribbean basin, we establish a greater export market for U.S. goods, which, in turn, creates U.S. jobs. This might be true, if we were truly creating jobs overseas. But the practice of promoting the export of American jobs undermines this rosy picture. If U.S. firms move their manufacturing overseas, what will we be exporting for sale?—only the products that are already made overseas. This does not create jobs for Americans. And the low wages being paid to these overseas workers are not high enough to create a large consumer market there. At 70 cents an hour, these workers cannot afford to be big spenders.

The amendment would also prevent any of our foreign aid funds from being obligated or expended for any project or activity that contributes to the violation of internationally recognized worker's rights. This action is directed at the charges that some of the export zones maintain computerized blacklists to prevent any troublesome workers from being hired who might be interested in organizing a labor union. The administration says that it does not support blacklisting. This may be true, and I certainly hope that it is true. But, if AID is aware, of and tacitly condones, the use of blacklists, as these recent exposes seem to indicate, that is as reprehensible as actively supporting the practice. Combined with other practices like the use of 1-year contracts, and piecework rather than salary wages, it is no wonder that these nations can keep their labor costs down.

Cost-containing sweatshop practices have not helped the people of Latin America and the Caribbean any more than the flight of jobs there has helped the American work force. In 1990, the Commerce Department reported that the Caribbean Basin Initiative has made "* * * no dramatic difference yet in the living standards in the Caribbean basin." Between 1980 and 1987, per capita income in Central American and the Caribbean actually fell at a rate 2½ times faster than that in the rest of Latin America. Living standards have been pushed back to pre-1960's levels. A rational person might ask, then, why we continue to use U.S. tax dollars to increase the level of misery across the Americas. When your head hurts from banging it against a wall, you stop banging it. That is, in essence, what the Senator from Vermont's amendment would do: stop the senseless pounding and compounding of a mistaken and misguided policy.

The craziness of trying to create jobs abroad instead of spending tax dollars to create them here is so obvious and so fundamentally unsound that I can only shake my head in wonder. Unemployment in the United States was at 7.6 percent in August. We must put a stop to the export of U.S. jobs and, instead, protect U.S. workers and manufacturers from exploitative practices and promote the export of U.S. products.

Mr. President, I thank the distinguished Senator from Vermont for offering the amendment, for taking the leadership in this regard, and for this courtesy in yielding to me.

I yield the floor.

Mr. LEAHY. I thank the distinguished Senator from West Virginia. I appreciate his support. The statement he has made here on the floor is certainly consistent with things I have heard him say on many other occasions. And he has strongly stated that. We want to create a market for our exports, but we do not want to export jobs from this country.

Mr. President, I understand there may now be a couple of others who want to speak on this. Might I do this? I see my friend from Wisconsin here. I ask unanimous consent we temporarily set aside the Leahy-Kasten et al. amendment so I could take up a few amendment that we have here that have been cleared.

Mr. KASTEN. Reserving the right to object and I shall not object, I simply want to first ask unanimous consent that Mr. GRASSLEY, the Senator from Iowa, and the Senator from Arizona, Mr. MCCAIN, be named cosponsor of the amendment.

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

Mr. LEAHY. I ask unanimous consent the Senator from Pennsylvania [Mr. WOFFORD], be added as a cosponsor.

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

Mr. KASTEN. Now we can go ahead, I believe, to set amendment aside?

Mr. LEAHY. I renew my unanimous-consent request to set the amendment aside.

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

AMENDMENT NO. 3324

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. HATFIELD, proposes an amendment numbered 3324.

Mr. LEAHY. 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:

Section 562 of the bill as reported is amended by adding at the end thereof the following new subsection:

"(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 554 of this Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights."

ELIGIBILITY FOR ASSISTANCE

Mr. LEAHY. Mr. President, I send to the desk an amendment on behalf of Senator HATFIELD and ask for its immediate consideration.

This amendment modifies section 562, which is a committee amendment offered by Senator HATFIELD. Section 562 permits development assistance to go to programs of nongovernmental organizations in countries where U.S. aid is otherwise prohibited. This does not apply to military aids or ESF; only to development assistance programs such as AIDS, family planning, child survival, and the like.

This modifying amendment by Senator HATFIELD specifies that this exemption does not apply to any nations on the antiterrorism list or nations that have determined to violate internationally recognized human rights.

Since the original Hatfield amendment provided that in any case even development aid through nongovernmental organizations could be provided only through the regular notification process, the Appropriations Committee would have to approve each proposal before any funds could be obligated.

However, I think this amendment is helpful in that it makes clear in law what would have been clear in fact, namely that terrorist supporting nations and human rights violators.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No 3324) was agreed to.

AMENDMENT NO. 3325

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN], for himself and Mr. D'AMATO, proposes an amendment numbered 3325.

Mr. KASTEN. 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:

On page 63, line 3, strike "*Provided*" and all through "Portugal" on line 7, and insert: "*Provided further*, That the total of grants and the principal amount of direct loans provided under this heading shall be not less than $47,000,000 for Morocco, $450,000,000 only for Turkey, $315,000,000 only for Greece, and not less than $90,000,000 for Portugal; *Provided further*, That if Turkey receives any funds under this heading on a grant basis then not less than $30,000,000 of the funds provided for Greece shall be made available as grants".

On page 64, line 7, strike "Provided" and all through "Greece" on line 10.

On page 64, line 11, strike "paragraph" and insert "Heading".

Mr. KASTEN. Mr. President, this is a technical amendment. It corrects or clarifies a 7-to-10 ratio with regard to aid going to Turkey, Greece, and Portugal. I believe the amendment has been cleared.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3325) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3326

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 3326.

Mr. LEAHY. 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 appropriate place insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cancer Registries Amendment Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) cancer control efforts, including prevention and early detection, are best addressed locally by State health departments that can identify unique needs;

(2) cancer control programs and existing statewide population-based cancer registries have identified cancer incidence and cancer mortality rates that indicate the burden of cancer for Americans is substantial and varies widely by geographic location and by ethnicity;

(3) statewide cancer incidence and cancer mortality data, can be used to identify cancer trends, patterns, and variation for directing cancer control intervention;

(4) the American Association of Central Cancer Registries (AACCR) cites that of the 50 States, approximately 38 have established cancer registries, many are not statewide and 10 have no cancer registry; and

(5) AACCR also cites that of the 50 States, 39 collect data on less than 100 percent of their population, and less than half have adequate resources for insuring minimum standards for quality and for completeness of case information.

(b) PURPOSE.—It is the purpose of this Act to establish a national program of cancer registries.

SEC. 3. NATIONAL PROGRAM OF CANCER REGISTRIES.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following new part:

"PART M—NATIONAL PROGRAM OF CANCER REGISTRIES

"SEC. 399H. NATIONAL PROGRAM OF CANCER REGISTRIES.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control, may make grants to States, or may make grants or enter into contracts with academic or nonprofit organizations designated by the State to operate the State's cancer registry in lieu of making a grant directly to the State, to support the operation of population-based, statewide cancer registries in order to collect, for each form of in-situ and invasive cancer (with the exception of basal cell and squamous cell carcinoma of the skin), data concerning—

"(1) demographic information about each case of cancer;

"(2) information on the industrial or occupational history of the individuals with the cancers, to the extent such information is available from the same record;

"(3) administrative information, including date of diagnosis and source of information;

"(4) pathological data characterizing the cancer, including the cancer site, stage of disease (pursuant to Staging Guide), incidence, and type of treatment; and

"(5) other elements determined appropriate by the Secretary.

"(b) MATCHING FUNDS.—

"(1) IN GENERAL.—The Secretary may make a grant under subsection (a) only if the State, or the academic or nonprofit private organization designated by the State to operate the cancer registry of the State, involved agrees, with respect to the costs of the program, to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs or $1 for every $3 of Federal funds provided in the grant.

"(2) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION; MAINTENANCE OF EFFORT.—

"(A) Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(B) With respect to a State in which the purpose described in subsection (a) is to be carried out, the Secretary, in making a determination of the amount of non-Federal contributions provided under paragraph (1), may include only such contributions as are in excess of the amount of such contributions made by the State toward the collection of data on cancer for the fiscal year preceding the first year for which a grant under subsection (a) is made with respect to the State. The Secretary may decrease the amount of non-Federal contributions that otherwise would have been required by this subsection in those cases in which the State can demonstrate that decreasing such amount is appropriate because of financial hardship.

"(c) ELIGIBILITY FOR GRANTS.—

"(1) IN GENERAL.—No grant shall be made by the Secretary under subsection (a) unless an application has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such a manner, and be accompanied by such information, as the Secretary may specify. No such application may be approved unless it contains assurances that the applicant will use the funds provided only for the purposes specified in the approved application and in accordance with the requirements of this section, that the application will establish such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting of Federal funds paid to the applicant under subsection (a) of this section, and that the applicant will comply with the peer review requirements under sections 491 and 492.

"(2) ASSURANCES.—Each applicant, prior to receiving Federal funds under subsection (a), shall provide assurances satisfactory to the Secretary that the applicant will—

"(A) provide for the establishment of a registry in accordance with subsection (a);

"(B) comply with appropriate standards of completeness, timeliness, and quality of population-based cancer registry data;

"(C) provide for the annual publication of reports of cancer data under subsection (a); and

"(D) provide for the authorization under State law of the statewide cancer registry, including promulgation of regulations providing—

"(i) a means to assure complete reporting of cancer cases (as described in subsection (a)) to the statewide cancer registry by hospitals or other facilities providing screening, diagnostic or therapeutic services to patients with respect to cancer;

"(ii) a means to assure the complete reporting of cancer cases (as defined in subsection (a)) to the statewide cancer registry by physicians, surgeons, and all other health care practitioners diagnosing or providing treatment for cancer patients, except for cases directly referred to or previously admitted to a hospital or other facility providing screening, diagnostic or therapeutic services to patients in that State and reported by those facilities;

"(iii) a means for the statewide cancer registry to access all records of physicians and surgeons, hospitals, outpatient clinics, nursing homes, and all other facilities, individuals, or agencies providing such services to patients which would identify cases of cancer or would establish characteristics of the cancer, treatment of the cancer, or medical status of any identified patient;

"(iv) for the reporting of cancer case data to the statewide cancer registry in such a format, with such data elements, and in accordance with such standards of quality timeliness and completeness, as may be established by the Secretary;

"(v) for the protection of the confidentiality of all cancer case data reported to the statewide cancer registry, including a prohibition on disclosure to any person of information reported to the statewide cancer registry that identifies, or could lead to the identification of, an individual cancer patient, except for disclosure to other State cancer registries and local and State health officers;

"(vi) for a means by which confidential case data may in accordance with State law be disclosed to cancer researchers for the purposes of cancer prevention, control and research;

"(vii) for the authorization or the conduct, by the statewide cancer registry or other persons and organizations, of studies utilizing statewide cancer registry data, including studies of the sources and causes of cancer, evaluations of the cost, quality, efficacy, and appropriateness of diagnostic, therapeutic, rehabilitative, and preventative services and programs relating to cancer, and any other clinical, epidemiological, or other cancer research; and

"(viii) for protection for individuals complying with the law, including provisions specifying that no person shall be held liable in any civil action with respect to a cancer case report provided to the statewide cancer registry, or with respect to access to cancer case information provided to the statewide cancer registry.

"(d) RELATIONSHIP TO CERTAIN PROGRAMS.—

"(1) IN GENERAL.—This section may not be construed to act as a replacement for or diminishment of the program carried out by the Director of the National Cancer Institute and designated by such Director as the Surveillance, Epidemiology, and End Results Program (SEER).

"(2) SUPPLANTING OF ACTIVITIES.—In areas where both such programs exist, the Secretary shall ensure that SEER support is not supplanted and that any additional activities are consistent with the guidelines provided for in subsection (c)(2)(C) and (D) and are appropriately coordinated with the existing SEER program.

"(3) TRANSFER OF RESPONSIBILITY.—The Secretary may not transfer administration responsibility for such SEER program from such Director.

"(4) COORDINATION.—To encourage the greatest possible efficiency and effectiveness of Federally supported efforts with respect to the activities described in this subsection, the Secretary shall take steps to assure the appropriate coordination of programs supported under this part with existing Federally supported cancer registry programs.

"(e) REQUIREMENT REGARDING CERTAIN STUDY ON BREAST CANCER.—In the case of a grant under subsection (a) to any State specified in section 399K(b), the Secretary may establish such conditions regarding the receipt of the grant as the Secretary determines are necessary to facilitate the collection of data for the study carried out under section 399C.

"SEC. 399I. PLANNING GRANTS REGARDING REGISTRIES.

"(a) IN GENERAL.—

"(1) STATES.—The Secretary, acting through the Director of the Centers for Disease Control, may make grants to States for the purpose of developing plans that meet the assurances required by the Secretary under section 399B(c)(2).

"(2) OTHER ENTITIES.—For the purpose described in paragraph (1), the Secretary may make grants to public entities other than States and to nonprofit private entities. Such a grant may be made to an entity only if the State in which the purpose is to be carried out has certified that the State approves the entity as qualified to carry out the purpose.

"(b) APPLICATION.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary, the application contains the certification required in subsection (a)(2) (if the application is for a grant under such subsection), and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"SEC. 399J. TECHNICAL ASSISTANCE IN OPERATIONS OF STATEWIDE CANCER REGISTRIES.

"The Secretary, acting through the Director of the Centers for Disease Control, may, directly or through grants and contracts, or both, provide technical assistance to the States in the establishment and operation of statewide registries, including assistance in the development of model legislation for statewide cancer registries and assistance in establishing a computerized reporting and data processing system.

"SEC. 399K. STUDY IN CERTAIN STATES TO DETERMINE THE FACTORS CONTRIBUTING TO THE ELEVATED BREAST CANCER MORTALITY RATES.

"(a) IN GENERAL.—Subject to subsections (c) and (d), the Secretary, acting through the Director of the National Cancer Institute, shall conduct a study for the purpose of determining the factors contributing to the fact that breast cancer mortality rates in the States specified in subsection (b) are elevated compared to rates in other States.

"(b) RELEVANT STATES.—The States referred to in subsection (a) are Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and the District of Columbia.

"(c) COOPERATION OF STATE.—The Secretary may conduct the study required in subsection (a) in a State only if the State agrees to cooperate with the Secretary in the conduct of the study, including providing information from any registry operated by the State pursuant to section 399H(a).

"(d) PLANNING, COMMENCEMENT, AND DURATION.—The Secretary shall, during each of the fiscal years 1993 and 1994, develop a plan for conducting the study required in subsection (a). The study shall be initiated by the Secretary not later than fiscal year 1994, and the collection of data under the study may continue through fiscal year 1998.

"(e) REPORT.—Not later than September 30, 1999, the Secretary shall complete the study required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings and recommendations made as a result of the study.

"SEC. 399L. AUTHORIZATION OF APPROPRIATIONS.

"(a) REGISTRIES.—For the purpose of carrying out this part, there are authorized to be appropriated $30,000,000 for each of the fiscal years 1993 through 1997. Out of any amounts appropriated for any such fiscal year, the Secretary may obligate not more than 25 percent for carrying out section 399I, and not more than 10 percent may be expended for

assessing the accuracy, completeness and quality of data collected, and not more than 10 percent of which is to be expended under subsection 399J.

"(b) BREAST CANCER STUDY.—Of the amounts appropriated for the National Cancer Institute under subpart 1 of part C of title IV for any fiscal year in which the study required in section 399K is being carried out, the Secretary shall expend not less than $1,000,000 for the study.".

Mr. LEAHY. Mr. President, this is the cancer registries program that I had mentioned earlier during the time of the unanimous-consent request.

Twenty years ago Congress and the President declared war on cancer. That started the Nation on an aggressive campaign of research and cancer control efforts aimed at eradicating this terrible disease.

We have made significant progress. Overall survival rates have improved, especially among children. Yet today, one in three Americans will be diagnosed with cancer. One in five will die of this harsh disease.

It is time to take a fresh look at our National Cancer Program and put together a new plan to carry us into the next century. I urge the Senate to pass this amendment—the Cancer Registries Amendment Act—and add a very powerful weapon to this Nation's war against cancer.

By setting up a national system of cancer registries, we finally will give America's researchers vital information they need to fight this terrible disease. And we will give new hope to every family that fears the pain and suffering cancer brings.

Despite our 20-year war on cancer, many of our States do not operate cancer registries to record data on the incidence, stage, and treatment of cancer. Yet this is precisely the information our researchers say they need to unlock the clues to what causes cancer. It is the information they need to figure out how to control it.

This amendment provides $30 million a year to States to establish or upgrade their cancer registry systems. Planning grants are available to States currently without registries.

Mr. President, this amendment takes aim at one particular cancer that has reached epidemic proportions—breast cancer. Every 3 minutes another American woman will be diagnosed with the disease. Every 12 minutes, another woman in this country will die.

For reasons we do not know, breast cancer death rates are higher for women in Vermont and other Northeastern States than in other parts of the country. The amendment calls for a 5-year comprehensive study to find out why.

Mr. President, this amendment, which is the text of S. 2205, passed the Senate earlier this year with overwhelming, bipartisan support as part of the National Institutes of Health reauthorization bill. But President Bush vetoed that important legislation because of his unreasonable opposition to fetal tissue research—research that holds great promise for the treatment and cure of diseases like Alzheimer's, Parkinson's, and juvenile diabetes.

That veto was a bitter disappointment to me and millions of Americans across this country because it sent a signal to us that election year politics is more important than people's lives.

I urge the Senate to pass this cancer registries amendment today and take an important step in bolstering our efforts against cancer. Congressman SANDERS who introduced companion legislation, is working with me to see that the House takes it up, too, and passes it quickly so that we can get it to the President for his signature.

Mr. President, the cancer registries bill has been called the cancer weapon America needs most. The families in this country that have been touched by cancer, and the millions more that will face it, should not have to wait another day for this help.

Mr. LEAHY. Mr. President, I understand there is no objection to the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3326) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3323

Mr. KASTEN. Mr. President, I might say to my colleague, the chairman of the subcommittee, we now are in a position to move forward with the adoption of the amendment with regard to AID that was temporarily set aside.

Mr. LEAHY. Mr. President, I asked unanimous consent to lay that amendment aside. I ask now that the amendment be brought forward, the Leahy-Kasten-Byrd-Hollings, et cetera, amendment.

Mr. HOLLINGS. Mr. President, in building the new world order, the Bush administration has left out one important component, the American people. We have the Army Corps of Engineers replacing the Emir of Kuwait's gold bathroom fixtures and we have Carla Hills signing a job creation package for Mexico. But here at home, America is suffering from the longest and deepest recession since the great depression. Pink slips fly like confetti the length and breadth of the U.S. economy—from smoke-stack industries like General Motors to high-tech companies like IBM.

Twelve years of Reagan-Bush voodoo economics have turned this country into the world's largest debtor nation, left the next generation with a $4 trillion debt, and wiped out over 2.6 million manufacturing jobs. A slew of statistics released by the Census Bureau and the Bureau of Labor Statistics show that Americans who are still working are working longer and harder for less pay. In fact, real income has now actually fallen below the level it was at in 1973. According to the Bureau of Labor Statistics, over the last 20 years, real wages have declined by 17 percent. According to the Census Bureau, the new jobs created during the 1980's paid substandard wages, which is why a record number of Americans are now living below the poverty level. It is no coincidence that the contraction of the American economy and the economic insecurity that afflicts this Nation are related to the erosion of our manufacturing base and the administration's do-nothing passivity in the face of unfair trade practices.

Over the last 4 years, this administration has ignored the needs of American industry and American workers. While Americans suffered through a triple-dip recession, the administration told us to stay the course, let the market correct itself. Instead of providing assistance for American industry and assistance for American workers, this administration turned its back. When it comes to funding manufacturing technology centers to aid business in the commercialization of new technology, the administration says no. When it comes to enforcing our trade laws to fight unfair trade practices, the administration does nothing. When it comes to funding worker training for those workers who have been thrown out of their jobs by cheap foreign labor, the administration turns its back and refuses to fund trade adjustment assistance. for American businesses and American workers forced to compete with companies that pay 30 cents an hour, all the administration offers are stern lectures about increasing exports and "getting competitive in the global market." This administration keeps telling us that the Government has no role in the American economy, but what they have not told us is that they do believe in industry, the only problem is that they believe in Government aid to industry for Honduras, El Salvador, and Guatemala, and they believe that the American taxpayer should pay for it.

Rather than taking our tax dollars and using them to help the 500,000 textile and apparel workers who have lost their jobs because of a flood of imports, the Bush administration has chosen to spend almost $1 billion to lure American companies to El Salvador, Guatemala, and Honduras so that they can take advantage of laborers there willing to work for 33 cents an hour. An authoritative report issued by the National Labor Committee has discovered that over the last 12 years, the Agency for International Development [AID] has spent more than $1 billion to lure

Far Eastern and United States companies to the Caribbean, touting that region's low wages, minimal regulation, and hostility towards organized labor. AID funds that were supposed to be used to foster the development of democracy and offer hope for a better life have been used to line the pockets of corrupt officials in El Salvador, and to pay for ads which proclaim that "Rosa Martinez produces apparel for United States markets on her sewing machine in El Salvador. You can hire her for 33 cents an hour." The National Labor Committee study has discovered that AID has funneled over $70 million to the Salvadoran Fund for Economic and Social Development [FUSADES] in order to attract American business to El Salvador. The FUSADES project is run by a friendly local official whom our Government was trying to groom as a potential candidate for the President of El Salvador. After examining the use of AID funds by FUSADES, AID officials discovered "tremendous costs and overhead which were going to be difficult to explain." Despite these concerns, AID went on to allocate an additional $30 to $40 million to FUSADES.

In 1990, 59 textile and apparel plants closed in the United States while, thanks to AID funds, 30 United States apparel manufacturers opened plants in El Salvador, Guatemala, and Honduras. Our textile and apparel industry has been besieged by imports from Asia. Quotas that were supposed to hold back the flood of imports have proved as effective as placing a bandaid over a gunshot wound. What little protection that the quotas now provide is being erased by AID's Central American trade zone initiatives. With the help of United States taxpayer money, Asian apparel firms are now able to circumvent U.S. quotas by opening plants in Central America, resulting in more layoffs in the United States.

Mr. President, this is one Senator who believes that performance is better than promise. Four years ago, Mr. Bush promised to create 17 million new jobs, instead, he presided over record levels of unemployment. Mr. President, the fact is that the only jobs created by the Bush administration have been in San Salvador and Tegucigalpa.

Mr. President, it is time that Uncle Sam stop playing Uncle Sucker. It is time to create jobs in America, not in other nations. Specifically, it is outrageous that the administration is spending U.S. taxpayer dollars to move good American jobs down to Central America. I strongly support the amendment offered by my friend from Vermont, Mr. LEAHY.

Mr. SHELBY. Mr. President, I rise to support the amendment to the 1993 Foreign Operations appropriations bill to put an immediate halt to the Bush administration's practice of using U.S. taxpayers' money to urge U.S. businesses to move to foreign soil and take their jobs with them, of which I am a cosponsor.

In a special report prepared by the National Labor Committee Education Fund in Support of Worker and Human Rights in Central America, which was distributed this week, co-chairman, Jack Sheinkman, wrote a preface entitled, "We Demand an Answer." I would like to read from portions of his preface which clearly and succinctly outline the egregious policy that the U.S. Agency for International Development [AID] has been practicing to promote the exportation on U.S. jobs.

Mr. President, I ask unanimous consent that the full text of Mr. Sheinkman's preface be printed in the RECORD immediately following my remarks.

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

(See exhibit 1.)

Mr. SHELBY. Mr. Sheinkman writes:

America is in trouble, and we all know it. More than 10 million Americans are out of work. The current recession has destroyed over two million jobs in the U.S. Family incomes stagnate as real wages have fallen to their lowest level since 1963. In 1991 alone, a record 87,226 U.S. businesses failed. Rural poverty grows while an underclass forms ominously in our cities.

Why is this happening? And what is our government doing to defend American living standards?

President Bush has said a lot about creating "jobs, jobs, jobs." Running for office in 1988, he even promised to create 30 million new jobs.

But the reality is shockingly different. Rather than fighting aggressively for jobs in the U.S., the Administration has spent hundreds of millions of our tax dollars to send U.S. jobs offshore!

Research by the National Labor Committee Education Fund in Support of Worker and Human Rights in Central America reveals that, since 1980, the Reagan and Bush Administrations may have spent more than a billion dollars promoting and fostering company flight from the U.S.

American workers, as taxpayers, are helping to pay to export their own jobs. Behind our backs, U.S. tax dollars have been used to conceive, plan, finance, manage and promote the development of export processing zones across Central America and the Caribbean. These zones house manufacturing industries producing goods destined for the U.S. market. The Administration has also used U.S. tax dollars to target, persuade, and provide incentives to U.S. companies to relocate production offshore.

American taxpayers are supporting a dozen Central American and Caribbean investment promotion offices in the U.S. Their mission? To sell U.S. companies on the advantages of moving offshore to exploit the 50 cent hourly wages available in the Caribbean Basin. The Administration refers to these starvation wages as the region's "natural comparative advantage." Electronics and apparel manufacturers in the Northeast and Southeast of the U.S. have been specifically targeted as most likely to respond to the sales pitch to relocate offshore.

What is going on? We hear from the Administration that there is no money to maintain and develop the crumbling U.S. infrastructure. Yet, massive U.S. tax revenues are available to finance modern industrial parks and infrastructure across Central America and the Caribbean.

When U.S. jobs are lost to imports, we have little money to provide worker retraining, but we have spend millions on in-plant worker training to benefit manufacturers in the industrial parks in Central America and the Caribbean.

The Administration has expressed frustration over last year's $43 billion U.S. trade deficit with Japan, the $13 billion deficit with China and the $10 billion and $2 billion U.S. trade deficits with Taiwan and South Korea. Meanwhile, the government is spending U.S. tax dollars on Caribbean and Central American investment promotion offices in Taiwan and South Korea. Their goal? To draw Far Eastern manufacturing firms to the Caribbean Basin, where they will have virtually unlimited access to the U.S. market with minimal tariffs or quotas. All subsidized by our tax dollars.

At the same time the government has been promoting and financing offshore production, the U.S. has lost 2,600,000 manufacturing jobs. We lost more than 497,000 jobs in U.S. apparel and textile industries alone. A 20 percent surge in apparel and textile imports over a six month period beginning in September 1991 meant another 120,000 job opportunities lost in the U.S.

How are we stronger as a nation and freer as individuals if we use U.S. tax revenues to build state-of-the-art sweatshops offshore? Over 90 percent of those employed in the Caribbean Basin export processing zones are young women, the majority of whom are under the age of 18. These maquiladora workers earn 40, 50, 60 cents an hour. They have no real health benefits, no work safety protection, no workers compensation, no unemployment insurance. And contrary to Bush Administration rhetoric, the 60-cent hourly wage in El Salvador provides barely 15 percent of what a family needs for even the most marginal life in the ghettos of San Salvador.

And when these young women attempt to organize to improve their working conditions and living standards and protect their human dignity, they are immediately fired and blacklisted. In zones throughout the Caribbean Basin, blacklists are maintained with the names of workers thought to be sympathetic to unions. Workers whose names appear on these lists cannot find work.

This Administration has betrayed the spirit of the U.S. foreign assistance program. It has betrayed U.S. workers and U.S. taxpayers. It has also betrayed the working people and the poor of Central America and the Caribbean.

Mr. President, the advertisement behind me says it all. The AID has used United States taxpayers' money to pay for this advertisement to encourage United States companies to move to El Salvador where labor is much cheaper. This type of behind the back maneuvering by AID is directly contributing to the deindustrialization of the U.S. economy. No economist in his right mind would agree with the administration's argument that for every billion dollars' worth of product and industry that the United States exports, it will create 20,000 jobs in the United States.

It is precisely that kind of calculation that has the Bush administration some 32 million jobs short of the 30

million jobs it promised to create over the past 4 years.

Not only is a large portion of the trade that is apparently created by exporting jobs and industries to foreign countries actually intrafirm trade, but how much can a person who is making 57 cents an hour actually help the United States' economy. The logic is absurd.

I understand the need to encourage free and fair trade. I support multinational corporations. I understand the economic principles of comparative advantage. However, I do not understand the rationale the administration gives for using U.S. taxpayers' money to help create an advantage for a foreign country. Again, it simply makes no sense.

The real irony about this policy is that the living standards of people in the United States and in the Caribbean basin have actually declined over the last 12 years. If AID's policy is so effective and justifiable, why are people in every country involved worse off? The answer is, because this is one of the most outrageous and ridiculous policies that I have seen in all of my years in public service.

Therefore, Mr. President, we must put an immediate halt to the most blatant aspects of AID's policies. I believe a man from Alabama said it best. Mr. Gather called me after seeing "60 Minutes" wanting answers. I think he hit the nail on the head when he asked, "When all of the jobs in the United States are gone, who is going to pay Mr. Michel's salary?" Mr. Michel is the Director of AID who has attempted to defend its policies.

Mr. President, we must stop the exportation of jobs at taxpayers' expense. In the meantime, the General Accounting Office can continue the study that our colleague, Congressman BROWN, has ordered to investigate numerous other questionable AID practices. I do not believe we can wait any longer before taking this important initial step to stop the abuse.

Mr. President, I urge my colleagues to support this important amendment.

EXHIBIT 1

PREFACE: WE DEMAND AN ANSWER

(By Jack Sheinkman)

America is in trouble, and we all know it. More than 10 million Americans are out of work. The current recession has destroyed over two million jobs in the U.S. Family incomes stagnate as real wages have fallen to their lowest level since 1963. In 1991 alone, a record 87,226 U.S. businesses failed. Rural poverty grows while an underclass forms ominously in our cities.

Why is this happening? And what is our government doing to defend American living standards?

President Bush has said a lot about creating "jobs, jobs, jobs." Running for office in 1988, he even promised to create 30 million new jobs.

But the reality is shockingly different. Rather than fighting aggressively for jobs in the U.S., the Administration has spent hundreds of millions of our tax dollars to send U.S. jobs offshore!

Research by the National Labor Committee Education Fund in Support of Worker and Human Rights in Central America reveals that, since 1980, the Reagan and Bush Administrations may have spent more than a billion dollars promoting and fostering company flight from the U.S.

American workers, as taxpayers, are helping to pay to export their own jobs. Behind our backs, U.S. tax dollars have been used to conceive, plan, finance, manage and promote the development of export processing zones across Central America and the Caribbean. These zones house manufacturing industries producing goods destined for the U.S. market. The Administration has also used U.S. tax dollars to target, persuade, and provide incentives to U.S. companies to relocate production offshore.

American taxpayers are supporting a dozen Central American and Caribbean investment promotion offices in the U.S. Their mission? To sell U.S. companies on the advantages of moving offshore to exploit the 50 cent hourly wages available in the Caribbean Basin. The Administration refers to these starvation wages as the region's "natural comparative advantage." Electronics and apparel manufacturers in the Northeast and Southeast of the U.S. have been specifically targeted as most likely to respond to the sales pitch to relocate offshore.

What is going on? We hear from the Administration that there is no money to maintain and develop the crumbling U.S. infrastructure. Yet, massive U.S. tax revenues are available to finance modern industrial parks and infrastructure across Central America and the Caribbean.

When U.S. jobs are lost to imports, we have little money to provide worker retraining, but we have spent millions on in-plant worker training to benefit manufacturers in the industrial parks in Central America and the Caribbean.

The Administration has expressed frustration over last year's $43 billion U.S. trade deficit with Japan, the $13 billion deficit with China and the $10 billion and $2 billion U.S. trade deficits with Taiwan and South Korea. Meanwhile, the government is spending U.S. tax dollars on Caribbean and Central American investment promotion offices in Taiwan and South Korea. Their goal? To draw Far Eastern manufacturing firms to the Caribbean Basin, where they will have virtually unlimited access to the U.S. market with minimal tariffs or quotas. All subsidized by our tax dollars.

At the same time the government has been promoting and financing offshore production, the U.S. has lost 2,600,000 manufacturing jobs. We lost more than 497,000 jobs in U.S. apparel and textile industries alone. A 20 percent surge in apparel and textile imports over a six month period beginning in September 1991 meant another 120,000 job opportunities lost in the U.S.

President Bush talks a beautiful free trade line. In his words, free trade is:

"The future awaiting the Americas . . . A time for empowering the poor through new investment, trade and growth. A time for cultural renewal. Our efforts—and the efforts of millions of citizens of the Americas—can achieve new gains for honest, democratic, and limited government. And together, we can usher in a new order of peace, a new time of prosperity, both animated by personal freedom."

How are we stronger as a nation and freer as individuals if we use U.S. tax revenues to build state-of-the-art sweatshops offshore? Over 90 percent of those employed in the Caribbean Basin export processing zones are young women, the majority of whom are under the age of 18. These maquiladora workers earn 40, 50, 60 cents an hour. They have no real health benefits, no work safety protection, no workers compensation, no unemployment insurance. And contrary to Bush Administration rhetoric, the 60-cent hourly wage in El Salvador provides barely 15 percent of what a family needs for even the most marginal life in the ghettos of San Salvador.

And when these young women attempt to organize to improve their working conditions and living standards and protect their human dignity, they are immediately fired and blacklisted. In zones throughout the Caribbean Basin, blacklists are maintained with the names of workers thought to be sympathetic to unions. Workers whose names appear on these lists cannot find work.

These illegal lists—maintained with the knowledge of U.S. authorities—deny workers their most fundamental rights. The National Labor Committee investigation proves that projects financed by the U.S. Agency for International Development (USAID) in El Salvador and Honduras are collaborating with the zone administrations and U.S. companies to maintain blacklists of union organizers. USAID officials in Honduras and El Salvador shamelessly acknowledge the blacklists and attest to their effectiveness in keeping unions out.

The right to speak and associate freely, to organize and to bargain collectively, are the most fundamental internationally recognized worker rights. Respect for these rights is also the law. U.S. authorities are knowingly violating these rights, and they are violating Congressional mandates that bar the use of U.S. foreign assistance to support offshore manufacturing of import-sensitive articles.

The Congressional mandate to the U.S. foreign assistance program is,

". . . to help the poor majority of people in developing countries to participate in a process of equitable growth through productive work and to influence decisions that shape their lives, with the goal of increasing their incomes and their access to public services which will enable them to satisfy their basic needs and lead lives of decency, dignity and hope."

This is the language from the Foreign Assistance Act. This is the law. The goal of U.S. foreign aid is "the alleviation of the worst physical manifestations of poverty." We fully support USAID and applaud its employees when they follow this mandate.

But we do question USAID's Private Enterprise Development Initiative, and the scores of trade and investment projects it funds. And we strongly object to the use of U.S. foreign aid to build export processing zones and lure our industries to relocate offshore. We cannot condone companies that use our tax dollars to exploit young women and systematically deny their right to speak openly, associate freely and organize to improve their lives.

This Administration has betrayed the spirit of the U.S. foreign assistance program. It has betrayed U.S. workers and U.S. taxpayers. It has also betrayed the working people and the poor of Central America and the Caribbean.

We demand that there be an immediate investigation based on the findings of the National Labor Committee, and that the following steps be implemented:

I. U.S. Agency for International Development support for investment promotion pro-

grams should be immediately suspended and terminated.

II. U.S. Agency for International Development (USAID) and Overseas Private Investment Corporation (OPIC) funding for export processing zones should be frozen until such program funding is reviewed by Congress in public hearings.

III. We support the request submitted to the General Accounting Office by Congressman George E. Brown, Jr., calling for a thorough investigation of U.S. government funding for export processing zones throughout the Caribbean Basin region, including any subsidies provided to U.S. companies which have relocated to these zones. Also, the GAO should immediately investigate worker rights violations in El Salvador and Honduras. They should report to the U.S. Congress which export processing zones are utilizing blacklists to screen workers, which U.S. companies are located in these zones and what they are producing for export to the U.S. They should also report on the age of workers in these zones and their working conditions and living standards. What are the health benefits and job safety protection afforded to these workers? Are the wages of these zone employees adequate to meet the basic needs of the average family?

IV. To alleviate the damage already done by the violation of worker rights in El Salvador and Honduras, the President should make known throughout the region that the U.S. Government is committed to the protection of internationally recognized worker rights—and that violations will be met with the loss of U.S. trade benefits.

The U.S. Secretary of Labor should be instructed to establish a program to end the use of blacklists in the Caribbean Basin export processing zones, and report regularly to Congress on the program's effectiveness.

V. All USAID and U.S. Commerce Department mission staff in El Salvador and Honduras should be immediately recalled to Washington, D.C. where, together with their superiors, they be clearly instructed that worker rights are guaranteed by law. If they refuse to protect worker rights, they should be removed from their positions.

VI. The U.S. Trade Representative should immediately hold hearings on worker rights violations in El Salvador and Honduras. Generalized System of Preferences (GSP) benefits should be suspended until the governments of Honduras and El Salvador have permanently eradicated the use of blacklists in their countries.

VII. Finally, we call for congressional investigations to review USAID's trade and investment programs.

We must review the wisdom of the policy to promote the growth of export processing zones and offshore assembly as the model for future economic development in Central America and the Caribbean. And we must evaluate the appropriateness of using U.S. foreign assistance—and our tax dollars—to support this policy. U.S. taxpayers and workers throughout the Americas deserve no less.

Mr. KENNEDY. Mr. President, recent press reports suggest that funds from the Agency for International Development [AID] are being used to lure American jobs overseas, to countries that pay extremely low wages and violate fair labor standards.

It is bad enough that American companies move overseas to take unfair advantage of such countries. But it is unacceptable that U.S. tax dollars are being used to subsidize such activities, which hurt American and foreign workers alike. We must put a stop to such practices.

Recent reports indicate that U.S. foreign aid funds are funneled to foreign firms, who then use the funds to urge American companies to shut factories here, throwing American working men and women out of work. Employees who have worked all of their lives now face a bleak future, with the loss of their jobs and their health care.

AID and administration officials say that exporting these jobs actually helps American workers, by creating new overseas markets for U.S. products. But foreign workers earning 57 cents an hour, the going wage for textile workers in Honduras and El Salvador involved in some of these reports, are not going to buy many U.S. products with wages like that.

In addition, the reports allege that textile firms from East Asia are using Central America as a means to get around American trade policy that places limits on imports from Asia. By setting up subsidiaries in Central America, these firms are breaking the rules that govern trade in apparel and textiles.

According to these reports, AID officials have also suggested that U.S. firms which locate in foreign countries will be given blacklists of union organizers likely to cause trouble by organizing the local employees.

The reports also allege physical abuse of foreign workers, including teenage girls.

Congress must conduct a more extensive investigation of these reports, but we must act now to be sure that such abuses are not being funded by taxpayer dollars.

These abuses of worker rights have the same harmful effect on American jobs as cash subsidies to relocate abroad. Weak labor standards in other countries weaken labor standards in America. They put American workers in a race to the bottom, forcing them to compete with Third World labor standards.

This is a race that we should not enter and cannot win. Certainly, the U.S. Government should not be encouraging such a race with AID funds. America must adopt a high-wage high-productivity strategy if we are to have prosperity for our people.

This amendment addresses all of these issues. It prohibits AID from using any funds to support or encourage the movement of American jobs overseas if it would cost jobs here in America. It requires AID to respect internationally recognized worker rights and to protect working men and women overseas from abuse.

Global economic competition is a fact of life. But American tax dollars should not be used to encourage runaway U.S. plants or the export of U.S. jobs. This amendment will help put a stop to these abuses, and I urge its adoption.

Mr. DODD. Mr. President, many of my colleagues have already expressed their outrage about the information that was brought to light during last Sunday's broadcast of "60 Minutes." In the first segment of that program, it was revealed that an agency of the U.S. Government—the Agency for International Development—through its investment promotion programs in Honduras and El Salvador has been actively promoting the export of American jobs, and utilizing United States tax dollars to do so. That truly is an outrage.

In watching this program, I was struck by the fact that the AID officials interviewed by "60 Minutes" did not seem to be shocked or disturbed by the notion that some of AID's employees were giving the hard sell to U.S. investors to relocate to Central America even after being told that this would mean closing down their operations in the United States. Rather, the reaction seemed to be, "Oh well, these jobs were probably going to be lost anyway since American workers are not competitive." And, thanks to the hidden camera interview, we know that one of the reasons that this is the case is because of active efforts in Honduras and El Salvador to maintain cheap wages by denying local employees in these manufacturing facilities their internationally recognized workers' rights.

For these reasons, I am pleased to join Senator LEAHY as an original cosponsor of the pending amendment. This amendment would seek to ensure that these problems do not arise again in the course of the fiscal year 1993 foreign aid program by prohibiting the provision of U.S. foreign assistance funds to any project that is likely to cause the loss of American jobs or condone the denial of workers' rights.

While this amendment ensures that future aid dollars will not be spent in a way that is harmful to American workers, something must be done to ensure that none of the ongoing AID-sponsored investment promotion programs are encouraging the export of jobs, or condoning the violation of workers' rights. I would urge that Mr. Roskens, U.S. AID Administrator, honor my written request of September 29. In that letter, I asked that he immediately terminate the AID programs that were specifically featured on "60 Minutes" and that he temporarily suspend all other AID programs of a similar nature until a full investigation has been completed to ensure that they are not causing U.S. jobs to be exported or workers' rights to be violated. I would ask unanimous consent that a copy of my letter to Mr. Roskens be included in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. DODD. Mr. President, we all know that the last decade has been a very difficult one for the working men and women of this country. Some 1.7 million manufacturing jobs have disappeared during the last 10 years, leaving communities throughout this country devastated and American families in despair wondering how they are going to make ends meet.

Now, we find out that over this same period AID officials have been busily spending $1 billion of taxpayer dollars in so called investment promotion activities that have enticed U.S. companies to relocate in aid recipient countries around the world at the expense of the American people. Today there are more than 200 export processing zones located in 20 countries in Mexico and the Caribbean Basin region. During this same period, more than 70 plant closings and major layoffs have occurred here at home in some 19 States.

The American people have a right to be infuriated by these facts. They also must feel a terrible sense of betrayal that, through AID, the Bush administration has been exporting their jobs, while at the same time doing nothing to revitalize our domestic economy. Mr. President, we must redouble our efforts to ensure that the American people can have some confidence that all U.S. Government programs, be they foreign or domestic, truly serve their interests.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, September 29, 1992.

Hon. RONALD W. ROSKENS,
Administrator, Agency for International Development, Washington, DC.

DEAR MR. ROSKENS: I am writing to you to express my grave concerns about the AID-sponsored programs in Honduras and El Salvador that were featured during the opening segment of the television news program, 60 Minutes, on September 27.

During that broadcast, it was revealed that U.S. taxpayers' dollars are being used to facilitate and in some cases finance efforts by U.S. investors to relocate their enterprises to Honduras and El Salvador, with no regard for the impact that this will have on jobs here at home. Moreover, one of the biggest inducements cited by officials involved in the so called "free trade zone projects" is that potential investors won't have to worry about "labor problems" because "black lists" are maintained to ensure that union activists and other potential "troublemakers" will not be employed.

It is not appropriate, in my view, for any agency of the United States government to finance or otherwise encourage U.S. firms to relocate abroad, if in doing so American jobs will be lost. It is even more odious when these firms are encouraged to do so based upon the notion that they won't have to grant internationally recognized workers' rights to their local employees.

American taxpayers have a right to expect that U.S. officials will use their tax dollars wisely, and certainly not in a manner that is harmful to their livelihoods. Clearly the Honduran and Salvadoran programs featured in the 60 minutes segment fail on both scores.

I am requesting, therefore, that you take immediate steps to terminate these programs, and that you suspend all similar AID programs worldwide until there has been a full investigation of this matter by appropriate authorities. In addition, all employees of the U.S. government found to have allowed investors to ignore the domestic impact of their proposed investments and/or otherwise encouraged them to disregard, if not violate, workers rights should be appropriately reprimanded.

I look forward to hearing from you on this important matter.

Sincerely yours,

CHRISTOPHER J. DODD,
Chairman, Subcommittee on Western Hemisphere Affairs.

Mr. PRESSLER. Mr. President, I rise to highlight several portions of the Foreign Operations appropriations bill that I consider to be very important in terms of U.S. foreign policy.

First, the committee bill specifically expresses the intent of the Senate to target AID humanitarian assistance to Kosova. As the war in the former Yugoslavia drags on, Kosova's 2 million inhabitants—90 percent of whom are ethnic Albanians—have been suffering greatly. Their plight is not given as much attention as it deserves. I have risen on numerous occasions to ensure they are not forgotten. The central concern expressed by myself and other members of this body is that given Serbia's long history of repression against Kosovars of Albanian descent, Serbia might next set its sights on Kosova.

I applaud the committee's efforts recognizing the fact that Kosova is urgently in need of humanitarian assistance as the result of the longstanding and severe discriminatory policies of Serbia. This bill sends an important message of support to Kosova. It also sends an important message of support of Kosova. It also sends a strong message that the United States understands and disdains the long history of Serbian persecution of the Albanian majority in Kosova. It is my hope that AID will strongly endorse this section of the bill and provide, on an expedited basis, humanitarian aid for the people of Kosova.

Mr. President, I would now like to turn to two sections of the legislation concerning assistance to the new countries of the former Soviet Union. I recently returned from a trip to many of these countries and fully reported on my conclusions and concerns in a trip report to this body. I hope my colleagues have had a chance to review that material as they consider their votes on this legislation as well as the Freedom Support Act.

First, the committee's bill focuses on agriculture and agribusiness management training. I long have advocated the use of technical assistance as a significant part of our overall foreign assistance policy. I am convinced that in many cases our foreign policy objectives are better served by sharing the expertise and know-how of our small business men and women, as well as our farmers and ranchers, with those countries we are trying to help. Teaching them how to produce goods and create a free market economy goes much further than simply handing them money which is too often wasted.

I support the report language that states "the committee expects a portion of these funds to be used in the former republics for training agricultural and agribusiness managers in U.S. technology and management practices" as well as for projects designed to assist agricultural and agribusiness enterprises in establishing commercially viable businesses. I agree that AID should make technical assistance available through U.S. private sector organizations.

The second issue with regard to the former Soviet Union specifically concerns Russia. As the Senate considered the Freedom Support Act and as I served as a conferee on that legislation, I fought very hard to ensure that conditions were placed on aid to Russia relevant to that country's withdrawal of its troops from the Baltic States.

I am extremely gratified that the Appropriations Committee has recommended language which conditions all assistance to Russia, with the exception of humanitarian assistance, on that country's removal of its troops, or CIS armed forces, from Lithuania, Latvia, and Estonia or, at least, until a negotiated agreement for such withdrawal, including a timetable or schedule, has been concluded. I commend the efforts of the President pro tempore, Senator BYRD, to place this condition in the appropriations bill.

Finally, Mr. President, I support the section of the legislation which declares the sense of Congress that U.S. foreign policy should pursue a regional negotiated solution to the problem of nuclear nonproliferation in South Asia as quickly as possible. The committee also supports a protocol, signed by all nuclear weapons states, prohibiting nuclear attacks on countries in the region. Finally, the committee supports a United States policy leading to the ultimate goal of having India and Pakistan sign the Nuclear Nonproliferation Treaty, by pursuing whatever series of agreements that might be necessary to achieve this goal.

As the author of the amendment which cut off U.S. assistance to Pakistan as the result of that Nation's development of a nuclear explosive device, I wholeheartedly embrace such policies. I traveled to India and Pakistan in January and encouraged both nations to sign the NPT and to participate in the so-called five-nation summit on nuclear proliferation in South Asia. I will not rehash the numerous statements I have made in the Senate on this issue over the past several

months and years. However, this remains a critically important foreign policy issue and I commend the committee for addressing nonproliferation in its bill.

LEAHY-KASTEN AMENDMENT ON AGENCY FOR INTERNATIONAL DEVELOPMENT (AID) AND EXPORT OF JOBS

Mr. WELLSTONE. Mr. President, I support the amendment offered by my colleague, Senator LEAHY, the chairman of the Subcommittee on Foreign Operations. I am a strong proponent of providing aid to genuine development efforts in Third World countries, and I will fight to fund assistance for the real efforts of poor people themselves in those countries as they struggle to improve their standard of living and quality of life. But genuine development in the Third World does not require a degradation of economic conditions in this country. It does not require the export of jobs or pursuit of a global low-wage strategy. The use of government funds for such purposes is completely unacceptable.

Like many other Americans, I have been shocked by the revelations of the past week, reported on the network news programs "60 Minutes" and "Nightline." Under President Bush, the Agency for International Development [AID] apparently has misused tax dollars to encourage American companies to move their operations and, of course, the accompanying jobs, out of the United States to countries where wages and taxes are lower, and where environmental and labor regulations are more lax. According to these reports, AID provided money for advertising and trade-show exhibits designed explicitly to lure U.S. companies to Central America, promising wages of 70 to 80 cents per hour, tax breaks on both imports and exports, and unlimited repatriation of profits.

This AID practice should not be seen simply as an isolated abuse, however, or as a policy aberration. It is completely consistent with Bush administration trade policy and its approach to the Third World through multilateral lending agencies. This administration's policies have directly encouraged lower wages and working conditions both here and abroad. The result has been continued, in many cases worsened, underdevelopment in Third World countries, and a sharp decline in manufacturing jobs here in the United States.

The AID activity revealed in these recent news reports has been linked to free-trade or export zones in Central America and Caribbean countries. These zones entice investment with low wages, often substandard working conditions and other so-called advantages. They also allow some third-country investors, such as European or Asian corporations, to circumvent U.S. trade regulations by utilizing Central American countries as a "platform" for exports into the United States. It is important to point out that the recently negotiated North American Free Trade Agreement [NAFTA], if put into effect, would encourage the same tendencies—low wages, poor working conditions, deregulation and the export of jobs. I don't believe the agreement in its current form promotes true economic development in either the United States or Mexico.

I hope that the attention raised by this past week's revelations leads to a more thorough examination of general U.S trade and aid policy. We need to redirect both of those policies.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3323.

The amendment (No. 3323) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. Without objection, it so ordered.

Mr. LEAHY. Mr. President, will the Senator from Wisconsin yield for a unanimous-consent request?

Mr. KASTEN. I will be pleased to yield.

Mr. LEAHY. Mr. President, I ask unanimous consent that Senator KENNEDY be listed as a cosponsor to the amendment that we just agreed to on AID and the jobs export issue.

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

Mr. LEAHY. I thank the Senator.

AMENDMENT NO. 3327

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN], for Mr. DOLE, for himself and Mr. SYMMS, proposes an amendment numbered 3327.

Mr. KASTEN. 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 appropriate place, add the following:

HUMANITARIAN ASSISTANCE FOR ARMENIA

Of the aggregate of the funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, not less than $5,000,000 shall be made available, notwithstanding any provision of law which restricts assistance to foreign countries, for refugee assistance to Armenia.

It is the sense of Congress that the administration should:

(a) encourage Japan or any oil exporting nation to provide fuel to Armenia for urgently needed humanitarian purposes, to include harvesting the autumn crop;

(b) renew its existing commitment to deliver this fuel by United States transport;

(c) ensure that safeguards are in place to guarantee that the fuel is used solely for the humanitarian purposes intended.

The Congress finds that Armenia has entered into an aggressive program of economic reforms and land privatization that serves as a model for the former republics of the Soviet Union.

It is further the sense of Congress that the President instruct United States representatives to the International Monetary Fund and the World Bank to support these important reforms by providing Armenia financial and technical assistance.

Mr. KASTEN. Mr. President, this amendment deals with the fact that the humanitarian crisis in Armenia continues. It is an amendment by the Senator from Kansas [Mr. DOLE] and the Senator from Idaho [Mr. SYMMS].

Mr. DOLE. Mr. President, I am pleased to offer this amendment on behalf of myself and the distinguished senator from Idaho [Mr. SYMMS].

The humanitarian crisis in Armenia continues.

It is a crisis created by a combination of natural disaster and conflict with the neighboring country of Azerbaijan. It is a crisis which has cost countless dead, left hundreds of thousands homeless, and brought Armenia to the brink of a cold winter with far too few resources to meet urgent human needs. It is a crisis which cries out for international attention, and international help.

This amendment will put the United States in the forefront of those around the world who are helping. It will do so without the appropriation of any additional money beyond that already contained in the foreign aid appropriations bill.

The amendment has three parts.

Part 1 earmarks $5 million of refugee assistance to help hundreds of thousands of displaced and homeless Armenians.

Part 2 urges the administration to fulfill a commitment we have already made to the Republic of Armenia to help it find urgently needed fuel as it moves into the fall harvest season and the beginning of winter. Without that fuel to run Armenia's farm equipment, the fall crop will for the most part be lost. Without that crop, Armenia will be faced with severe food shortages—and responding to that will require far more resources that meeting the immediate need for fuel.

A plan earlier in place, under which Japan would provide the needed fuel and the United States would undertake to accomplish its delivery, fell apart when Japan pulled out, citing the conflict with Azerbaijan as the reason.

This part of the amendment urges the administration to "put Humpty Dumpty back together again"—to remake that deal, either with Japan or another nation able and willing to provide the fuel.

Part 3 urges the President to instruct American representatives to the World Bank and International Monetary Fund to support assistance to Armenia, especially in light of Armenia's model program progress in achieving fundamental free market economic reform.

Armenia is ahead of any other former Soviet Republic in instituting fundamental economic reforms. Its efforts represent a roadmap that the other republics could usefully follow.

The courage and wisdom of the Armenian Government in undertaking these reforms ought to be recognized and encouraged, not only the United States, but by the World Bank and the IMF. Unfortunately, there has been some foot-dragging in those two institutions, and a tendency to put off decisions on supporting Armenia's reform efforts until after the conflict with Azerbaijan is resolved—an unfortunate mixing of political apples with economic oranges. In any case, the fact is that Azerbaijan bears the principal responsibility for starting the conflict, and is the principal obstacle to its settlement. It is just wrong that Armenia should be denied needed and deserved aid because of a conflict that it would dearly love to see resolved on fair and just grounds.

Mr. President, this is an important, affordable, cost-effective amendment. It helps people who deserve help. It will make a difference where it counts—in saving human lives, and helping keep Armenia on the path of democracy and free-market enterprise.

I urge unanimous support for this amendment.

Mr. KASTEN. Mr. President, I do not think there is any further debate, and I think the amendment has been agreed to.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3327) was agreed to.

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

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

The motion to lay on the table was agreed to.

UNDERCHARGE EQUITY ACT

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 592, S. 1675, the Undercharge Equity Act.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1675) to amend title 49, United States Code, regarding the collection of certain payments for shipments via motor common carriers of property and nonhousehold goods freight forwarders, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Undercharge Equity Act of 1992".

DETERMINATIONS OF REASONABLENESS OF CERTAIN RATES

SEC. 2. Section 10701 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) The purpose of this subsection is solely to provide a means of resolving claims described in this subsection and is not intended to serve as a guideline for determining rate reasonableness in any other context.

"(2) Notwithstanding subsection (e) of this section, and subject to paragraph (9) of this subsection, when a claim is made by a motor carrier of property (other than a household goods carrier) or by a nonhousehold goods freight forwarder, or by a party representing such carrier or freight forwarder, regarding the collection of rates or charges in addition to the rates or charges originally billed and collected by the carrier or freight forwarder, the person against whom the claim is made may elect to satisfy such claim under paragraph (3) or (4) of this subsection, upon showing that—

"(A) such carrier or forwarder is no longer transporting property or is transporting property for the purpose of avoiding the application of this subsection; and

"(B) as to the claim at issue, (i) the person was offered a transportation rate or charge by the carrier or forwarder other than the rate or charge legally on file with the Commission for that shipment, (ii) the person tendered freight to the carrier or forwarder in reasonable reliance upon the offered transportation rate or charge, (iii) the carrier or forwarder did not properly or timely file with the Commission a tariff providing for such transportation rate or charge or failed to execute a valid contract for transportation services, (iv) such transportation rate or charge was billed and collected by the carrier or forwarder, and (v) the carrier or forwarder demands additional payment of a higher rate or charge filed in a tariff.

If there is a dispute as to subparagraph (A) of this paragraph, such dispute shall be resolved by the court in which the claim is brought. If there is a dispute as to subparagraph (B) (i) through (v) of this paragraph, such dispute shall be resolved by the Commission. Pending the resolution of any such dispute, the person shall not have to pay any additional compensation to the carrier or forwarder. Satisfaction of the claim under paragraph (3) or (4) of this subsection shall be binding on the parties, and the parties shall not be subject to chapter 119 of this title.

"(3)(A) The person from whom the additional legally applicable tariff rate or charge is sought may elect to satisfy such claim if the shipment weighed 10,000 pounds or less by comparing the originally billed and collected rate or charge with the lesser of the following rates or charges as adjusted pursuant to subparagraph (C) of this paragraph:

"(i) any rate bureau class rate or charge on file with the Commission that was legally applicable to the shipment.

"(ii) the tariff rate or charge of the carrier or forwarder that was otherwise legally applicable to the shipment, except that the adjustment made under subparagraph (C) of this paragraph shall be applied to the level of the carrier's or forwarder's undiscounted rate or charge if its otherwise legally applicable rate contains a substantial percentage discount.

If the originally billed and collected rate or charge is less than the adjusted rate or charge, the difference shall be the satisfaction amount paid to the motor carrier or forwarder. If the originally billed and collected rate or charge is greater than or equal to the adjusted rate or charge, no further payment shall be due to the carrier or forwarder.

"(B) In the event that a dispute arises as to the rate or charge that was legally applicable to the shipment, such dispute shall be resolved by the Commission.

"(C)(i) The legally applicable rate or charge determined under subparagraph (A) of this paragraph for shipments in each of the calendar years 1985 through 1991 shall be adjusted by reducing such rate or charge by the amount stated in the following table applicable to the year of the shipment:

"For shipments in the year:	***The reduction is:***
1985	*20 percent.*
1986	*28 percent.*
1987	*30 percent.*
1988	*35 percent.*
1989	*38 percent.*
1990	*40 percent.*
1991	*43 percent.*

"(ii) For shipments in the calendar year 1992 and subsequent calendar years, the Commission shall determine the applicable percentage of reduction based on the rate of inflation or deflation in the cost of living, except that the annual change in the applicable percentage shall not be increased or decreased by more than 3 percent.

"(4) A person from whom the additional legally applicable tariff rate or charge is sought may elect to satisfy such claim if each shipment weighed more than 10,000 pounds, by payment of 10 percent of the difference between the carrier's or forwarder's legally applicable tariff rate or charge (as determined under paragraph (3)(A) of this subsection) and the rate or charge originally billed and collected. In the event that a dispute arises as to the rate or charge that was legally applicable to the shipment, such dispute shall be resolved by the Commission.

"(5) Notwithstanding paragraphs (2) through (4) of this subsection, when a claim is made by a carrier or forwarder described in paragraph (2)(A) of this subsection, or by a party representing such carrier or forwarder, regarding the collection of rates or charges in addition to the rate or charge originally billed and collected by the carrier or forwarder, and the person against whom the claim is made is a small-business concern, that person may elect to satisfy such claim by a payment of 5 percent of the difference between the carrier's or forwarder's legally applicable tariff rate or charge (as determined under paragraph (3)(A) of this subsection) and the rate or charge originally billed and collected. Satisfaction of the claim under this paragraph shall be binding on the parties, and the parties shall not be subject to chapter 119 of this title.

"(6) When a person from whom the additional legally applicable rate or charge is sought does not elect to use the provisions of paragraph (3), (4), or (5) of this subsection, the person may pursue all rights and remedies existing under this title. Subsection (e) shall not apply to com-

plaints brought against a carrier or forwarder described in paragraph (2)(A) of this subsection. Complaints brought against a carrier or forwarder described in paragraph (2)(A) for unreasonably high rates shall be determined by the Commission after consideration of the following factors:

"(A) the level of other rates or charges under which a significant amount of comparable transportation occurred;

"(B) the level of rates or charges necessary for the transportation at issue to occur;

"(C) the revenue levels that were at the time of the transportation adequate under honest, economical, and efficient management to cover total operating expenses (including the operation of leased equipment and depreciation, plus a reasonable profit) and to provide the carrier or forwarder with a flow of net income, plus depreciation, adequate to support prudent capital outlays, assure the repayment of a reasonable level of debt, permit the raising of needed equity capital, and take into account reasonable estimated or foreseeable future costs;

"(D) operational characteristics of the transportation at issue; and

"(E) any other factor that relates to the value to the carrier or forwarder of the transportation at issue, such as backhaul, repositioning and traffic balancing opportunities, hub or major lane operations, and competitive considerations.

"(7)(A) When a person proceeds under paragraph (6) of this subsection to challenge the reasonableness of the legally applicable rate or charge being claimed by the carrier or forwarder in addition to the rate or charge originally billed and collected, the person shall not have to pay any additional compensation to the carrier or forwarder until the Commission has made a determination as to the reasonableness of the challenged rate or charge as applied to the shipment of the person against whom the claim is made. Subject to subparagraph (B) of this paragraph, the Commission shall require the person to furnish a bond, issued by a surety company found acceptable by the Secretary of the Treasury.

"(B) A surety bond required under subparagraph (A) of this paragraph shall be set in an amount determined by the Commission to be appropriate, not to exceed 10 percent of the amount claimed by the carrier or forwarder for the additional rate or charge. The Commission shall not require a bond if the person against whom the claim is made is a small-business concern.

"(8) Except as authorized in paragraphs (3), (4), and (5) of this subsection, nothing in this subsection shall relieve a motor common carrier or freight forwarder of the duty to file and adhere to rates, rules, and classifications as required in sections 10761 and 10762 of this title.

"(9) If a carrier or forwarder or party representing such carrier or forwarder makes a claim for additional rates or charges as described in paragraph (2) of this subsection, the person against whom the claim is made must notify such carrier, forwarder, or party as to the person's election to proceed under paragraph (3) or (4) of this subsection. Such notification—

"(A) with respect to a claim made before the date of enactment of this subsection, shall be not later than the 30th day after such date of enactment; and

"(B) with respect to any claim not described in subparagraph (A) of this paragraph, shall be not later than the 60th day after the filing of an answer to a complaint in a civil action for the collection of such rates or charges, or not later than the 90th day after the date of enactment of this subsection, whichever is later.

"(10) In this subsection, 'small-business concern' means a person who would qualify as a small-business concern under the Small Business Act (15 U.S.C. 631 et seq.).".

STATUTE OF LIMITATIONS

SEC. 3. (a) MOTOR CARRIER CHARGES.—Section 11706(a) of title 49, United States Code, is amended by striking the period at the end and inserting in lieu thereof the following: "; except that a common carrier providing transportation or service subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title—

"(1) must begin, within 24 months after the claim accrues, a civil action to recover charges for such transportation or service if such transportation or service is provided by the carrier on or after the date of enactment of this exception and before the date that is 1 year after such date of enactment; and

"(2) must begin such a civil action within 18 months after the claim accrues if such transportation or service is provided by the carrier on or after the date that is 1 year after such date of enactment.".

(b) MOTOR CARRIER OVERCHARGES.—Section 11706(b) of title 49, United States Code, is amended by striking the period at the end of the first sentence and inserting in lieu thereof the following: "; except that a person must begin within 24 months after the claim accrues a civil action to recover overcharges from a carrier subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title for transportation or service taking place on or after the date of enactment of this exception and before the date that is 1 year after such date of enactment, and for transportation or service taking place on or after the date that is 1 year following such date of enactment, a person must begin such a civil action within 18 months after the claim accrues.".

(c) CONFORMING AMENDMENT.—Section 11706(d) of title 49, United States Code, is amended by striking "3-year period" each place it appears and inserting in lieu thereof "limitations period".

TARIFF RECONCILIATION RULES FOR MOTOR COMMON CARRIERS OF PROPERTY

SEC. 4. (a) IN GENERAL.—Chapter 117 of title 49, United States Code, is amended by adding at the end the following new section:

"§11712. Tariff reconciliation rules for motor common carriers of property

"(a) Subject to Interstate Commerce Commission review and approval, motor carriers subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title and shippers may resolve, by mutual consent, overcharge and undercharge claims resulting from billing errors or incorrect tariff provisions arising from the inadvertent failure to properly and timely file and maintain agreed upon rates, rules, or classifications in compliance with sections 10761 and 10762 of this title. Resolution of such claims among the parties shall not subject any party to the penalties of section 11901, 11902, 11903, 11904, or 11914 of this title.

"(b) Nothing in this section shall relieve the motor carrier of the duty to file and adhere to its rates, rules, and classifications as required in sections 10761 and 10762, except as provided in subsection (a) of this section.

"(c) The Commission shall, within 90 days after the date of enactment of this section, institute a proceeding to establish rules pursuant to which the tariff requirements of sections 10761 and 10762 of this title shall not apply under circumstances described in subsection (a) of this section.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 117 of title 49, United States Code, is amended by adding at the end the following:

"11712. Tariff reconciliation rules for motor common carriers of property.".

EFFECTIVE DATE; APPLICABILITY

SEC. 5. (a) GENERAL RULE.—Except as provided in subsection (b), the provisions of this Act (including the amendments made by this Act) shall take effect on the date of enactment of this Act.

(b) APPLICABILITY OF SECTION 2.—The amendments made by section 2 shall apply to any proceeding before the Interstate Commerce Commission, and to any court action, which is pending or commenced on or after the date of enactment of this Act and which pertains to a claim arising from transportation shipments tendered any time prior to the date that is 18 months after such date of enactment. Unless Congress determines a continuing need for section 2 and enacts additional legislation, section 2 shall not apply to any such proceeding which pertains to a claim arising from transportation shipments tendered on or after the date that is 18 months following such date of enactment.

(c) REPORT.—The Interstate Commerce Commission shall submit a report to Congress, within 1 year after the date of enactment of this Act, regarding whether there exists a justification for extending the applicability of section 2 beyond the limitation period specified in subsection (b).

AMENDMENT NO. 3328

(Purpose: To make an amendment in the nature of a substitute)

Mr. LEAHY. Mr. President, on behalf of Mr. EXON and Mr. KASTEN, I send a substitute amendment to the desk and ask for its immediate consideration .

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. EXON (for himself and Mr. KASTEN), proposes an amendment numbered 3328.

Mr. LEAHY. 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:

In lieu of the matter proposed to be inserted by the Committee amendment in the nature of a substitute, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Undercharge Equity Act of 1992".

SEC. 2. DETERMINATIONS OF REASONABLENESS OF CERTAIN RATES.

(a) IN GENERAL.—Section 10701 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) Subject to paragraph (10) of this subsection, when a claim is made by a motor carrier of property (other than a household goods carrier) or by a nonhousehold goods freight forwarder, or by a party representing such carrier or freight forwarder, regarding the collection of rates or charges in addition to the rates or charges originally billed and collected by the carrier or freight forwarder, the person against whom the claim is made may elect to satisfy such claim under paragraph (4) or (5) of this subsection, upon showing that—

"(A) such carrier or forwarder is no longer transporting property or is transporting property for the purpose of avoiding the application of this subsection; and

"(B) as to the claim at issue, (i) the person was offered a transportation rate or charge by the carrier or forwarder other than the rate or charge legally on file with the Commission for that shipment, (ii) the person tendered freight to the carrier or forwarder in reasonable reliance upon the offered transportation rate or charge, (iii) the carrier or forwarder did not properly or timely file with the Commission a tariff providing

for such transportation rate or charge or failed to execute a valid contract for transportation services, (iv) such transportation rate or charge was billed and collected by the carrier or forwarder, and (v) the carrier or forwarder demands additional payment of a higher rate or charge filed in a tariff.

Satisfaction of the claim under paragraph (4) or (5) of this subsection shall be binding on the parties, and the parties shall not be subject to chapter 119 of this title.

"(2) If there is a dispute as to paragraph (1)(A) of this subsection, such dispute shall be resolved by the court in which the claim is brought. If there is a dispute as to paragraph (1)(B)(i) through (v) of this subsection, such dispute shall be resolved by the Commission. Pending the resolution of any such dispute, the person shall not have to pay any additional compensation to the carrier or forwarder.

"(3) In the event that a dispute arises as to the rate or charge that was legally applicable to the shipment, such dispute shall be resolved by the Commission within 1 year after the dispute arises.

"(4) A person from whom the additional legally applicable tariff rate or charge is sought may elect to satisfy such claim if the shipment weighed 10,000 pounds or less, by payment of 20 percent of the difference between the carrier's or forwarder's legally applicable tariff rate or charge and the rate or charge originally billed and collected.

"(5) A person from whom the additional legally applicable tariff rate or charge is sought may elect to satisfy such claim if each shipment weighed more than 10,000 pounds, by payment of 10 percent of the difference between the carrier's or forwarder's legally applicable tariff rate or charge and the rate or charge originally billed and collected.

"(6) Notwithstanding paragraph (4) and (5) of this subsection, when a claim is made by a carrier or forwarder described in paragraph (1)(A) of this subsection, or by a party representing such carrier or forwarder, regarding the collection of rates or charges in addition to the rate or charge originally billed and collected by the carrier or forwarder, and the person against whom the claim is made is a small-business concern, that person shall not be required to pay the claim and the claim shall be deemed satisfied. Satisfaction of the claim under this paragraph shall be binding on the parties, and the parties shall not be subject to chapter 119 of this title.

"(7) When a person from whom the additional legally applicable rate or charge is sought does not elect to use the provisions of paragraph (4), (5), or (6) of this subsection, the person may pursue all rights and remedies existing under this title.

"(8)(A) When a person proceeds under paragraph (7) of this subsection to challenge the reasonableness of the legally applicable rate or charge being claimed by the carrier or forwarder in addition to the rate or charge originally billed and collected, the person shall not have to pay any additional compensation to the carrier or forwarder until the Commission has made a determination (which shall be made within 1 year after such challenge) as to the reasonableness of the challenged rate or charge as applied to the shipment of the person against whom the claim is made. Subject to subparagraph (B) of this paragraph, the Commission shall require the person to furnish a bond, issued by a surety company found acceptable by the Secretary of the Treasury, or to establish an interest bearing escrow account.

"(B) The surety bond or interest bearing escrow account required under subparagraph (A) of this paragraph shall be set or established in an amount equal to—

"(i) 20 percent of the amount claimed by the carrier or forwarder of the amount claimed by the carrier or forwarder for the additional rate or charge, in the case of a shipment weighing 10,000 pounds or less; and

"(ii) 10 percent of such claimed amount, in the case of a shipment weighing more than 10,000 pounds.

"(9) Except as authorized in paragraphs (4), (5), and (6) of this subsection, nothing in this subsection shall relieve a motor common carrier or freight forwarder of the duty to file and adhere to its rates, rules, and classifications as required in sections 10761 and 10762 of this title.

"(10) If a carrier or forwarder or party representing such carrier or forwarder makes a claim for additional rates or charges as described in paragraph (1) of this subsection, the person against whom the claim is made must notify such carrier, forwarder, or party as to the person's election to proceed under paragraph (2) or (3) of this subsection. Such notification—

"(A) with respect to a claim made before the date of enactment of this subsection, shall be not later than the 30th day after such date of enactment; and

"(B) with respect to any claim not described in subparagraph (A) of this paragraph, shall be not later than the 60th day after the filing of an answer to a complaint in a civil action for the collection of such rates or charges, or not later than the 90th day after the date of enactment of this subsection, whichever is later.

"(11) In this subsection, 'small-business concern' means a person who would qualify as a small-business concern under the Small Business Act (15 U.S.C. 631 et seq.).".

SEC. 3. STATUTE OF LIMITATIONS.

"(a) MOTOR CARRIER CHARGES.—Section 11706(a) of title 49, United States Code, is amended by striking the period at the end and inserting in lieu thereof the following: "; except that a common carrier providing transportation or service subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title—

"(1) must begin, within 24 months after the claim accrues, a civil action to recover charges for such transportation or service if such transportation or service is provided by the carrier on or after the date of enactment of this exception and before the date that is 1 year after such date of enactment; and

"(2) must begin such a civil action within 18 months after the claim accrues if such transportation or service is provided by the carrier on or after the date that is 1 year after such date of enactment.".

(b) MOTOR CARRIER OVERCHARGES.—Section 11706(b) of title 49, United States Code, is amended by striking the period at the end of the first sentence and inserting in lieu thereof the following: "; except that a person must begin within 24 months after the claim accrues a civil action to recover overcharges from a carrier subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title for transportation or service taking place on or after the date of enactment of this exception and before the date that is 1 year after such date of enactment, and for transportation or service taking place on or after the date that is 1 year following such date of enactment, a person must begin such a civil action within 18 months after the claim accrues.".

(c) CONFORMING AMENDMENT.—Section 11706(d) of title 49, United States Code, is amended by striking "3-year period" each place it appears and inserting in lieu thereof "limitations period".

SEC. 4. TARIFF RECONCILIATION RULES FOR MOTOR COMMON CARRIERS OF PROPERTY.

(a) IN GENERAL.—Chapter 117 of title 49, United States Code, is amended by adding at the end the following new section:

"11712. Tariff reconciliation rules for motor common carriers of property

"(a) Subject to Interstate Commerce Commission review and approval, motor carriers subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title and shippers may resolve, by mutual consent, overcharge and undercharge claims resulting from billing errors or incorrect tariff provisions arising from the inadvertent failure to properly and timely file and maintain agreed upon rates, rules, or classifications in compliance with sections 10761 and 10762 of this title. Resolution of such claims among the parties shall not subject any party to the penalties of section 11901, 11902, 11903, 11904, or 11914 of this title.

"(b) Nothing in this section shall relieve the motor carrier of the duty to file and adhere to its rates, rules, and classifications as required in sections 10761 and 10762, except as provided in subsection (a) of this section.

"(c) The Commission shall, within 90 days after the date of enactment of this section, institute a proceeding to establish rules pursuant to which the tariff requirements of sections 10761 and 10762 of this title shall not apply under circumstances described in subsection (a) of this section.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 117 of title 49, United States Code, is amended by adding at the end the following:

"11712. Tariff reconciliation rules for motor common carriers of property.".

SEC. 5. EFFECTIVE DATE; APPLICABILITY.

(a) GENERAL RULE.—Except as provided in subsection (b), the provisions of this Act (including the amendments made by this Act) shall take effect on the date of enactment of this Act.

(b) APPLICABILITY OF SECTION 2.—The amendments made by section 2 shall apply to any proceeding before the Interstate Commerce Commission, and to any court action, which is pending or commenced on or after the date of enactment of this Act and which pertains to a claim arising from transportation shipments tendered any time prior to the date that is 18 months after such date of enactment. Unless Congress determines a continuing need for section 2 and enacts additional legislation, section 2 shall not apply to any such proceeding which pertains to a claim arising from transportation shipments tendered on or after the date that is 18 months following such date of enactment.

(c) REPORT.—The Interstate Commerce Commission shall submit a report to Congress, within 1 year after the date of enactment of this Act, regarding whether there exists a justification for extending the applicability of section 2 beyond the limitation period specified in subsection (b).

Mr. WELLSTONE. Mr. President, I rise in support of the amendment in the form of a substitute to S. 1675, the Undercharge Equity Act of 1992. It is clear that the situation that exists regarding undercharge claims is a significant issue that must be addressed. It has generated extensive and clostly litigation. Without legislation, it appears that the only ones who will benefit will be lawyers and auditors.

S. 1675 would address the undercharge litigation crisis by establishing a statutory procedure that the parties to litigation or potential litigation can use to resolve disputes. These disputes result from efforts by trustees for bankrupt carriers to collect additional amounts for transportation previously provided.

The trustees seek reimbursement from shippers for the difference between rates filed with the Interstate Commerce Commission, the legally applicable rate, and the discounted rate paid by the shipper. Money collected would be used to pay unsecured creditors including underfunded pension plans, and workers owed back wages. These workers are those who lost jobs through no fault of their own when carriers went bankrupt. It has been estimated that the amount in controversy may exceed $1 billion.

While the money collected by trustees would be used for a meritorious purpose, many innocent small shippers who in good faith negotiated or entered into contracts with carriers for shipping goods are now subject to undercharge claims for those shipments. The issue is whether shippers who negotiated contracts with carriers who are now bankrupt should be responsible for providing funds for unsecured creditors.

The undercharge problem was fostered by the era of deregulation and the ICC's failure to enforce the Interstate Commerce Act to assure that carriers and shippers adhered to the rates filed with the ICC. The U.S. Supreme Court has said that under the law, the filed rates are the only legally applicable rates. Regardless of the merits of the law, Congress never changed this requirement but the ICC nonetheless acquiesced in the practice of carriers and shippers negotiating discounted rates that had not been filed. Had the ICC done its job, we wouldn't be faced with this issue today.

I consider the substitute amendment to S. 1675 to be a reasonable effort to provide the parties to undercharge litigation a vehicle to resolve undercharge issues. It establishes a settlement formula that will allow the parties to avoid protracted litigation. I believe the substitute amendment reaches a fair balance between the interests of shippers, and trustees for bankrupt carriers.

Among other things, the substitute simplifies the procedure for settlements for less than truckload shipments by using a straight percentage rather than a complicated formula. I am particularly pleased that it eliminates all liability of small business concerns for undercharges. This was an important factor in my decision to support the substitute.

Although the substitute will allow firms to challenge the reasonableness of rates filed with the ICC without first paying the disputed amounts, to assure that funds are available, it requires that a surety bond be obtained or a cash escrow established in the same percentage as that provided for settlements. It also provides that the ICC will be the forum for resolving disputes as to the applicable rate or charge. To assure that the ICC does not become a black hole for disputes regarding the applicable rate and rate reasonableness challenges, the substitute requires the ICC to resolve these disputes within 1 year. In this regard, it is essential that the ICC, in deciding these disputes, will do so fairly and objectively, and that it will not make decisions merely to justify or vindicate its previous failure to enforce the law.

I regret that the shippers and the trustees for the carriers were unable to come to an understanding on the provisions of a bill they could both support. A number of people including staff and some of my Senate colleagues have attempted to forge a compromise both sides could accept. I have been involved in the effort myself in an attempt to achieve a balanced resolution that takes into account the concerns of all the principal parties. I believe the substitute is a reasonable compromise.

Mr. LEAHY. I ask unanimous consent that the distinguished Senator from Nebraska [Mr. KERREY] be added as a cosponsor.

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

THE PROBLEM

Mr. KASTEN. Mr. President, this legislation is needed to remedy a serious inequity confronting many of our Nation's small businesses. Under the Interstate Commerce Act, trucking companies must file with the Interstate Commerce Commission [ICC] all tariffs governing shipments. Since partial deregulation of the trucking industry in 1980, however, it has been common practice for carriers to negotiate lower rates with shippers and not file those lower rates with the ICC. In 1990, the Supreme Court, in Maislin Industries versus Primary Steel, held that shippers are required to pay the filed rate when the shipper and carrier have privately negotiated a lower rate, regardless of the equities involved. The trustees of bankrupt trucking companies that had negotiated rates with shippers are now suing shippers for the difference in the rates. These suits are being brought years after payment for and delivery of the shipments.

The Maislin case has placed a heavy burden on many of our Nation's small businesses. In some instances, these suits are causing small businesses to enter bankruptcy. By some estimates, these claims for the difference between the negotiated and filed rates are worth over $1 billion. The beneficiaries of the proceeds of the rebilling suits are not however, the creditors or pension funds of the bankrupt carriers. According to the ICC, the attorneys and collection agents who have devised the rebilling suits receive between 55 percent to 80 percent of the proceeds.

THE LEGISLATION

This legislation establishes settlement formulas for a variety of negotiated rate situations. Different approaches are taken with respect to truckload and less than truckload shipments, due to the fact that carriers usually give shippers larger discounts on truckload shipments.

Claims relating to truckload shipments may be settled by simply paying 10 percent of the claimed undercharge. Claims relating to less than truckload shipments may be settled by paying 20 percent of the claimed undercharge. Furthermore, the legislation also makes a distinction on the basis of the size of the shipper, totally exempting small shippers from undercharge claims.

This legislation also preserves a shipper's right to pursue an ICC determination of the reasonableness of the rate charged, if a shipper elects not to utilize the settlement formulas. The bill requires shippers who elect to bypass the settlement procedures and opt for an ICC review to post a security bond, or place funds into an interest bearing escrow account, not to exceed 10 percent of the claimed undercharge for truckload shipments or 20 percent for less than truckload shipments.

THIS LEGISLATION IS A REASONABLE COMPROMISE

Last Congress, Senators EXON, BURNS, and I introduced the Negotiated Rates Equity Act. That bill was noncontroversial in the Commerce Committee, and the committee approved it by voice vote. The legislation was stonewalled by a series of holds and was not cleared for floor action before the 101st Congress adjourned. It would have prohibited the collection of an undercharge as an unreasonable practice under the Interstate Commerce Act. Let me use a hypothetical to illustrate why the equities are with the shippers who entered into deals with trucking companies. In my hypothetical, you agree to sell me a car for $10,000. I write you a check, and you give me the car. Two years later, you enter bankruptcy. Your bankruptcy trustee notifies me that the blue book price of the car you sold to me was $15,000. Your trustee says you were supposed to file the agreed upon price, $10,000, with a Government agency, but you failed to do so. Thus, the trustee says I owe you the difference between the agreed upon price and the blue book price—$5,000. The bottom line is that those who are suffering are the ones who made a deal and fulfilled their obligations.

Although the equities are clearly on the side of shippers, in the spring of 1991, the committee met with trucking, shipping, and labor representatives in order to draft legislation which would

be acceptable to all parties. In August 1991, Senators EXON, BURNS, and I, once again, introduced legislation. Following the introduction of S. 1675, we worked for months to address the concerns of shippers, truckers, bankruptcy trustees, the Teamsters, and others in a balanced manner. On June 16 the Commerce Committee approved, by voice vote, S. 1675. Unfortunately, that legislation is also in the process of being stonewalled by a series of holds. Therefore, Senators EXON, BURNS, WELLSTONE, ADAMS, METZENBAUM, and myself negotiated a substitute for the reported bill. This substitute closely resembles the committee reported bill and is truly a reasonable compromise. I urge my colleagues to support this relief.

Mr. BURNS. Mr. President, I want to express my support for S. 1675, the Negotiated Rates Equity Act of 1991, as amended by Senator EXON. I am an original cosponsor of S. 1675 as introduced and reported by the Commerce Committee on June 16, 1992. The amended version we are passing today is a compromise—it does not go as far as S. 1675 in providing relief to shippers—but it does resolve the undercharge crisis in a manner that provides substantial relief. In fact, for small businesses it provides total relief absolving them from all undercharge claims.

The undercharge issue has not generated a lot of press coverage—I guess it is not sexy enough—but it really is a competitiveness issue and a jobs issue. The ICC currently estimates that the undercharge crisis may be a $32 billion problem—meaning that in total the bankruptcy trustees of bankrupt carriers are seeking to collect $32 billion in backpay from shippers. Shippers being the grocery companies, lumber companies, paper companies, and other manufacturers who are moving their products to market over the Nation's highways. If these people are asked to go back and compensate carriers to the tune of $32 billion for services provided 5 or 10 years ago, they will be forced to raise prices or lay off workers.

Now, I am sure many people are asking, "What are undercharges and how did this happen?" Let me explain. Following passage of the Motor Carrier Act of 1980, it became common practice for a shipper and carrier to negotiate certain mileage rates rather than adhere to the tariff rate on file at the Interstate Commerce Commission [ICC]. It was then the carrier's responsibility to file the negotiated rate with the ICC. This practice enhanced competition and contributed to the revitalization of market forces in the trucking industry. It worked well for the most part. However, as is usually the case in a market with intense competition, some carriers have gone out of business. We have since learned that a number of these carriers also failed to file the negotiated rates with the ICC. Their bankruptcy trustees are now seeking to collect the difference between the higher tariff rate the carrier had on file and the negotiated rate, thus the term "undercharge."

In essence, this practice of going back to collect on shipments that were made 10 years ago violates the principle on which most businesses operate—that a deal is a deal. The shipper who negotiated a lower rate with a carrier was doing so in good faith that: First, they were getting the best deal possible; and second, the carrier was adhering to the rate filing requirements as set out by the ICC. Now that the carrier has gone bankrupt, they are finding out that the carrier did not file the rate, that their deal was not a deal, and that the carrier's bankruptcy trustee expects them to now pay the so-called undercharge. In 1990, the Supreme Court in Maislin Industries versus Primary Steel validated this practice of collecting on undercharges. If the Maislin decision is not overturned by this legislation, the Nation's shippers will be unjustly burdened by undercharges and the effect will further cripple our struggling economy.

This is not just a big business issue either. These undercharge claims are affecting many small businesses. I have letters from small businesses in my State who are being faced with claims from bankruptcy trustees. In one instance, the trustee is requesting nearly $5,000 on hand to pay for something which they thought they paid for 4 years ago. They need relief from these claims and this legislation will give it to them.

I want to commend Senators EXON, KASTEN, and DANFORTH, as well as their staffs, for their hard work and diligence on this matter. I hope that our colleagues on the House side will see fit to pass identical legislation so that it can be sent to the President for his signature this year. This issue has been hanging over shippers for many years. We have tried for 3 years to enact legislation that would resolve it—and each time the shippers have given a little more. I hope this compromise represents a good faith effort by all parties to put this issue to rest once and for all.

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

The amendment (No. 3328) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered engrossed for a third reading, was read the third time, and passed, as follows:

S. 1675

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 "Undercharge Equity Act of 1992".

SEC. 2. DETERMINATIONS OF REASONABLENESS OF CERTAIN RATES.

(a) IN GENERAL.—Section 10701 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) Subject to paragraph (10) of this subsection, when a claim is made by a motor carrier of property (other than a household goods carrier) or by a nonhousehold goods freight forwarder, or by a party representing such carrier or freight forwarder, regarding the collection of rates or charges in addition to the rates or charges originally billed and collected by the carrier or freight forwarder, the person against whom the claim is made may elect to satisfy such claim under paragraph (4) or (5) of this subsection, upon showing that—

"(A) such carrier or forwarder is no longer transporting property or is transporting property for the purpose of avoiding the application of this subsection; and

"(B) as to the claim at issue, (i) the person was offered a transportation rate or charge by the carrier or forwarder other than the rate or charge legally on file with the Commission for that shipment, (ii) the person tendered freight to the carrier or forwarder in reasonable reliance upon the offered transportation rate or charge, (iii) the carrier or forwarder did not properly or timely file with the Commission a tariff providing for such transportation rate or charge or failed to execute a valid contract for transportation services, (iv) such transportation rate or charge was billed and collected by the carrier or forwarder, and (v) the carrier or forwarder demands additional payment of a higher rate or charge filed in a tariff.

Satisfaction of the claim under paragraph (4) or (5) of this subsection shall be binding on the parties, and the parties shall not be subject to chapter 119 of this title.

"(2) If there is a dispute as to paragraph (1)(A) of this subsection, such dispute shall be resolved by the court in which the claim is brought. If there is a dispute as to paragraph (1)(B)(i) through (v) of this subsection, such dispute shall be resolved by the Commission. Pending the resolution of any such dispute, the person shall not have to pay any additional compensation to the carrier or forwarder.

"(3) In the event that a dispute arises as to the rate or charge that was legally applicable to the shipment, such dispute shall be resolved by the Commission within 1 year after the dispute arises.

"(4) A person from whom the additional legally applicable tariff rate or charge is sought may elect to satisfy such claim if the shipment weighed 10,000 pounds or less, by payment of 20 percent of the difference between the carrier's or forwarder's legally applicable tariff rate or charge and the rate or charge originally billed and collected.

"(5) A person from whom the additional legally applicable tariff rate or charge is sought may elect to satisfy such claim if each shipment weighed more than 10,000 pounds, by payment of 10 percent of the difference between the carrier's or forwarder's legally applicable tariff rate or charge and

the rate or charge originally billed and collected.

"(6) Notwithstanding paragraphs (4) and (5) of this subsection, when a claim is made by a carrier or forwarder described in paragraph (1)(A) of this subsection, or by a party representing such carrier or forwarder, regarding the collection of rates or charges in addition to the rate or charge originally billed and collected by the carrier or forwarder, and the person against whom the claim is made is a small-business concern, that person shall not be required to pay the claim and the claim shall be deemed satisfied. Satisfaction of the claim under this paragraph shall be binding on the parties, and the parties shall not be subject to chapter 119 of this title.

"(7) When a person from whom the additional legally applicable rate or charge is sought does not elect to use the provisions of paragraph (4), (5), or (6) of this subsection, the person may pursue all rights and remedies existing under this title.

"(8)(A) When a person proceeds under paragraph (7) of this subsection to challenge the reasonableness of the legally applicable rate or charge being claimed by the carrier or forwarder in addition to the rate or charge originally billed and collected, the person shall not have to pay any additional compensation to the carrier or forwarder until the Commission has made a determination which shall be made within 1 year after such challenge as to the reasonableness of the challenged rate or charge as applied to the shipment of the person against whom the claim is made. Subject to subparagraph (B) of this paragraph, the Commission shall require the person to furnish a bond, issued by a surety company found acceptable by the Secretary of the Treasury, or to establish an interest bearing escrow account.

"(B) The surety bond or interest bearing escrow account required under subparagraph (A) of this paragraph shall be set or established in an amount equal to—

"(i) 20 percent of the amount claimed by the carrier or forwarder for the additional rate or charge, in the case of a shipment weighing 10,000 pounds or less; and

"(ii) 10 percent of such claimed amount, in the case of a shipment weighing more than 10,000 pounds.

"(9) Except as authorized in paragraphs (4), (5), and (6) of this subsection, nothing in this subsection shall relieve a motor common carrier or freight forwarder of the duty to file and adhere to its rates, rules, and classifications as required in sections 10761 and 10762 of this title.

"(10) If a carrier or forwarder or party representing such carrier or forwarder makes a claim for additional rates or charges as described in paragraph (1) of this subsection, the person against whom the claim is made must notify such carrier, forwarder, or party as to the person's election to proceed under paragraph (2) or (3) of this subsection. Such notification—

"(A) with respect to a claim made before the date of enactment of this subsection, shall be not later than the 30th day after such date of enactment; and

"(B) with respect to any claim not described in subparagraph (A) of this paragraph, shall be not later than the 60th day after the filing of an answer to a complaint in a civil action for the collection of such rates or charges, or not later than the 90th day after the date or enactment of this subsection, whichever is later.

"(11) In this subsection, 'small-business concern' means a person who would qualify as a small-business concern under the Small Business Act (15 U.S.C. 631 et seq.).".

SEC. 3. STATUTE OF LIMITATIONS.

"(a) MOTOR CARRIER CHARGES.—Section 11706(a) of title 49, United States Code, is amended by striking the period at the end and inserting in lieu thereof the following: "; except that a common carrier providing transportation or service subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title—

"(1) must begin, within 24 months after the claim accrues, a civil action to recover charges for such transportation or service if such transportation or service is provided by the carrier on or after the date of enactment of this exception and before the date that is 1 year after such date of enactment; and

"(2) must begin such a civil action within 18 months after the claim accrues if such transportation or service is provided by the carrier on or after the date that is 1 year after such date of enactment.".

(b) MOTOR CARRIER OVERCHARGES.—Section 11706(b) of title 49, United States Code, is amended by striking the period at the end of the first sentence and inserting in lieu thereof the following: "; except that a person must begin within 24 months after the claim accrues a civil action to recover overcharges from a carrier subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title for transportation or service taking place on or after the date of enactment of this exception and before the date that is 1 year after such date of enactment, and for transportation or service taking place on or after the date that is 1 year following such date of enactment, a person must begin such a civil action within 18 months after the claim accrues.".

(c) CONFORMING AMENDMENT.—Section 11706(d) of title 49, United States Code, is amended by striking "3-year period" each place it appears and inserting in lieu thereof "limitations period".

SEC. 4. TARIFF RECONCILIATION RULES FOR MOTOR COMMON CARRIERS OF PROPERTY.

(a) IN GENERAL.—Chapter 117 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 11712. Tariff reconciliation rules for motor common carriers of property.

"(a) Subject to Interstate Commerce Commission review and approval, motor carriers subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title and shippers may resolve, by mutual consent, overcharge and undercharge claims resulting from billing errors or incorrect tariff provisions arising from the inadvertent failure to properly and timely file and maintain agreed upon rates, rules, or classifications in compliance with sections 10761 and 10762 of this title. Resolution of such claims among the parties shall not subject any party to the penalties of section 11901, 11902, 11903, 11904, or 11914 of this title.

"(b) Nothing in this section shall relieve the motor carrier of the duty to file and adhere to its rates, rules, and classifications as required in sections 10761 and 10762, except as provided in subsection (a) of this section.

"(c) The Commission shall, within 90 days after the date of enactment of this section, institute a proceeding to establish rules pursuant to which the tariff requirements of sections 10761 and 10762 of this title shall not apply under circumstances described in subsection (a) of this section.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 117 of title 49, United States Code, is amended by adding at the end the following:

"11712. Tariff reconciliation rules for motor common carriers of property.".

SEC. 5. EFFECTIVE DATE: APPLICABILITY.

(a) GENERAL RULE.—Except as provided in subsection (b), the provisions of this Act (including the amendments made by this Act) shall take effect on the date of enactment of this Act.

(b) APPLICABILITY OF SECTION 2.—The amendments made by section 2 shall apply to any proceeding before the Interstate Commerce Commission, and to any court action, which is pending or commenced on or after the date of enactment of this Act and which pertains to a claim arising from transportation shipments tendered any time prior to the date that is 18 months after such date of enactment. Unless Congress determines a continuing need for section 2 and enacts additional legislation, section 2 shall not apply to any such proceeding which pertains to a claim arising from transportation shipments tendered on or after the date that is 18 months following such date of enactment.

(c) REPORT.—The Interstate Commerce Commission shall submit a report to Congress, within 1 year after the date of enactment of this Act, regarding whether there exists a justification for extending the applicability of section 2 beyond the limitation period specified in subsection (b).

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

FOREIGN OPERATIONS APPROPRIATIONS FOR FISCAL YEAR 1993

The Senate continued with the consideration of the bill.

Mr. LEAHY. Mr. President, I am ready to go to third reading on the foreign ops bill, although I think there may be one or two amendments left.

I yield to the Senator from Wisconsin.

AMENDMENT NO. 3329

Mr. KASTEN. Mr. President, on behalf of Mr. DOLE, for himself and Mr. PELL, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN], for Mr. DOLE, for himself and Mr. PELL, proposes an amendment numbered 3329.

Mr. KASTEN. 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:

On page 17, line 7, strike out the period and insert in lieu thereof "; and".

On page 17, between lines 7 and 8, insert the following:

(i) not less than $20,000,000 shall be available only for donations of fuel, construction materials, portable heating units, dairy products and wheat and other urgently needed food for the peoples of Bosnia-

Hercegovina and Kosova, of which amount not less than $5,000,000 shall be available only for Kosova. Such assistance shall be distributed through non-governmental organizations and private voluntary organizations.

Mr. KASTEN. Mr. President, this is an amendment that has been agreed to dealing with humanitarian assistance.

Mr. LEAHY. We have no objection on this side.

Mr. DOLE. Mr. President, I am pleased to offer this amendment with the distinguished chairman of the Foreign Relations Committee, Senator PELL. This amendment provides $20 million in humanitarian and other relief for the people of Bosnia-Hercegovina and Kosova.

The Appropriations Committee has wisely provided assistance for refugees from the former Yugoslavia, but we believe that there is an urgent need for those in Bosnia-Hercegovina and Kosova who have not been forced from their homes and are beginning to confront winter. Winters in that region of Europe are extremely harsh; there is already snow in the mountains above Sarajevo. Yet, in both Bosnia and Kosova there is little, if any, heating fuel. Furthermore, in Bosnia's cities most buildings are seriously damaged—few buildings have any windows left.

Therefore, this amendment specifies that fuel, construction materials, portable heating units, and food are to be sent to the two regions. We hope that these critical supplies will be sent as soon as possible. Today's New York Times reported that the CIA estimates that 147,000 deaths could occur in Bosnia-Hercegovina this winter from hunger and exposure alone. Some officials at the United Nations have estimated that the number of deaths could be three times as high as the CIA estimate. These people won't die from bullets or bombs, but from starvation and exposure.

With respect to Kosova, the 2 million people who reside there have suffered now for nearly 4 years under severe repression and martial law. Reports indicate that a growing number of Albanians are hungry and cold; children in particular, lack proper nutrition. Moreover, as in Bosnia, heating fuel is becoming increasingly scarce.

Mr. President, we need to do all that we can to protect those who have, at least until now, escaped the bullets and bombs, but may not be able to escape the winter. This amendment is a significant step in that direction. I urge my colleagues to support it.

Mr. PELL. Mr. President, I am pleased to join with the distinguished minority leader in introducing an amendment to assist the people of Bosnia-Hercegovina and Kosova as they head into the winter season. Under normal circumstances, winter in those mountainous regions is difficult, but with war raging in Bosnia-Hercegovina, and potentially, in Kosova, this winter will be life-threatening.

A provision already exists in the underlying legislation to provide $25 million in assistance for refugees in Bosnia, Croatia, and Slovenia—and I welcome and support that provision. The amendment we are offering will provide assistance to other victims of the war in Bosnia-Hercegovina and the Serbian occupation of Kosova. In Bosnia-Hercegovina, many civilians are living in homes that have been reduced to rubble in the ethnic cleansing campaign. There is little or no access to fuel or food.

I believe that our amendment is both timely and necessary. Today's New York Times reports that United States intelligence experts estimate that 147,000 people could die in Bosnia-Hercegovina this winter due to hunger and exposure to the elements. This figure is one of the more optimistic predictions because it assumes the winter will be a normal one. If the winter is harsh, the figure will most surely climb, our intelligence experts tell us. The U.N. High Commissioner on Refugees warns that under worst case conditions, the figure could reach 400,000.

Mr. President, these figures are appalling. The amendment that Senator DOLE and I are offering would help in alleviating the suffering that winter will surely bring to the people of Bosnia-Hercegovina.

Our amendment provides that $5 million of this emergency assistance be used in Kosova, where the people are in desperate need of food, fuel and other supplies. The repressive policies of Serbia, the war in Croatia and Bosnia-Hercegovina, and the economic sanctions imposed on Serbia by the United Nations are taking their toll on the Albanians of Kosova. Many of us fear that the success that Serbia has had in ethnically cleansing Bosnia will lead it to set its sights on Kosova, where Albanians made up 90 percent of the population.

The provision of emergency assistance is important not only for its humanitarian, but for its political implications. In targeting assistance to Kosova, we send a strong message to the Serbian Government that ethnic cleansing is as unacceptable to us in Kosova as it is in Bosnia-Hercegovina. I would also argue that the Albanians of Kosova are as entitled to determine their own future without threat of violence as are the other peoples of the defunct Yugoslavia.

Mr. President, I would urge my colleagues to support this important amendment. I would hope that the funds will be obligated quickly, and that desperately needed supplies be allowed to reach the beseiged cities and towns of Bosnia-Hercegovina and Kosova.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3329) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3330

(Purpose: To promote economic and monetary stability in IMF member countries through the instrumentality of currency boards)

Mr. KASTEN. Mr. President, I send an amendment to the desk on behalf of Mr. GRAMM, Mr. DOLE, Mr. SYMMS, Mr. MACK, Mr. SIMPSON, and Mr. HELMS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin (Mr. KASTEN), for Mr. GRAMM, for himself, Mr. DOLE, Mr. SYMMS, Mr. MACK, Mr. SIMPSON, and Mr. HELMS, proposes an amendment numbered 3330.

Mr. KASTEN. 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:

On page 9, line 6, before the period insert the following: "and, among other uses, such funds may be used to promote efforts by the International Monetary Fund to support monetary stability in member countries through the instrumentality of currency boards".

Mr. KASTEN. Mr. President, this amendment has to do with the establishment of currency stabilization boards, and I believe it has been agreed to.

Mr. LEAHY. We have no objection, Mr. President.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3330) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I believe we are now ready to go to third reading, if no other Senators have an amendment. I would like, again, to commend the distinguished Senator from Wisconsin for his help in getting this bill through. Again, I will tell Senators, we have stayed hundreds of millions of dollars below the President's request. It should be good news to the taxpayers and we will, upon passage of this bill, be ready to go to conference.

Mr. President, I ask for the regular order.

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

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

AMENDMENT NO. 3331

(Purpose: To require the President to notify appropriate congressional committees prior to any fiscal year in which he proposes to issue loan guarantees for Israel)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 3331.

Mr. BYRD. 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:

On page 198, between lines 18 and 19, insert the following new paragraph:

"(4)(A) Not later than September 1 of each year during the period in which the President is authorized to issue loan guarantees under subsection (a), beginning in fiscal year 1993, the President shall notify the appropriate congressional committees in writing of his intentions regarding the exercise of that authority for the fiscal year beginning on October 1 of that year, including a statement of the total principal amount of guarantees, if any, that the President proposes to issue for that fiscal year.

"(B) For purpose of this paragraph, the term 'appropriate congressional committees' means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives.

Mr. BYRD. Mr. President, this is a simple, straightforward amendment ensuring that the Congress is notified in a timely fashion each year, beginning in fiscal year 1994, of the President's intentions regarding the loan guarantee program. It requires the President to report to the Congress no later than September 1 of each fiscal year on the program, its operation, and the administration's intentions regarding each installment of the $2 billion guarantee of Israeli loans. It seems to me to be axiomatic that Congress ought to be informed annually about such large commitments that we engage in on behalf of the American people. This authorization in this bill is for 5 years, beginning in fiscal year 1993 and running through fiscal year 1997, or possibly fiscal year 1998 according to the terms of the amendment. We should at the very least be informed on an annual basis about what the President intends to do.

The present provision in the bill contains no regular reporting requirement, which is something that Congress routinely requires with regard to executive branch programs of consequence. The bill only has a reporting requirement that the President inform Congress on September 30 of each of those fiscal years, 1994–98, if he decides to reduce the size of the Israeli program. But if he chooses not to reduce the program in a particular year, no report of any kind is required. The report this amendment requires is the minimum that we should do if we intend for Congress to exercise any oversight over this program, to exercise and discharge our responsibility to the American people, and be able to say that we understand the program as it goes along over the next 5 years.

Obviously the amendment does not, and cannot prejudge how the loan guarantee program will evolve, but we are all hopeful that the fresh breezes that are blowing in with the new Israeli administration will bear fruit for peace and for the United States-Israeli relationship. I have been greatly encouraged by the change in the attitude and policies of the Israeli Government led by the new Prime Minister, Mr. Rabin. He appears reasonable and vigorous in his approach to seek solutions to the Palestinian question, and has eased the problem of settlements in the disputed territories, so that an opening has now been created for the negotiations of the parties to go forward. A new chapter is being written in the political scene of the Middle East, and I congratulate the new Prime Minister for his efforts, and greatly hope the negotiations now underway will arrive at a successful conclusion.

Mr. President, I have discussed this amendment with the managers. I hope they will be prepared to accept it.

Mr. LEAHY. Mr. President, I note on this side that we are prepared to accept the amendment of the distinguished Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

ABSORPTION GUARANTEES FOR ISRAEL

Mr. PRESSLER. Mr. President, I am extremely pleased that the foreign operations appropriations bill now pending before the Senate, finally gives this body the opportunity to vote on the issue of loan guarantees for Israel. I support the section of this bill that authorizes the President to make available loan guarantees to Israel in an amount up to $2 billion annually over a 5-year period. Under the program, the United States would only issue guarantees that would allow Israel to seek commercial loans backed by that guarantee.

Mr. President, for many years the United States has advocated increased emigration of Jews from the Soviet Union to Israel. Until recently Soviet policy prevented Jews from leaving. Now the situation has reversed itself. The welcome disintegration of the Soviet regime has opened the door, giving these people the hope to live in Israel.

I believe the United States was correct to press for Soviet Jewish emigration. Having helped to create the refugee flow, this Nation has a moral obligation to assist those people in their absorption into Israel. Israel is exerting a considerable effort to welcome these immigrants. But it is having great difficulty meeting all the challenges involved. Additional loan gurantees would provide effective assistance for resettlement. For this reason, I fully support this section of the Foreign Operations appropriation bill.

It also makes economic sense for the United States to provide these new loan guarantees. For example, Mr. President, 70 percent of the housing units imported by Israel in 1991 originated in the United States. The loan guarantees contained in this bill would lead to even greater benefits to the U.S. economy, and without the expenditure of any additional taxpayer funds.

Israel already imports more goods from the United States per capita than any other country in the world except Canada. Approximately 20 percent of Israel's imports are American—a figure that is expected to rise in the coming years. Indeed, Israel is one of the few countries with which the United States has a trade surplus. In 1991, U.S. exports to Israel totaled more than $3.5 billion. The economic restructuring, infrastructure expansion and population growth facilitated by these guarantees should result in a surge of Israeli imports from the United States. The main categories of expected U.S. exports Israel will require include: minerals, chemicals and plastics; miscellaneous metals; machinery and electrical equipment; and cars, aircraft, and ships.

In addition to the sale of U.S. goods and services, American firms also would benefit from the financial services fees involved in borrowing and managing the funds covered by the guarantees. No cash would be transferred to Israel under this proposal.

Mr. President, the General Accounting Office [GAO] has released a study, entitled "Israel: U.S. Loan Guaranties for Immigrant Absorption." It was prepared for the Senate's President pro tempore, who also chairs the Appropriations Committee—Senator ROBERT C. BYRD of West Virginia. In requesting the study, released on February 12, 1992, Senator BYRD asked a number of relevant questions which must be considered as the United States considers extending additional loan guarantees to Israel.

One conclusion of the GAO report is that, "it is unlikely that Israel will be able to borrow from external sources anywhere near the desired amount * * * without loan guaranties." To accommodate what could be as much as a 25-percent increase in its population in a fairly short time, additional financing is absolutely needed. Extending $2

billion in guarantees per year for the next 5 years could go a long way toward meeting the immigrants' needs.

The overall size of this $60 billion challenge is enormous—in 5 years the absorption effort could cost more than Israel's entire gross national product in 1991. By cutting government social spending and diverting it to refugees from the Soviet diaspora, and by increasing taxes and borrowing, the Israeli Government has proven its willingness to accommodate the newcomers. But the scope of the challenge is immense. It is unlike anything Israel has experienced since World War II and the creation of the State of Israel.

The GAO report states that "the Israeli Government will likely be able to fully service its external debt and continue its record of repayment" if provided with new loan guarantees. GAO offers several sensible suggestions to provide Israel with additional incentives so that the guarantees are managed wisely and minimize financial risk.

Finally, Mr. President, I know that many of my colleagues have been concerned that loan guarantees for Israel could be used to establish settlements in Judea and Samaria, as well as Gaza. This legislation requires that the proceeds of guaranteed loans may be utilized only within Israel proper and not in territories occupied by Israel as a result of the June 1967 war. In addition, the bill stipulates that the guarantee amount may be reduced by an amount equal to the amount extended or estimated to have been extended by the Government of Israel for activities which the President determines to be inconsistent with the objectives of the legislation. Such deductions would be calculated and reported to Congress no later than September 30 of each fiscal year.

In addition, the legislation provides that the issuance of guarantees may be suspended by the President upon his determination, subject to legislative review, that the terms and conditions for issuing the guarantees have been breached. In the opinion of this Senator, these provisions are sufficient to ensure the loan guarantees are not used in a manner inconsistent with U.S. foreign policy interests.

Mr. President, we must not turn away from what I consider to be a vital show of support for a critical ally. Now that nearly 500,000 refugees have come to Israel in 3 years, that country faces the monumental task of absorbing them into its economy and society. I support the Israeli absorption guarantee program and urge all of my colleagues to do the same.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3331) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was adopted.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3332

(Purpose: To call for the Secretary of State, in cooperation with the Secretary of the Interior, to enter into agreements with Canada to protect the Alsek and Tatshenshini Rivers, for the Secretary of the Interior to ensure that Glacier Bay National Park and Preserve is not degraded by potential mine developments in Canada, and for other purposes)

Mr. LEAHY. Mr. President, I send an amendment to the desk on behalf of Mr. WIRTH and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. WIRTH, proposes an amendment numbered 3332.

Mr. LEAHY. 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 appropriate place in the bill, insert the following new section:

SEC. . INTERNATIONAL PROTECTION FOR GLACIER BAY NATIONAL PARK AND PRESERVE.

(a) FINDINGS.—The Congress finds that—

(1) the Alsek and Tatshenshini Rivers possess outstanding fisheries, wildlife, botanical wilderness, and recreational values of international significance, including the largest nonpolar ice-fields in the world;

(2) the Alsek and Tatshenshini Rivers provide prime habitat for large mammals including the grizzly, the rare glacial bear, moose, wolves, mountain goats, and Dall sheep, and such birds as the bald eagle, peregrine falcon, migratory birds, trumpeter swans and other waterfowl;

(3) the Alsek and Tatshenshini Rivers support important commercial, subsistence and sport fisheries for sockeye, chinook, coho, pink and chum salmon and other important resident fishes, valued in excess of $8,500,000 annually;

(4) Lynn Canal sustains harvests of salmon, bottomfish, shellfish, and other fishery resources valued at $41,000,000 annually;

(5) the Congress enacted in 1980 the Alaska National Interest Lands Conservation Act, among other purposes, for the protection of that portion of the Alsek River within the United States by including it within Glacier Bay National Park and Preserve;

(6) the Congress encouraged in 1980 the Secretary of the Interior to seek cooperative agreements with Canada which serve to protect the entire watershed of the Alsek River;

(7) the Alaska River is a transboundary river, subject to the protective mandates of the Treaty Relating to the Boundary Waters and Questions Arising Along the Boundary Between the United States and Canada, agreed at Washington on January 11, 1909 (TS 548);

(8) the Memoranda of Understanding Concerning Salmonid Research and Enforcement of the International Convention for the High Seas Fisheries of the North Pacific Ocean, signed at Vancouver on April 9, 1986, expressly recognizes that the Alsek River chinook and early run sockeye stocks are depressed and require special protection and management consideration;

(9) the headwaters of the Alsek River are provided protection by inclusion in Canada's Kluane National Park, designation in the Canadian Heritage Rivers Program, and inclusion in the Wrangell-St. Elias/Kluane World Heritage Site;

(10) Glacier Bay National Park and Preserve has been designated as an International Biosphere Reserve and has been nominated by the Secretary of the Interior to the World Heritage List as an extension of the existing Wrangell-St. Elias/Kluane World Heritage Site;

(11) in 1990, the International Union for the Conservation of Nature recognized the international importance of the Tatshenshini-Alsek River system and its surrounding 2,700,000 acres as unique and worthy of consideration for World Heritage Site status;

(12) protection of the wild lands of the Alsek and Tatshenshini watershed in British Columbia would complement the protected wilderness of Wrangel-St. Elias National Park, Kluane National Park, Glacier Bay National Park and Preserve, and the Tongass National Forest and would create the largest protected international wilderness in the world;

(13) a mammoth open-pit copper mine has been proposed to be developed near the Tatshenshini River in British Columbia, the development of which includes storing more than 200,000,000 tons of acid-generating waste rock and tailings behind a 360-foot high earthen dam, storing more than 140,000,000 tons of rock waste on an active glacier, constructing a 70-mile long road through the existing wild lands along the Tatshenshini River with numerous bridges across the river and its tributaries, constructing 2 separate 150-mile long pipelines for copper concentrate slurry and oil between the mine site and Haines, Alaska, and discharging more than 360,000 gallons a day of slurry pipeline effluent into the waters of Lynn Canal;

(14) the proposed transportation corridor and copper concentrate slurry and oil pipelines pass through the Alaska Chilkat Bald Eagle preserve, the largest gathering place for bald eagles in the world;

(15) the proposed mine and pipelines would be within one of the most seismically active regions of North America, and would create a risk in perpetuity for failure of the proposed earthen dam and a catastrophic release of its reservoir of acid generating waste rock and tailings into the Tatshenshini and Alsek Rivers;

(16) agencies of the United States Government, including the Fish and Wildlife Service and the National Park Service of the Department of the Interior and National Marine Fisheries Service of the Department of Commerce, have expressed strong concern that development of the proposed mine could lead to irreversible, catastrophic, and persistent releases of acid mine drainage and heavy metals, and could threaten the water quality, fisheries, wildlife, recreation, and wilderness resources of the Alsek and Tatshenshini Rivers, Glacier Bay National Park and Preserve, and Lynn Canal; and

(17) the release of acid mine drainage and heavy metals into the Tatshenshini and Alsek Rivers, and ultimately the Gulf Coast of Alaska, could devastate the fishing economy, subsistence lifestyle, and culture of the

Yakutat Tlingit and non-Native people residing in the Yakutat region of the Gulf Coast of Alaska, including the Dry Bay fishery.

(b) NEGOTIATIONS WITH CANADA.—The Congress requests the President to direct the Secretary of State, in cooperation with the Secretary of the Interior, to enter into negotiations with Canada to provide protection for the entire Alsek River watershed for the purpose of preserving its fisheries, wildlife, water quality, and recreational and wilderness values.

(c) NATIONAL PARK SERVICE STUDY AND REPORT.—

The Secretary of the Interior (acting through the Director of the National Park Service) is directed to ensure that the internationally significant natural resource values of Glacier Bay National Park and Preserve, including all interests of the United States protected by international treaty, are not degraded by proposed mine developments within Canada. The Secretary of the Interior (acting through the Director of the National Park Service) shall study and report to Congress by September 30, 1993, on the potential impacts to Glacier Bay National Park and Preserve, including the fisheries, wildlife, water quality, recreational and wilderness values, the fishing economy, and subsistence lifestyle of the Glacier Bay National Park, and the culture of the Yakutat Tlingit and non-Native people residing in the Yakutat region of the Alaska Gulf Coast, and Lynn Canal, caused by the proposed mine development in British Columbia.

(d) INTERNATIONAL JOINT COMMISSION.—The Secretary of State is authorized to seek the agreement of the Government of Canada that the International Joint Commission be given a reference, pursuant to Article IX of the Treaty Relating to the Boundary Waters and Questions Arising Along the Boundary Between the United States and Canada, agreed at Washington on January 11, 1909 (TS 548), to examine comprehensively the potential adverse environmental and social impacts of the proposed mining activity and that no permits required to develop the proposed project shall be issued prior to completion of the Commission study.

(e) WORLD HERITAGE SITE STATUS FOR ALSEK AND TATSHENSHINI RIVER WATERSHED.—The Secretary of State, in cooperation with the Secretary of the Interior, should seek the cooperation of the Government of Canada to obtain World Heritage Site status and protection for the entire Alsek and Tatshenshini River watershed.

Mr. STEVENS. Mr. President, may I inquire what this is?

The PRESIDING OFFICER. The Senator from Alaska.

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

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

Mr. HELMS. Mr. President, the pending business as I understand it is the Wirth amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS I ask unanimous consent that that amendment be laid aside.

Mr. LEAHY. Reserving the right to object, Mr. President, at least I thought we were about to get that one cleared. I wonder, Mr. President. I do not want to interfere with the Senator from North Carolina. Why do not we request a quorum call so I can check for a moment with the Senator?

Mr. HELMS. That is all right with me. But I understood the Senator wanted an amendment to be called up. I came to the floor to do that.

Mr. LEAHY. I do indeed. We are not prepared to go immediately. I just do not want to lose the right to the Senator who had the amendment on the floor. I want to make sure that has been cleared. 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. 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

AMENDMENT NO. 3333

(Purpose: To terminate United States assistance for Russia unless Russia ceases its military and military-related efforts to Iran)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask that it be stated in full.

The PRESIDING OFFICER. The pending amendment pending is the Wirth amendment.

Mr. LEAHY. I ask unanimous consent that the pending amendment be temporarily set aside so that the amendment of the Senator from North Carolina can be considered.

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

The clerk will report the amendment of the Senator from North Carolina.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 3333.

At the appropriate place in the bill, insert the following new section:

SEC. . RESTRICTION OF ASSISTANCE FOR RUSSIA.

(a) CERTIFICATION.—Beginning 90 days after the date of enactment of this Act, and every 90 days thereafter, the President shall certify to the appropriate congressional committees that Russia has ceased the export of military and military-related goods, services, and technology to Iran.

(b) PROHIBITION.—Beginning 90 days after the date of enactment of this Act, the President shall terminate at any time all United States assistance (other than humanitarian assistance) for Russia unless there is in effect a certification made under subsection (a).

(c) DEFINITIONS.—As used in this section—

(1) the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; and

(2) the term "humanitarian assistance" includes food, clothing, and medicine.

Mr. HELMS. Mr. President, the distinguished occupant of the chair, whom I admire greatly, has been here for a number of years. I think he would agree with me that no Senator has ever offered an amendment that was not straightforward, simple, and very, very important. I will not say that about this amendment, even though I think all three apply. I will let the Senate determine that.

I will say that this amendment that the clerk has just read, and I thank him for doing so, is easy to understand. It is straightforward. It will terminate all nonhumanitarian assistance to Russia unless the President can certify that Russia has ceased military sales to Iran.

I have here a list of some of the equipment that Iran has been receiving from Russia, and very recently: Mig-29 fighters, Sukhoi-24 striker jets, Tupolev, supersonic maritime strike bombers, et cetera, et cetera, et cetera.

And now Iran is about to get something else. It was just about a year ago that reports began to surface about a Russian submarine sale to Iran. As a matter of fact, three subs, according to these reliable reports, were to be sold by Russia to Iran for somewhere in the neighborhood of $250 million apiece. That is a pretty expensive neighborhood.

I know Russia needs money, but we do not need to have allies who would sell submarines to Iran. That sale was contracted under the Soviet regime, which regularly sold arms to Iran and Libya and Syria, and to which we never would have thought to give hundreds of millions of dollars of the U.S. taxpayers' money.

Now there is a new regime. Out with the Soviets and in with the successors to the Soviets, whatever you want to call them. The new Russians are our friends and partners, or at least that is what the experts over in the State Department tell us. "We have to help the Russians" they say. "We have to preserve the trend toward democracy" whatever that means. "We have to help stabilize their country."

I had a letter just his morning from our distinguished Ambassador to Russia, my Texas friend, Bob Strauss, whom we all love. Boy, did he put on a sales pitch. He almost persuaded me, I will tell him, but not quite. If we, the United States, do not help Russia, we are being told, Russia will be forced into all sorts of bad behavior. They will start scrounging for foreign exchange in places like Iran, Libya, and Syria all over again.

Well, guess what? We are about to pass an authorization bill and an appropriations bill sending money to stabilize, promote democracy, and help keep the Russians from selling items like fancy attack submarines to these thugs in the Middle East. But Russia is going ahead and selling them anyhow to Iran.

There are some old-fashioned people around like me, who may believe that three old Soviet subs ought not to be sold to Iran. There are other people who think that three old Soviet subs cannot do much harm, but I am not one of those. I think I am right. Some say let the Russians, the successors to the Soviets, do whatever they want to. I do not say that.

These submarines, it so happens, are sophisticated, quiet-running, diesel submarines, with significant military capabilities. Iran will have two of them. They carry torpedoes and could carry submarine-launched cruise missiles that have capabilities and sophisticated sonar equipment. The introduction of these submarines into the area represents a frightening threat to all traffic in the Persian Gulf—not just part of it, but all of it—including United States military vessels that patrol those waters.

The same skeptics might also argue that even if the subs are fancy, the people running them will now know what they are doing. After all, what do Iranians know about sub warfare?

Well, I will tell you, they know everything the Russians know about it. That ought to give you a chill. Iranian crews have been training in Russia to run these subs for at least a year—I think longer than that. One crew has already finished its training, and another is training, as we stand here today.

As far as the question of whether Iran represents a threat, I do not believe I need to go into any detail. We all know, or should know, that Iran is today, in my judgment, the most dangerous and vicious regime in the Middle East. There are some mighty close runners-up, but Iran, as far as I am concerned, is still in first place.

Last week, I saw some press reports and news reports that the sub sale has been suspended. Mr. President, it has not. Last week, one Kilo class Russian submarine, with a Russian and Iranian crew sailing under a Russian flag, departed from the Port of Baltysk on its way to an Iranian base at Chah Bahar.

It is under way right now, forging ahead. Another sub has been built and will soon be ready to go. Some people say, knowledgeably, that the first submarine has already been paid for. I am relieved to know that they had the spare change to handle that transaction.

The Russians, including especially Boris Yeltsin, know full well that we do not want this sale to happen. Last week, Acting Secretary Eagleburger—who by the way, I just left a meeting with moments ago—Larry Eagleburger was in New York attending the U.N. General Assembly,. and he met with Andrei Kozyrev. Larry Eagleburger in no uncertain terms told Mr. Kozyrev that we do not want the sale to go forward. Larry was told in nice diplomatic language by this Russian to forget it, that we, in the United States, just do not understand the military dynamic in the Middle East, and that this sale would not destabilize the Persian Gulf. The Russian foreign minister also said that such sales are necessary, and I quote his exact words—"in order to help our economic reform."

I would like to ask that gentleman if that means that Russia does not need United States taxpayer money to help their economic reform. If they want to make that money off of selling submarines to Iran, they surely do not deserve or need one red cent from the American taxpayers.

When this idea of giving Russia an intravenous line into the United States Treasury first came up, I opposed it strenuously—and I still oppose it. But I would like to remind some of my distinguished colleagues who supported the Russian aid bill what they said. They said, right in this Chamber, if we do not support Russia now, who knows what kind of rogue regime could take over. They said if we do not support Russia now, the hardliners will come back.

Well, I have news for them. The hardliners are sitting on the front row. They are promoting the sale. And I wonder, frankly, if Mr. Yeltsin, whom I like personally—and I sat by him a number of times when he has been over here—I wonder if Mr. Yeltsin could stop this sale, even if he wanted to. I do not believe he could.

Mr. President, we have to slam the door on this sort of thing, or the deal on the submarines is going to go through. So this amendment, as we always say, is very simple. It is forthright, as we always say, et cetera, et cetera, et cetera. It simply asks the President to certify that the Russians are not out there funneling weapons to Iran before we send millions of dollars to the Russians. I do not think that is really a lot to ask. We are giving the Russians—we, being the taxpayers of the United States of America—nearly $1 billion.

Mr. President, the Russians do not need to be in this dirty business with Iran. They do not need to help Iran threaten American servicemen in the Persian Gulf or America's allies in that area. They do not need to sell these submarines and cause us the additional cost of surveillance, and you can be sure that we will have to watch them like hawks.

So, if the Russians are our allies, as I hear constantly they are, and Boris Yeltsin has told me personally that they are, they will not make this outrageous sale to Iran. And, if we are their friends, we will give them the necessary incentive to stop this sale, and that is precisely the purpose of this amendment.

Mr. President, if we have enough Senators on the floor, I will ask for the yeas and nays, but I will withhold that for a moment.

I am advised that the Senator from New York [Mr. D'AMATO] and the Senator from South Dakota [Mr. PRESSLER] are on their way to the Chamber to discuss this amendment.

Mr. KASTEN. Will the Senator yield?

Mr. HELMS. Mr. President, 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. 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 managers of the bill have graciously persuaded me that this is an amendment that they should accept. I am inclined to agree with them. I have a second-degree amendment that I am going to offer along similar lines. I think I better ask unanimous consent that that be in order, because I am not sure what the list says.

A parliamentary inquiry. Tell me about the second-degree amendments. Are they in order, notwithstanding not being on the list?

The PRESIDING OFFICER. Relevant second-degree amendments, the Chair advises the Senator from North Carolina, are in order.

Mr. HELMS. OK; I thank the managers of the bill, and I suggest we adopt the amendment on a voice vote.

Mr. D'AMATO. Mr. President, I cosponsored legislation which would bring about a termination of our aid to Russia if they continue to supply arms to Iran. I recall being in this Chamber when my colleagues reacted somewhat indifferently to the dangers posed by Saddam Hussein and the Iraqis.

I recall in May 1991, coming down to this floor and offering an amendment that would have precluded us from continuing our usual relationship of doing business with the Iraqis. As a matter of fact, it was an amendment to the chemical treaty legislation that we were considering. One of the things that I pointed out was that as we were providing loan guarantees to Saddam Hussein, that he had been diverting to his armies to build his huge war machine. His war machine was being used against innocent people—women and children. They were gassing the Kurds, yet we conducted business as if everything was quite all right. To say that we were indifferent would be an understatement.

The world community was engaged in building this killing machine of Saddam Hussein's and now we look today and we see the cost in terms of lives, in terms of tens of billions of dollars to disassemble most of that machine, and we see another machine which we are helping to build as a result of our inac-

tion. This machine will be every bit, if not more dangerous, than that which Saddam Hussein built in Iraq. It poses greater consequences than that of the Iraqi invasion of Kuwait and that literally I believe is right around the corner. That is the Iranian killing machine. Make no mistake about it, that is what is taking place right now, and we choose to simply ignore it.

It is not an easy problem to deal with. I believe that our legislation, our amendment which says that we will cut off aid to Russia if they continue their arms and weapons sales to Iran is a first step.

I believe it is absolutely imperative for us to bring our allies together, even those who wish to join the world community, including the North Koreans. As an aside, I just met with their foreign minister several days ago to discuss some issues and this was one of them. It is absolutely imperative that we and our allies use all of our power and might to dissuade them as well as the Russians, the Chinese, and others from supplying the kinds of weapons which are being shipped into Iran today.

The Iranians are arming themselves to the teeth and we turn our heads. We are aware of a minimum a $12 billion shopping spree for arms in 1990 alone: Scud missiles, Chinese nuclear technology, submarines, $2 billion in purchases from the former U.S.S.R.; 72 F-7 fighter jets; 25 Sukhoi bombers from China; 1,500 T-55 tanks from Poland; 2,000 SAM surface-to-air-missiles from Bulgaria; 200 T-72 tanks, 7 submarines and the list goes on and on.

If we feared Saddam's intentions, and I think we did not do nearly enough, I have to tell you something, Mr. President, with the nuclear technology which the Iranians are seeking to develop with an arms budget estimated at over $50 billion over the next 5 years, it should be clear to all that Iran's aim to build itself into a regional nuclear power intent on dominating this region is one that can only have the gravest of consequences to world peace. If the world community wishes to avoid another Mideast war and the consequences being far more devastating than anything we have seen or probably can imagine, the time to move and to act is now.

So I applaud the legislative initiative. I say that it is just a beginning, this is just the tip of the iceberg if we are going to keep a situation that I think has the potential of threatening world peace, that will bring in fundamentalists from all over this region at the beck and call of the Iranians given this incredible military might. Something must be done.

Let me suggest that the submarines being sold to them, and I have heard estimates of people saying, "Oh, they are not very significant." They will be able to create very real problems in the Straits of Hormuz, and very real problems in disrupting the world's supply of oil rather easily. And this killing machine, this military machine which the Iranians are building must be stopped. Our allies have to know that they cannot be our allies and do business as usual with us and help build this machine of destruction, a very destabilizing force in this very tenuous area, one where peace hangs by a thread, and where with the removal of one leader, Lord knows what can happen.

So we have to see to it that the great power that we have is leveraged into bringing the civilized nations of the world into a concerted action to stop sending Iran these kinds of weapons, this kind of technology, and to serve notice very clearly to the Iranians, that the world community and this Nation will not tolerate the kind of warmaking and terrorist activities that we have seen, and that we will be prepared to do whatever is necessary to stop this.

The best way to stop it is to keep that technology from coming under their control. The best way to stop a war is to prevent them from having the kinds of equipment that will give them the ability to project a force structure outside of that region, and to let them know that the world community and this Nation will meet its obligations to prevent any nation from dominating that region by way of force of arms.

So this is an important step. You cannot turn away and make believe it is not taking place. We have been slow to react, painfully slow, and I hope we do not pay a terrible price as a result of our indifference. In looking the other way as the Iranians are moving at a very swift pace building this machine will bring grave consequences for the world. Just think of what would have been had there been a nuclear capability beyond that on the Iraqi drawing boards; if they had nuclear armed missiles; and if we had had to contend with a nuclear power. This region cannot take that kind of instability created as a result of the world's indifference, in looking the other way. Certainly we may not be able to speak for every other nation, but we can set an example. What we do in this legislation, in saying that we will deny aid to those nations or to Russia if they persist in selling these kinds of weapons is important and it should be the start of a process where we bring that about with every other nation with which we deal and see if we cannot get the world community to join with us.

Mr. President, I thank the distinguished manager of the bill.

I yield the floor.

Mr. PRESSLER. Mr. President, I appreciate the leadership of the Senator from North Carolina [Mr. HELMS] and I am pleased to join as a cosponsor of his amendment. The Helms amendment conditions United States foreign aid to Russia on the President's ability to certify to Congress that "Russia has ceased the export of military and military-related goods, services, and technology to Iran."

Mr. President, the specific matter that makes this issue so urgent is that a Russian submarine is on its way from an illegal Russian military base in independent Latvia to Iran. A second submarine, also being constructed in Latvia—illegally and in violation of international law—is nearly completed.

As a matter of national security, sales of any military or military-related goods by any country to Iran should be opposed by the Congress. Iran has an enthusiastic record of supporting and leading international terrorism. Israel and other peaceful countries of the Middle East and of the former Soviet Republics in Central Asia are targets of Iran's appetites.

On April 29 of this year, I addressed the Senate on the topic, "Why is Russia selling submarines to Libya and Iran?" At that time, I noted that one of the most horrible vestiges of five decades of illegal Soviet occupation of the Baltic States is the continuing illegal occupation of Lithuania, Latvia, and Estonia by Russian troops and Russia's inexcusable continued use of ex-Soviet bases and facilities. Mr. President, I ask unanimous consent that my April 29 speech be included in the RECORD at the conclusion of my remarks.

On May 7, Lally Weymouth, writing in the Washington Post noted the ominous Russian military presence in the three Baltic States and asked, "Are the Russians merely continuing some of the less attractive features of Moscow's old foreign policy?" She continued by noting that Latvian port facilities were being used by occupation forces to train Iraqi crews to use Russian missile boats. Finally, Ms. Weymouth noted the toxic cooperation between the Russian military and Iran. Mr. President, I ask unanimous consent that Ms. Weymouth's article also appear in the RECORD at the conclusion of my remarks.

During consideration of the foreign aid authorization bill for Russia, the so-called Freedom Support Act, the Senator from Arizona and I sponsored an amendment conditioning assistance to Russia on significant progress toward total withdrawal of more than 100,000 Russian troops from Lithuania, Latvia, and Estonia. The Senate conducted 4 hours of debate on the subject on July 1 and adopted language that has survived in the conference report to accompany the bill.

Mr. President, I believe it is important to read the conference language into the RECORD at this point, because it has two vital components. In its first clause, assistance to Russia is prohibited "if it has failed to make significant progress on the removal of Rus-

sian or Commonwealth of Independent States, troops from Estonia, Latvia, and Lithuania." Russian armed forces have no place in the three sovereign Baltic States. The Senate has spoken and I commend the Senator from West Virginia [Mr. BYRD] and other Senators for putting even tougher conditions on Russian troops in the pending Foreign Operations appropriations bill.

But the conference language has a second clause that is just as important and addresses precisely the point of the amendment offered by the Senator from North Carolina today. United States foreign aid to Russia is also prohibited "if it has failed to undertake good faith efforts, such as negotiations to end other military practices that violate the sovereignty of Estonia, Latvia, or Lithuania."

Mr. President, the illegal Russian bases in the Baltic States are clear violations of Baltic sovereignty. The fact that they continue to exist and operate also constitutes a clear threat to the national security interests of the United States, inasmuch as they are being used to construct and retrofit offensive naval vessels for countries such as Libya, Iran, and Iraq as well as for crew training.

Mr. President, a weak attitude toward Russian military occupation and violations of Baltic sovereignty associated with the former Soviet military-industrial complex encourages more Iranian submarines to be built.

The Senate must speak and encourage conferees on the Foreign Operations appropriations bill to be tough in negotiations with the other body. The Russian military—whether or not they are controlled by President Boris Yeltsin—must close down these bases which are in violation of international arms boycotts and directly threaten the vital national security interests of the United States.

Mr. President, I thank the Senator from North Carolina for offering this essential, timely amendment. If Russia continues to act recklessly, a wise response would be to stop United States nonhumanitarian assistance. I urge adoption of the amendment.

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

WHY IS RUSSIA SELLING SUBMARINES TO LIBYA AND IRAN?

Mr. PRESSLER. Mr. President, today I received shocking news from the Government of Latvia that the Government of Russia is apparently prepared to deliver a submarine to the Libyan Government using the Latvian port of Bolderaja once it is repaired by former Soviet military and Libyan technicians in a Russian-owned factory run by the Russian military. Such an action would be in direct violation of U.N. sanctions against Libya adopted on March 31. This situation is intolerable, and I call on President Bush and Secretary of State Baker to exert immediate and maximum pressure to prevent this submarine transfer to Libya from occurring.

According to the Latvian newspaper Diena, a second submarine is being retrofitted at the same factory for shipment to Iran. This, too, is something the administration should work to prevent.

The sovereign Government of Latvia has protested in the strongest possible terms the preparation for this perilous, illegal transfer of weapons technology. It is not surprising that Libyan dictator Mu'ammar Qadhafi, a notorious supporter of state-sponsored terrorism and of the Palestine Liberation Organization, will go anywhere and pay any price for new weapons capabilities. However, it is appalling that elements of the Russian Government, which the United States is preparing to provide enormous amounts of foreign aid, is working with him to achieve this nefarious objective.

Mr. President, it appears this may be a case where the old Soviet military industrial complex is flexing its muscle in today's Russia. It is possible that contained retrofitting of the Libyan and Iranian submarines is an attempt to embarrass President Yeltsin and the reform elements of the Russian Government. Nevertheless, the submarine transfer demonstrates the continued strength of the former Soviet military and bureaucracy. It highlights the fact that with these elements of the old regime in power, unless great care is exercised, U.S. assistance efforts may be largely wasted.

The Latvian Government has appealed for United States help in stopping this action by its larger neighbor. The Latvian Government also has stated that the submarine transfers underscore the broader issue of unwanted military forces in the Baltic States. Now it appears Russia is preparing to ignore the sovereignty of Latvia by using the military and Russian owned factories in Latvia to conduct illegal activity. On April 22, Latvia protested to the Government of Russia. The Latvian Government maintains that the Libyan technicians working on the Libyan-bought submarine were invited by the Russian Foreign Economic Relations Ministry. Yesterday, the Latvians also sent a diplomatic note to the United States State Department and the United Nations.

The Russian Press Agency, has indicated that the submarines were purchased from the Soviet Government in 1988 and that the Yeltsin administration is prepared to honor the contracts made by the Soviet regime with these terrorist countries—despite the repudiation of the Communist system by the Russian people, and despite the U.N. embargo against Libya. The Russian Press Agency quoted a naval officer as saying that the plant will honor the contract made between the Libyan Government, the Soviet Armed Forces, and the shipyard.

Mr. President, President Boris Yeltsin's quick denunciation of the massacre of innocent civilians in Vilnius in January 1992 and his appeal to Russian soldiers to restrain themselves then and during August 1991, were to a large extent, responsible for ending bloodshed and preventing further deaths and injuries.

That model behavior is not reflected in the submarine transfers. As far as this Senator is concerned, all future assistance to the Government of Russia is now on the line and in question. The time has come for the Russian Government to be held accountable for the actions of its military or bureaucracy.

The Russian Government has claimed former Soviet military bases and former all-union factories in the Baltic countries. In fact, on February 10, the Central Administration of the Commonwealth Baltic Fleet Ship-Repair Factories sent a document to the ship repair factory stating that it remained the property of the Russian Federation. It is therefore responsible for the unconscionable events taking place in Latvia.

Mr. President, I urge President Bush and Secretary Baker to take decisive action in denouncing these actions of the Russian Government. Unless President Yeltsin blocks these arms transfers, I am convinced the only responsible course is to suspend all nonhumanitarian assistance to Russia that is funded, directly or indirectly, by the people of the United States.

In addition to an immediate suspension of these illegal arms transfers, the United States should take energetic and effective action to terminate the presence of over 100,000 former Soviet troops and numerous air, naval, and army bases in the so-called Baltic military district. To this end the Senator from Arizona, Mr. DeConcini, and I will propose an amendment to the Freedom and Support Act for Russia, S2532. The amendment would condition United States foreign assistance to Russia on significant progress in the removal of former Soviet troops from the Baltic nations.

Although President Yeltsin has indicated Russia's eventual willingness to leave the Baltic States, his government has offered a variety of weak excuses for delaying the timetable for removing occupation forces. In my opinion, these excuses do not justify a continued military presence.

Mr. President, it now appears these bases are being used for the hostile activity, contrary to international law and American foreign policy, of providing submarines to Libya and Iran. This is all the more reason for the United States to insist on Russia's immediate departure from the Baltic States.

Until its destabilizing forces are removed, the Russian Government will continue to conduct military exercises without the approval of the Baltic governments. In truth, the Baltic States can be used as the launch site or the port of exit for sales to states hostile to United States interests and international agreements. I am disturbed to learn that the Government of Estonia recently noted that former Soviet troop levels have increased rather than decreased in recent months. Mr. President, I ask unanimous consent that a copy of an article entitled, "For Red Army in the Baltics, a Long Goodbye," from the Los Angeles Times be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. PRESSLER. Mr. President, the problem of former Soviet bases in the Baltic States is a long-standing issue. This is not the first time bases in the Baltic States have been used for illegal activities contrary to the interests of the United States and its allies. For instance, soon after Iraq's invasion of Kuwait, Senator Helms told the Senate that the Soviet Government was training Iraqi soldiers in Latvia. Unfortunately, his revelation was right on target.

Mr. President, we must plug the holes in the international coalition against Libya and Iran. The United States must condemn these submarines sales and support prompt departure of former Soviet troops from the territory of some of the newest European allies—Estonia, Latvia, and Lithuania.

EXHIBIT 1

[From the Los Angeles Times, Mar. 30, 1992]

FOR RED ARMY IN BALTICS, IT MAY BE A LONG GOODBY

(By Tamara Jones)

One afternoon last month, the Red Army cordially invited the international media to

observe what was being billed as a historic occasion: the first withdrawal of former Soviet troops from this newly independent Baltic nation after 50 years of occupation.

The gates of the army compound just outside Vilnius were flung open, and seven massive trucks bearing surface-to-air missiles revved their engines. With television cameras rolling, the usually taciturn soldiers began to ham it up, waving goodby and tracing their fingers along road maps pointing the way back to Russia.

The journalists waited. The Red Army smiled and waived some more. Eventually, the cameras were turned off. So were the truck engines. The exasperated journalists left. The Red Army did not.

Later, a sheepish commander explained that it was all basically a publicity stunt to signal the army's readiness to retreat.

But the farce is no laughing matter to the Lithuanians, Estonians and Latvians who consider themselves still occupied by an unpredictable foreign army six months after the disintegrating Soviet Union recognized Baltic independence.

Confusion, chaos and corruption dominate what is supposed to be the withdrawal of at least 120,000 ex-Soviet troops from the Baltics; tensions already have led to shootings at border posts and dark threats of starving out the occupiers. Meanwhile, officers and soldiers have been selling everything from bullets to—in at least one instance—entire bases on the sly.

Although Russia has accepted responsibility for the army and agrees that the troops must withdraw, the debate is only now heating up over how quickly they will leave, where they will go and, most important, who will pay for all of it.

Further complicating the touchy issue are reports that many officers are vehemently opposed to giving up their apartments, villas and higher standards of living in the Baltics for an uncertain future back home in the former Soviet Union, where a lack of housing already has forced many military families who have been withdrawn from Eastern Europe to live in tents.

"It is just as dangerous to take an army out into a vacuum as it is to leave it behind," said Sergei Shakhrai, the head of the Russian delegation negotiating terms of the pullout.

The Baltics have demanded that all troops leave by the end of the year, which government officials privately concede is an impossible deadline. Russian commanders say a seven-to-10-year timetable is more likely—a possibility the Balts find chilling.

The deepest fear in the Baltics is that political instability in the Commonwealth of Independent States, particularly Russia, will lead to another coup attempt and give military hard-liners still stationed in the Baltics a chance to crack down. There is also concern that fuel and food shortages in Russia will worsen, possibly curtailing supplies to the troops here and triggering panic among the soldiers.

Soviet troops killed 14 civilians in Lithuania and seven in Latvia in bloody attempts to crush Baltic independence a year ago. The Lithuanian Parliament still keeps itself barricaded behind sandbags and barbed wire, saying the siege mentality must prevail until the last soldier leaves.

"We cannot exclude the possibility of major conflicts, but we hope to avoid them," said Toomas Puura, head of the parliamentary commission on defense in tiny Estonia, where the smallest Red Army contingent—about 36,000—is stationed.

Such warnings are unlikely to impress the military command.

With no real armies of their own, no international pressure being brought to bear on the occupying army, and weak economies still desperately dependent on Russian imports, the Baltics are virtually powerless to back up their demands.

"We can tell them to get out all we want," said Mikhails Stepicevs, head of Latvia's parliamentary commission on defense. "They're going to withdraw, but they're in no hurry. What timetable do we want? Yesterday. But the Russian side wants to stay a long, long time, as long as they can, and maybe even keep a military base here."

So far, none of the Baltic nations have indicated any willingness to allow a continued Red Army presence, and the army in turn is loath to leave behind strategic air-defense, marine and early-warning systems that would be expensive to re-create in Russia.

The Russians have rebuffed even the most basic requests, such as an inventory of personnel, equipment and military installations on Baltic territory, and Baltic inspectors are denied access to the thousands of bases, airstrips and other facilities that sit on what is now sovereign territory.

Two nuclear reactors and at least six chemical weapons depots are thought to be in Estonia alone, and a general perception of disarray in the ranks leads Stepicevs to conclude with alarming certainty, "If I wanted, I could buy nuclear weapons."

Night-vision equipment and small arms have reportedly turned up at local flea markets, and Estonian officials have discovered that an entire Soviet base—complete with barracks, a canteen, a central-heating plant and a peat farm—was sold illegally to a civilian for about $29,000. Who sold it and where the money went is anyone's guess.

"They're selling everything that isn't nailed down," said a Western diplomat in Riga, Latvia, where the Baltic forces are headquartered.

"They strip the wiring right out of the walls when they leave and take all the lights," added the diplomat, speaking on condition of anonymity. "It's one thing to sell off the occasional greatcoat or fur cap, but * * * Kalashnikovs and bullets are being sold. The real concern for the Latvian government is that all these arms are disappearing, and where are they going?"

The Commander of the Baltic forces, Gen. Valery Miranov, says only that "some small parts" of his command are "disorganized."

Miranov says there are 120,000 troops in the region, but other estimates by Western diplomats and Baltic authorities run as high as 400,000. Some troops already have left, but there are no official figures, although Estonia calculates that up to one-third of the forces there have already left without fanfare.

At least 80,000 officers also are believed to have retired in the Baltics, particularly in Latvia, where the population is almost equally divided between Russians and Latvians. Radical nationalist groups in Latvia have been demanding that the citizenship law now being drafted exclude Russians and force the deportation of all retired officers.

Miranov recently linked the citizenship question to withdrawal of the troops, much to the ire of Latvian leaders who complained that he has no right to meddle in their domestic affairs.

"We have to solve the question of citizenship of army members and pensioners and all Russian-speaking inhabitants first," Miranov said at a briefing of Western journalists who had asked when troops would withdraw.

Miranov also bitterly complained that 15 Latvian border guards have "physically assaulted" two Russian officers last January when they drove from Latvia into Lithuania. He gave no further details but stressed that such incidents could easily escalated into violence.

"It is impossible to predict what will happen if the person involved isn't calm," he said.

In Lithuania, border guards earlier this year tried in vain to shoot out the tires of a Red Army truck that roared past a checkpoint into Belarus.

There have been several other incidents viewed by the Baltics as deliberate provocations. Estonian authorities at the border angrily unhooked railroad cars carrying new conscripts to Tallinn, forcing them to hitch a ride on the next train. Two trainloads of military supplies were also seized in the Estonian town of Tartu.

The question of ownership is one of the main stumbling blocks in negotiations over withdrawal, since each of the Baltic nations is trying to nationalize all or part of the military property and equipment currently in Red Army hands. They argue that this will partially compensate the Baltics for the military equipment and private property seized when the Soviet troops began their occupation and for the environmental damage they leave behind.

But the Russians are presenting their own bill to the Baltics, saying they must be reimbursed millions of dollars for the property they cannot take with them, such as postwar buildings, airstrips and military hospitals.

In addition, Moscow had indicated that the pullout might be speeded up if the Baltics follow wealthy Germany's example and pay for housing to be built for officers back home. Estonia already is exploring the possibility of using Western credits and Estonian construction workers to do just that.

"When the Soviet Union occupied Estonia, they took away all the arms and equipment of the Estonian Defense Force-the equipment of 130,000 troops-the submarines, the airplanes, the airports * * * Everything was confiscated," recalled Puura, the Estonian lawmaker.

"We're just now beginning to calculate the environmental damage, and nobody could ever estimate the moral damage done to our people over 50 years," he said. "Tens of thousands of people were deported and killed, and our country went from a normal modern, developed country to an underdeveloped Third World country.

"And now, after all the damage they've inflicted, they're still trying to make us pay for what they did to us," he fumed.

But current hardships have imposed at least a partially symbiotic relationship, with local military commanders trading fuel for food from private farmers.

Oleg Popovitsh, minister of the Russian Embassy in Estonia, agreed that his country should pay for any damages but said Russia "does not accept the nationalization of all Red Army equipment."

"If the Estonian Defense Forces are interested in arms, we'll be happy to sell to them or make deals as part of the compensation. But seizing them? That's impossible."

Popovitsh estimated Soviet property in Estonia at well over $1 billion-about 30 times the entire Estonian budget.

Conscripts themselves are reluctant to discuss going back home, even when commanding officers leave the room.

"Do I consider myself an occupying force?" said Jahanger Mamaturoyev, 18, pausing for several long minutes before answering in a low voice. "Yes, I do."

A fellow soldier at the antiaircraft missile base about 15 mile from Tallinn acknowledged that he is worried about what awaits him when he returns to his village in Kazakhstan.

"We're not very glad about prospects," said Marat Mosik, a 19-year-old sergeant. "We have food in the army." He ticked off a typical menu: macaroni for breakfast, pilaf with a little beef for lunch, mashed potatoes for dinner.

His deputy commander is also worried about leaving. "I've served in Estonia for 16 years," said Lt. Col. Vassily Vassiliyev. "Of course, I had my plans for retirement. Sixteen years is a long time, and I haven't been in my native country—Russia—for 20 years. I had been cherishing a hope of settling down in an apartment in Tallinn. My children grew up here, and the feeling deep in my soul is to stay in Estonia. But I will leave."

The brigade commander, Col. Alexander Zharenov, figures that the 2,000-man unit will not complete its withdrawal until 1999.

"As commander of this brigade, the biggest problem is finding housing for every single officer," he said, noting that 400 come under his jurisdiction. "I'd feel ashamed to look my subordinates in the eye if I can't guarantee them a decent place to live. The only thing holding us back is housing.

"The biggest problem is uncertainty and the dark future," he added.

There is no overt animosity between the soldiers with the hammer-and-sickle emblems still on their uniforms and the Balts who have grown accustomed to seeing them in their cities and villages over the years.

"They always answer us politely and look right through us," said Lithuanian journalist Algimantas Cekuolis.

"But it's better than being shot."

WHAT IS RUSSIA UP TO IN THE BALTICS?

(By Lally Weymouth)

[From the Washington Post, May 7, 1992]

Latvia, the Baltic republic finally rid of the Soviets and enjoying its first taste of freedom in half a century, is experiencing problems with its large and powerful Russian neighbor. The most recent example of the bizarre and nuanced circumstances created by the meltdown of the Soviet Union was the news that—unknown to Latvian authorities—a submarine Libya had purchased from Moscow was undergoing work in a Russian-controlled factory located in a Russian-occupied zone of Latvia.

Are the Russians merely continuing some of the less attractive features of Moscow's old foreign policy? After all, U.N. sanctions were imposed on Libya April 15. The Russians, ostensibly—like the Latvians—voted to comply with these sanctions. Thus the submarine refitting effort would appear to represent an attempt both to evade sanctions and, perhaps, to let the blame fall on Riga.

Moreover, the Russians actually used the same Latvian port last year to train the crew of an Iraqi missile boat—despite the public front of U.S.-Soviet cooperation in the war against Saddam Hussein. And that isn't all: At the moment, according to a Latvian official, the Russians are outfitting yet another submarine in the very same Latvian factory—this one is intended for shipment to Iran. When the newly formed Latvian government protested to the U.N. Security Council regarding Russia's use of one of its key ports in order to continue its military relationship with Libya—an international pariah—the Russians immediately halted work on the submarine in question.

Moscow's response satisfied the United Nations; but from the Latvian standpoint, it was inadequate. Indeed, Riga felt that the episode served to pinpoint a continuing problem—the unwanted, yet unending, Russian military presence on Latvian soil.

Moscow, to be sure, has agreed in principle to withdraw its nearly 100,000 troops from the Baltic states—Latvia, Lithuania and Estonia. But the Russians have refused to set a deadline or timetable for the withdrawal. And Estonia even claims that Moscow has recently added troops to those it previously deployed there.

Ojars Kalnins, an official of the Latvian Embassy in Washington, notes that the Russian troops, beyond creating a measure of domestic instability, also damage Latvia's potential to improve itself economically by drawing Western investment. In particular, Kalnins points out, the Russian military presence causes American businessmen to hesitate before investing in Latvia.

The episode involving the Libya-bound submarine raises fairly basic questions. Is Russian President Boris Yeltsin manifesting simple duplicity regarding his willingness to take part in the U.N.-imposed sanctions? Or is Yeltsin unable to control his own military? Is a rogue group of former Soviet military officers—men Yeltsin is unable to control—endeavoring to maintain a Russian military presence in the Baltics (perhaps even to embarrass Yeltsin)?

Sen. Larry Pressler (R-S.D.) deems the issue sufficiently important that he has asked Secretary of State James Baker to urge the United Nations to send observers directly to Russian-held military bases throughout the Baltic region. Pressler wonders whether the difficulties that Latvia is now confronting also plague other Baltic states.

Needless to say, Pressler and others are especially concerned that—in spite of sanctions—there may be other Libya-bound vessels under repair in Russian-occupied Baltic ports.

It should be noted that the governments of all three Baltic states have joined in urging U.N. inspectors to take a close look at just what is going on inside the Russian-controlled bases on their own soil.

Latvia secured its independence last fall. But Washington, even though it established formal diplomatic ties with Riga, quickly turned its attention to other concerns, perhaps forgetting that the Latvians would not truly be free until Russian troops agreed to depart.

Pressler and Sen. Dennis DeConcini (D-Ariz.) now plan to introduce an amendment to the president's bill to provide assistance to the independent states of the former Soviet Union. The Pressler-DeConcini measure would link financial assistance for Moscow with "significant" progress on Russian troop withdrawal from the Baltic states.

The president's effort to provide support to the newly independent republics of the former Soviet Union merits support. But so does the Pressler-DeConcini amendment. Assistance to Russia only makes sense if Moscow desists from all efforts to deprive the Baltic states of their full independence. Similarly, before any such assistance is provided, Washington needs to be certain that Moscow has abandoned any notion of transferring technology and weaponry to former Soviet clients like Libya.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 3333) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that Senator SHELBY be listed as a cosponsor of the Leahy-Kasten export jobs amendment.

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

U.S. LOAN GUARANTEES TO ISRAEL

Mr. DECONCINI. Mr. President, I had planned to offer an amendment to H.R. 5368, the Foreign Operations appropriations bill. My amendment would have affirmed the commitment of congressionally approved loan guarantees within 60 days after the Israeli Government requests the loan guarantees.

As the guarantees are presented in this bill, the President has complete discretionary authority to disburse or suspend the guarantees—essentially without congressional approval—subject to any political whims of the administration. The history of loan guarantees for Israel—at least under this administration—clearly demonstrates that capricious delays frequently occur.

Mr. President, as my colleagues will recall, after Congress authorized the $400 million Israeli loan guarantee program in May 1990, the State Department began preparing for the negotiations with Israel over the use of these funds. Political and other considerations delayed the start of actual negotiations for 4 months. The delays prompted the Israeli Foreign Minister to compromise with the Bush administration and draft a letter stating Israel's policy not to direct Soviet immigrants to settle in the West Bank and Gaza Strip. Additionally, the Israeli Government provided specific information to the State Department on its building plans for housing the large volume of Jewish immigrants crossing into Israel, including information that no new housing settlements had been started in the West Bank. However, it was not until April 9, 1991—nearly 1 year after congressional authorization—that the loan guarantees were transferred to the Israeli Ministry of Finance.

I am pleased that the Bush administration has concurred in the principle of providing loan guarantees to Israel. I had been urging him to do so ever since Israel first made its request for loan guarantees in the spring of 1991, after the end of Operation Desert Storm. Finally, after over a year of

delay and the downfall of the Likud government, President Bush announced his support for these guarantees.

This issue, however, is too important to leave to the political whims and fluctuating sentiments of the current administration—or any other administration for that matter. The September 28, 1992, Christian Science Monitor quotes an administration official as saying, "[i]t's an election year and Bush has a reputation for bashing Israel." Mr. President, that statement is certainly accurate. The Israeli people and Government cannot depend on election year politics to assure disbursal of the loan guarantees. Their need for U.S. absorption guarantees is compelling. Although the number of immigrants to Israel has dropped dramatically in recent months, there will soon be half a million new immigrants in that country, and the political and civil strife in Central Europe, the Caucasus, and other war-torn areas are expected to contribute an additional 500,000 immigrants to Israel in the next few years.

Israel's open door immigration policy is unmatched by any± other nation. Israel welcomes the elderly, the chronically ill, and the mentally and physically disabled. It is not a simple or inexpensive task to provide for their well being. The Israeli Government knows this, but continues to accept them anyway. The massive flow of immigrants into Israel's borders have created an unemployment rate of 11.6 percent. That number could increase to 15 percent by the end of the year.

In addition, the influx of immigrants has outpaced the construction of new housing. The delay in disbursing loan guarantees has caused the cancellation of building contracts for 15,000 housing units across the country, leaving 98,000 immigrant families without permanent housing.

Mr. President, as chairman and cochairman of the Helsinki Commission over the last several years, I have been intimately involved in the plight of many of the Russian immigrants travelling to Israel. Commission members have visited with the leaders of the former Soviet Union on many occasions to present lists to the Soviet Government of Soviet Jews wishing to emigrate to their religious homeland. Although those lists were relatively small, our persistence and the consistent pressure of our Government have finally opened the way for hundreds of thousands of Jewish refugees to leave the republics of the former Soviet Union. More than 1.2 million Soviet Jews hold approved family reunification requests for immigration to Israel. I believe the United States has the responsibility to follow through with its policy of allowing emigration from the former Soviet Union. We cannot now abandon those Soviet Jews whom we helped realize their dream of joining their families and brethren in Israel. These guarantees will go a long way in assisting in their smooth absorption into Israeli society.

Mr. President, this loan guarantee is not only an appropriate humanitarian policy, but is a sound economic policy as well. As Israel's largest trading partner, the United States stands to gain materially from the extension of loan guarantees. Already importing 20 percent of its total goods from the United States, increased assets will only increase that number and protect thousands of American jobs. As Israel's economy grows, so will United States exports to Israel. The absorption and training of the immigrant population will result in an infrastructure expansion and increased public consumption of goods, much of which will come from the United States.

Finally, these guarantees are certain to be repaid. Israel's credit record is flawless, having never defaulted on a principal or interest payment on any of its borrowing. Israel maintains a strong ability to service its foreign debt, with a high international bond rating and a low foreign debt as part of its gross domestic product.

Israel is faced with an urgent need to provide adequate housing and care to the immigrants flowing into its borders. The United States has the obligation to disburse congressionally authorized loan guarantees to help Israel absorb these refugees. Our humanitarian obligations are too important to be subjected to the political whims of a Presidential administration historically negative toward our only democratic ally in the Middle East.

The amendment would probably have been defeated, but I feel very deeply about the issue of humanitarian assistance being denied because of politics. I will not offer my amendment today. However, I will closely monitor the absorption loan guarantee program. If I detect any foot-dragging on the part of the Bush or Clinton administration in responding to Israel's legitimate requests for disbursal of these guarantees, I promise my colleagues that I will move on my amendment at that time.

I thank the chairman and ranking member for their action in bringing this bill to the floor and I appreciate their support on this and other issues.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mrs. KASSEBAUM. Mr. President, will the Senator yield for a moment?

Mr. LEAHY. I yield.

Mrs. KASSEBAUM. Mr. President, I have an amendment to offer at the appropriate time. I do not know whether this is it or not.

Mr. LEAHY. Mr. President, if the Senator could withhold just one moment. We set aside an amendment by the Senator from Colorado. I do not know if that has been cleared. If it has, I simply want to bring it up.

Mr. WIRTH. Mr. President, will the Senator yield?

Mr. LEAHY. I yield without losing my right to the floor.

Mr. WIRTH. I thank the chairman for yielding. We had some confusion on who talked to them. That is sorted out now with the Senators from Alaska and the State Department. If we could set the amendment aside, we will make sure we have everybody on the communication. I appreciate the help of the distinguished chairman of the subcommittee.

Mr. LEAHY. I advise the Senator from Colorado he has two amendments, the one that had been there, Glacier Park, and the one on the U.N. summit, and perhaps we should take them both up at the same time.

Mr. WIRTH. That is fine.

Mr. KASTEN. Mr. President, will the Senator yield?

Mr. LEAHY. I yield.

Mr. KASTEN. I do not know where we left the two amendments of the Senator from Colorado. If there is a motion to withdraw both amendments, we will not have to be in a position to ask unanimous consent to set them aside with the idea they are on the list and they could be brought forward at an appropriate time.

Mr. LEAHY. I make that unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. The Senator's request is the amendment that had been pending by the Senator from Colorado be set aside with the understanding he is on the list and it would then be in order for him to bring it up at an appropriate time.

Mr. KASTEN. The amendments are withdrawn with the idea they can come back at an appropriate time.

The PRESIDING OFFICER. The Chair is unclear. State the unanimous consent request.

Mr. LEAHY. Mr. President, there is an amendment that has been pending by the Senator from Colorado regarding Glacier Park. I asked unanimous consent earlier on a couple of occasions to set it aside so another amendment could be considered. I now ask unanimous consent that the amendment by the Senator from Colorado be withdrawn but that the Senator from Colorado not lose his rights to bring it back up again on this bill.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

Mr. LEAHY. One other thing. I ask unanimous consent that the Senator from Hawaii [Mr. INOUYE] be added as a cosponsor to the Leahy-Kasten, et al., exporting jobs amendment.

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

AMENDMENT NO. 3334

Mrs. KASSEBAUM. Mr. 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 Kansas [Mrs. KASSEBAUM], for herself, Mr. SIMON, and Mr. KENNEDY, proposes an amendment numbered 3334.

Mrs. KASSEBAUM. 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 appropriate place in the bill, insert: Notwithstanding any other provision of law, no more than $52,000,000 appropriated by this Act under the headings "Economic Support Fund" and "Foreign Military Financing Program", may be made available to Morocco unless the President certifies, and so reports to Congress, that the Government of Morocco is fully cooperating with the United Nations in the implementation of the Settlement Plan for self-determination of the people of Western Sahara.

Mrs. KASSEBAUM. Mr. President, the amendment I am offering is designed to apply pressure on Morocco to cooperate with the United Nations on the implementation of the peace agreement for Western Sahara. This, I believe, is a balanced approach to help resolve a long-running conflict in North Africa.

The appropriations legislation in front of us earmarks $72 million in security assistance for Morocco, $25 million in economic support funds, and $47 million in military aid. These earmarks exceed the administration's request by $20 million.

What this amendment would do would be to condition the additional $20 million above the requested level on Morocco's full cooperation with the U.N. peace plan for the Western Sahara. Under this approach, Morocco still receives the full amount of security assistance requested by the administration, $52 million.

I might just add that the entire sub-Saharan African Continent receives a total of only $30 million in security assistance in 1992.

This amendment does not affect development assistance or military training funds. What it simply says is in order to send funds above the requested amount, the President must certify that Morocco is fully cooperating with the United Nations peace plan in Western Sahara. I believe this is a fair, limited, and constructive approach.

Let me just say that I regard Morocco, as do many in this Chamber, as a very important ally. It has been for years and it continues to be. The Polisario is an independent group that has been fighting in the Western Sahara for years, and this is an ongoing conflict. The Polisario is not without its own internal problems.

But I feel strongly that if we are just going to continue to allow this large support for Morocco to go without trying to apply a little emphasis to it, we give no aid to the Polisario at all. That is the only means we have.

And through the years there have been a number of questions about Morocco's cooperation with the United Nations on this issue. Recently, elections were held in the disputed territory, which is the Western Sahara region, raising questions about the commitment to the peace process. A Constitutional referendum was held in September. Legislative elections are planned for later this fall. All of these I would say are positive steps. But since their deployment in September 1991 the United Nations peace keeping force has reported 184 cease-fire violations, 178 by Moroccans and 6 by the Polisario.

I just feel Mr. President, without getting into a long, lengthy discussion of this—and this is cosponsored by Senator SIMON and Senator KENNEDY—that this is an important, just qualification. It is not going to take away the additional $20 million. It is just requiring that the President will certify that Morocco is trying to work hard to implement the U.N. mandate and establish a peace plan for the region that can be successful. I think it is, as I say, a very limited effort, but I would hope that it could be accepted.

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, I rise in opposition to this amendment because I think it is not balanced and I believe that, at least right at this moment, the amendment also is ill-timed and frankly could only harm, not help, the delicate peace process in Morocco and the Western Sahara.

The Senator's amendment would basically place a limit on Morocco's foreign assistance under this bill unless the President can make a complicated, sometimes time-consuming, certification on Morocco's compliance with the agreed-upon process.

Yet the Secretary General of the United Nations has recently issued a report on the peace process in which he made it clear that Morocco is fully complying with the United Nations in this process. The report further states that it is Morocco's adversaries, the Polisario, who are now delaying.

So, thus, right at this moment in the current situation we are not in a position where we should be punishing Morocco. The U.N. report in fact is saying that Morocco is fully complying.

Now I understand the Senator's concerns about the peace negotiations between Morocco and the Polisario. The process has been long, too long, in coming and it has been delayed time and time again. Both sides have delayed. Both sides have, only reluctantly, come to the understanding of the need for a referendum in the Sahara. But I do not believe that at the very moment we are closing in on the peace, in a way, that we should insert ourselves in the middle of a process that, in a way, only hurts one side, only hurts one party to the negotiations.

The Senator's statement in support of her amendment has made the point of her concern. And I assure her from my past experience that these concerns can be and, frankly, are right now being directly communicated to his majesty King Hussan of Morocco. They are monitoring and watching our body and these deliberations. But the adoption of this amendment at this time would, I believe, only give heart to the Polisario at a time when they are losing the political struggle.

Recently, several key Polisario officials, including the Ambassador to Algeria, the Polisario Ambassador to Algeria, have defected to the Moroccan side. They have urged their colleagues to do the same. Algeria has backed off its support of Polisario and is privately expressing its leadership to reach an agreement, to reach some kind of a settlement. So the parties right now are coming together. And I think it is important that we continue this process.

All of us know what a good friend Morocco has been to the United States in so many ways. And I appreciate the comments of the Senator from Kansas in that regard. I will only remind my colleagues that Morocco was the first Arab nation to send troops to Saudi Arabia after the Iraqi invasion of Kuwait, and Morocco currently, as it has for many years, is strong in its support for and aid to the current Middle East peace process.

So this amendment, Mr. President, I believe is ill-timed. It would not help the peace.

AMENDMENT NO. 3335 TO AMENDMENT NO. 3334

Mr. KASTEN. At this time, I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN] proposes an amendment numbered 3335 to amendment No. 3334.

SENSE OF THE CONGRESS REGARDING A PEACEFUL SETTLEMENT IN THE WESTERN SAHARA

Expressing the sense of the Senate regarding a peaceful settlement in the Western Sahara.

Whereas the United Nations has formulated a peace plan for the resolution of the Western Sahara conflict;

Whereas the peace plan calls for a referendum to be held in which Sahrawis would decide between integration with Morocco and independence;

Whereas there have been delays in this peace plan due to disagreements over such issues as voter criteria; and

Whereas the Secretary General's most recent report indicated that progress continues toward a referendum: Now, therefore, be it

Resolved, That it is the Sense of the Senate that—

(1) the Secretary General's efforts to resolve this conflict are to be praised;

(2) the Secretary General is to be commended for his appointment of a new Special Representative on the Western Sahara; and

(3) the United States should encourage all parties to the conflict to fully cooperate with the United Nations in the implementation of the United Nations referendum.

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, I hope that this amendment in the nature of a substitute will resolve the question that we are dealing with here, but also I want to be sure that we put equal pressure on the two sides of this dispute. My hope is that the Senate can agree to this amendment.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I would only make two observations. The U.N. report, as the Senator from Wisconsin mentioned, says fully complying. If indeed that is the case, I am sure the President would certify that he felt that all sides were fully cooperating. This is just this additional $20 million above the administration request to which this certification would apply.

I would say, regarding the sense-of-the-Senate resolution, the difficulty is there is really no leverage except with the funds going to Morocco because, as I said earlier, there is nothing going to the Polisario.

I am certainly very sensitive to the issue regarding Morocco and believe the Senator from Wisconsin has stated it very well. Our relationship to Morocco is an important one. Morocco has been a stabilizing influence in North Africa. But I do feel that, when we watch this conflict go on for years, it really behooves all parties to come together in some resolution. And this is a very small way, I think, in which to do it.

I think the sense-of-the-Senate resolution would make a wonderful preamble to my amendment because certainly anything in that is beyond reproach. It is urging all parties to come together. I would take it a step further with some muscle that at least sends a signal that I think is important.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, I ask that I modify my amendment to conform to the proper form.

The PRESIDING OFFICER. The Senator has that right and it is modified.

The amendment, as modified, is as follows:

SENSE OF THE CONGRESS REGARDING A PEACEFUL SETTLEMENT IN THE WESTERN SAHARA

The United Nations has formulated a peace plan for the resolution of the Western Sahara conflict;

The peace plans call for a referendum to be held in which Sahrawis would decide between integration with Morocco and independence;

There have been delays in this peace plan due to disagreements over such issues as voter criteria; and

The Secretary General's most recent report indicated that progress continues toward a referendum:

Therefore, it is the Sense of the Senate that—

(1) the Secretary General's efforts to resolve this conflict are to be praised;

(2) the Secretary General is to be commended for his appointment of a new Special Representative on the Western Sahara; and

(3) the United States should encourage all parties to the conflict to fully cooperate with the United Nations in the implementation of the United Nations referendum.

Mr. KASTEN. Mr. President, I hope the Senate will agree to this balanced approach. The Senator from Kansas and the Senator from Wisconsin are not far away, here, in terms of what our goals are. All of us are seeking to resolve this dispute. But the question before us now is what is the best way to do it. My hope is that the Senate would decide on a balanced approach and adopt my amendment.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I wonder if we might be able to put the vote aside for a few minutes on this? I am advised a number of Senators have been at a memorial service at the National Cathedral for Paul Tully and have not yet returned.

First let me ask this parliamentary inquiry, Mr. President. What would the vote be on? The vote we have the yeas and nays on.

The PRESIDING OFFICER. The yeas and nays have been ordered on the second-degree amendment, offered by the Senator from Wisconsin.

Mr. LEAHY. Mr. President, a number of Senators asked where we stand. We do have the pending Kassebaum amendment as amended by that proposed by the Senator from Wisconsin. There will be a rollcall vote on that, although not before 3 o'clock.

I would advise Senators who have amendments, bring them to the floor as soon as they can. Especially if they might be accepted. Because it is the intent of the managers to go to third reading as soon as we are reasonably certain nothing is pending here.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Vermont.

SOMALIA

Mr. LEAHY. Mr. President, I want to mention one item in the bill that is of great importance. The House bill established a new $80 million fund for disaster assistance in sub-Saharan Africa. The Senate bill increases the fund to $100 million, and requires that not less than $25 million be used in Somalia.

The situation in Somalia is very possibly worse today than it was a month ago when the US military airlift of relief food began. According to Dorothy Delaney, a Vermonter working in Somalia with the Federation of the Red Cross, the number of children dying of starvation in Baidoa has tripled in recent days and the violence in the Kismayo area threatens to halt relief efforts there.

One of the most urgent needs in Somalia is medical supplies, and additional support for NGO's.

About a month ago I spoke on this floor about Somalia, and urged the administration to step up its efforts to pressure the leaders of the warring factions to permit the relief operation to proceed and negotiate an end to the bloodshed. Although there is no functioning government in Somalia there are leaders, there are factions, there are power bases that can be the focus of mediation efforts.

Andrew Natsios, the head of OFDA, deserves praise for his efforts to coordinate the U.S. relief program. But that is not adequate. Top officials in the administration, from the President on down, should be speaking out about this catastrophe. Our diplomats should be actively pressuring the Somalis to find a way to stop the fighting. So far, the silence has been deafening.

SRI LANKA

Mr. LEAHY. Mr. President, the committee report on the Foreign Operations appropriation refers to the human rights situation in Sri Lanka. As the principal drafter of the committee report, I want to make clear I am aware of the great difficulties faced by the Government of Sri Lanka in combatting insurgencies. The committee report recognizes that the Government of Sri Lanka is taking certain steps to improve the human rights situation. I commend the Sri Lankan Government for its efforts, and encourage it to work even more closely with the United Nations, the ICRC, international human rights organizations, and its own internal human rights groups to protect basic human rights.

ASSISTANCE FOR THE PHILIPPINES

Mr. LEAHY. Mr. President, I want to clarify one matter that has been brought to my attention about the language in the bill and committee report concerning assistance for the Philippines.

On page 40 the bill states that "the President shall seek to channel through indigenous and United States private voluntary organizations and cooperatives not less than $25,000,000 of the funds appropriated under this paragraph and of the funds appropriated and allocated for the Philippines to carry out sections 103 through 106 of such Act."

However, on page 42 of the committee Report 102-419 the committee states that it has required that "not less than $25,000,000 of MAI funds be channeled through NGO's and cooperatives." Obviously, the report language fails to indicate that the $25,000,000 can come from both MAI and other funds, as stated in the bill.

I would ask the distinguished ranking member of the Foreign Operations Subcommittee, Senator KASTEN, whether he agrees with me that the report should have tracked the bill language, and that our intent is that funds from both the MAI and funds appropriated and allocated for the Philippines to carry out sections 103 through 106 may be used to support private voluntary organizations.

Mr. KASTEN. That is correct. The President can use both sources of funds to make up the $25,000,000 for private voluntary organizations.

REPORT LANGUAGE

Mr. KASTEN. Mr. President, I wish to enter into a colloquy with the distinguished Democratic manager of the Foreign Operations bill, Senator LEAHY. In the committee report, there is a reference to the Kosova region of Serbia. I would like to clarify the intent of this language to state that Kosova is a region of the former country of Yugoslavia. It was in no way our intent as drafters of this report to imply that Kosova is by any definition a part of Serbia.

Mr. LEAHY. I thank the Senator. I also agree that it was never our intent to refer to Kosova as a region of Serbia. I, too, wish to clarify that the intent of this language is to state that Kosova is a region of the former country of Yugoslavia.

AMENDMENT NO. 3335, AS MODIFIED, TO AMENDMENT NO. 3334

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

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

Mr. LEAHY. Mr. President, what would occur if we went to the regular order?

The PRESIDING OFFICER. The regular order is the Kasten second degree substitute to the Kassebaum amendment.

Mr. LEAHY. Have the yeas and nays been ordered on that?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. LEAHY. Regular order.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Indiana [Mr. GORE], the Senator from Rhode Island [Mr. PELL], and the Senator from North Carolina [Mr. SANFORD] are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL] would vote "nay."

Mr. SIMPSON. I announce that the Senator from Pennsylvania [Mr. SPECTER] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 40, nays 56, as follows:

[Rollcall Vote No. 251 Leg.]

YEAS—40

Bond	Gramm	Nickles
Breaux	Grassley	Packwood
Brown	Hatch	Pressler
Burdick, Jocelyn	Hatfield	Roth
Burns	Helms	Seymour
Chafee	Inouye	Shelby
Cochran	Johnston	Smith
Conrad	Kasten	Stevens
Craig	Leahy	Symms
Danforth	Lott	Thurmond
Domenici	Mack	Wallop
Durenberger	McCain	Warner
Garn	McConnell	
Gorton	Murkowski	

NAYS—56

Adams	Dole	Metzenbaum
Akaka	Exon	Mikulski
Baucus	Ford	Mitchell
Bentsen	Fowler	Moynihan
Biden	Glenn	Nunn
Bingaman	Graham	Pryor
Boren	Harkin	Reid
Bradley	Heflin	Riegle
Bryan	Hollings	Robb
Bumpers	Jeffords	Rockefeller
Byrd	Kassebaum	Rudman
Coats	Kennedy	Sarbanes
Cohen	Kerrey	Sasser
Cranston	Kerry	Simon
D'Amato	Kohl	Simpson
Daschle	Lautenberg	Wellstone
DeConcini	Levin	Wirth
Dixon	Lieberman	Wofford
Dodd	Lugar	

NOT VOTING—4

Gore	Sanford
Pell	Specter

So the amendment (No. 3335), as modified, was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wisconsin.

AMENDMENT NO. 3334

Mr. KASTEN. Mr. President, I believe the pending order of business now would be the Kassebaum amendment. I suggest after just having this vote we could adopt the Kassebaum amendment by a voice vote. I suggest the Senate proceed to vote on the Kassebaum amendment immediately.

Mr. KENNEDY. Mr. President, I strongly support the amendment offered by Senator KASSEBAUM which would condition military and economic aid provided to Morocco over and above that requested by the administration upon a finding by the President that Morocco is in compliance with the U.N. peace plan regarding the western Sahara.

The ongoing crisis in the western Sahara raises serious questions regarding the Government of Morocco's willingness to honor its international commitment to a free and fair referendum in the western Sahara. Senator KASSEBAUM's amendment would make clear our Government's support for the U.N. peace process and America's commitment to the principles of sovereignty and self-determination.

Since Morocco's invasion of the western Sahara in 1975, King Hassan II has staged a long and costly war against the indigenous Saharawi people to obtain permanent access to that territory's valuable natural resources.

For years, Morocco ignored proposals by the U.N. General Assembly calling for a referendum on self-determination by the Saharawi. When Morocco took its claim over the territory before the International Court of Justice, the Court found that Morocco did not have ties sufficient for claims of territorial sovereignty and, like the United Nations, supported "self-determination and genuine expression of the will of the peoples" to determine the territory's legal status.

Rather than accept that decision, King Hassan sent Moroccan troops into the territory who killed and disappeared thousands of Saharawi who were unwilling to recognize Moroccan sovereignty. Then, in what became known as the "Green March," King Hassan sent 350,000 Moroccan citizens into the Western Sahara to strengthen his claim to it.

Finally, after over a decade of war, the Government of Morocco agreed to a U.N.-sponsored peace plan leading up to a referendum under which the Saharawi would vote for independence or integration with Morocco. Under this plan, a cease-fire was to go into effect on September 6, 1991, and the referendum was to be held in early 1992. The parties agreed to use a 1974 census, which recorded approximately 74,000 Saharawis, to establish a voting list for the referendum.

Yet, only days before the cease-fire was to go into effect, Morocco bombed a compound the Saharawi had constructed to house United Nations personnel. After the cease-fire went into effect, King Hassan changed his position on the voting list. After having agreed to base the list upon the 1974 census, he presented the United Nations with a list of 120,000 additional voters from Morocco whom he claimed should also be permitted to vote. These individuals were moved into the Western Sahara in violation of the peace plan, which forbids the unilateral transfer of population into the territory without identification at the border by U.N. personnel.

U.N. observers are also deeply concerned by other violations of the peace

plan by the Government of Morocco. These violations have prevented the observers from fostering an atmosphere of confidence and stability conducive to holding a free and fair referendum.

These violations include preventing critical supplies for U.N. personnel from reaching the field; denying U.N. observers access to military areas; threatening to shoot U.N. personnel; intercepting and blocking U.N. patrols and sideswiping U.N. vehicles; refusing to identify land mines to U.N. observers, resulting in the loss of three U.N. vehicles and serious injury to U.N. personnel; banning access to the territory by international observers, reporters, and human rights organizations; refusing to withdraw any of its 130,000 troops; and declining to provide figures on the strength and deployment of its armed forces, despite written instructions to do so from the U.N. Secretary General.

In the most serious violation of the peace process, last month King Hassan announced his intention to hold his own elections in the territory, independently of the United Nations—thereby wholly undermining the U.N. effort.

Failure of the U.N. peace plan is likely to have serious consequences for the stability of North Africa. If the Government of Morocco continues to obstruct the peace process, fighting in the western Sahara may well be renewed.

If the peace plan is to succeed, the United States must do more to make clear—through deed as well as word—our commitment to a free and fair referendum for the Saharawi people.

Senator KASSEBAUM's amendment is an important step in demonstrating America's commitment to the U.N. peace plan. I urge my colleagues to join me in supporting it, and to oppose the Kasten amendment.

AMENDMENT NO. 3334

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Kansas.

The amendment (No. 3334) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware [Mr. BIDEN].

AMENDMENT NO. 3336

(Purpose: To provide the President the authority to provide military assistance to Bosnia)

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself, Mr. LIEBERMAN, and Mr. D'AMATO, proposes an amendment numbered 3336.

Mr. BIDEN. 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 appropriate place in the bill, add the following:

SEC. 17. AUTHORITY TO ASSIST BOSNIA-HERZEGOVINA.

(a) Congress finds as follows:

(1) the United Nations has imposed an embargo on the transfer of arms to any country on the territory of the former Yugoslavia;

(2) the federated states of Serbia and Montenegro have a large supply of military equipment and ammunition and the Serbian forces fighting the government of Bosnia-Herzegovina have more than one thousand battle tanks, armored vehicles, and artillery pieces; and

(3) because the United Nations arms embargo is serving to sustain the military advantage of the aggressor, the United Nations should exempt the government of Bosnia-Herzegovina from its embargo.

(b) Pursuant to a lifting of the United Nations arms embargo against Bosnia-Herzegovina, the President is authorized to transfer to the government of that nation, without reimbursement, defense articles from the stocks of the Department of Defense of an aggregate value not to exceed $50,000,000 in fiscal year 1993; provided that the President certifies in a timely fashion to the Congress that:

(1) the transfer of such articles would assist that nation in self-defense and thereby promote the security and stability of the region; and

(2) United States allies are prepared to join in such a military assistance effort.

(c) Within 60 days of any transfer under the authority provided in subsection (b), and every 60 days thereafter, the President shall report in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate concerning the articles transferred and the disposition thereof.

(d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles provided under this section.

Mr. BIDEN. Mr. President, I will be brief. I do not think it will take more than 5 to 10 minutes to explain my amendment.

Mr. President, the need for enhanced institutional preparedness for collective military action is underscored by the ongoing disaster in Yugoslavia. There a barbarism, unexpected in modern Europe, has unfolded, and it has unfolded in the face of outside disbelief and growing recognition of the world's unreadiness, even after the gulf war, to act decisively with collective military force.

The unabated slaughter in Bosnia instructs on several points, Mr. President.

First is this: If our multinational bodies are to act when needed, we must first prepare them to act, and at a later date I will be, not on this bill but early next year, pushing a bill to empower the United Nations to give some life and breath to article 43 of the U.N. Charter so that there is a standing capability with units of troops already committed by members of the Security Council and of the General Assembly to be able to act in such circumstances.

The second thing that the slaughter instructs us in is that if we do not prepare for collective action the end of the cold war could usher in not a new world order of which the President speaks but an era of endless inner-ethnic bloodletting.

Third, it instructs us that if we are going to have a new world order we, the United States, must be the architect in building one.

Since this administration, in my view, has not yet undertaken serious efforts to build such a foundation, we are left to take ad hoc measures in circumstances like that which exists at the moment in Bosnia. But the absence of a fully realized foreign policy must not prevent us from taking actions embodying principles that must govern any new world order rising from the chaos we are now in.

Of these principles, none is more fundamental than the imperative that the international community not turn its back to ruthless and barbaric aggression.

The amendment that I have offered is designed to empower and encourage the President of the United States to lead the international community in providing the assistance by which the people of Bosnia can at least defend themselves against one of this century's most wanton acts of inhumanity. The amendment speaks of the perverse effect of the current U.N. embargo against the Republics of the former state of Yugoslavia, an embargo that has achieved no other purpose than to leave the people of Bosnia-Herzegovina unarmed against a ruthless and heavily armed enemy.

The amendment provides the following authorization: that at such time as the United Nations takes the collective action needed to lift the embargo against Bosnia-Herzegovina, the President may, in conjunction with other allied nations, provide military assistance to that government through a drawdown of up to $50 million in Defense Department stocks of military weapons and equipment.

This amendment is not a requirement, Mr. President. It is an authorization with a strong implication that action is urgently needed.

Mr. President, since the Senate last debated this issue, much more has been learned. We now know of the existence of death camps in which thousands of Bosnians have been exterminated. We now know that this winter, barring a dramatic change in their circumstances, more than 100,000 more Bosnians will die, having been starved and frozen while under Serbian siege.

Are we prepared to adjourn, Mr. President, having done nothing at all to deal with this issue?

I have no more desire than General Powell or any other American to see United States ground troops in combat in the former Yugoslavia. But that goal does not require self-imposed blindness or irresponsible actions; or, I should be more precise, irresponsible inaction, which is what we have been undertaking.

Mr. President, it has for sometime been taken as a given that the Bush administration's strong suit is foreign policy. But mere acquaintance with foreign leaders, accompanied by status in the realm of action, is not a foreign policy. Indeed, if a sound foreign policy is one that comprises coherent initiatives and response in the world arena directed at promoting well-conceived national interests, then the Bush administration is perilously close to being without a foreign policy.

President Bush began his administration with a homily that America has more will than wallet. But this administration has demonstrated that its limitation is quite the reverse. We are a wealthy and gifted nation in danger of squandering our human and material resources and abdicating our duty to lead the world because of the failure of national leadership, of our President to galvanize our national will.

With the imperative now building around us, Mr. President, we can no longer afford an American foreign policy of denial and drift.

Yesterday, Mr. President, Senator GORE sadly laid out a story of the Bush administration's most ironic foreign policy failure, the Iraq policy for which it has tried to claim so much credit.

But there is a larger irony, Mr. President. It is that the entire foreign policy of the administration falls equally short of the grandiose claims that have been made for it. All told, it is the foreign policy of boast, miscalculation, and a blunder of Iraq and far beyond.

Today we can rectify one tragic consequence of this pattern of inaction. We must no longer stand idly by when we can at least cease the current perverse policy that denies the people of Bosnia the means for their own defense.

So, Mr. President, the amendment I have sent up is very straightforward. Let me just read from it to explain. It says:

(a) Congress finds as follows:

(1) the United Nations has imposed an embargo on the transfer of arms to any country on the territory of the former Yugoslavia;

(2) the federated states of Serbia and Montenegro have a large supply of military equipment and ammunition and the Serbian forces fighting the government of Bosnia-Hercegovina have more than one thousand battle tanks, armored vehicles, and artillery pieces; and

(3) because the United Nations arms embargo is serving to sustain the military advantage of the aggressor, the United Nations should exempt the government of Bosnia-Hercegovina from its embargo.

(b) Pursuant to lifting the United Nations arms embargo against Bosnia-Hercegovina, the President is authorized to transfer to the government of that nation, without reimbursement, defense articles from the stocks of the Department of Defense of an aggregate value not to exceed $50,000,000 in fiscal year 1993; provided that the President certifies in a timely fashion to the Congress that:

And then 4 things have to happen.

(1) the transfer of such articles would assist that nation—

That nation, Bosnia-Herzegovina—

in self-defense and thereby promote the security and stability of the region; and

(2) U.S. allies are prepared to join in such a military assistance effort.

I note parenthetically, the military assistance consists solely of providing equipment without reimbursement.

(c) Within 60 days of any transfer under the authority provided in subsection (b), and every 60 days thereafter, the President shall report in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate concerning the articles transferred and the disposition thereof.

(d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles provided under this section.

It is very straightforward, Mr. President.

In conclusion of my remarks, Mr. President, when Yugoslavia disintegrated, and the world, including the United States, recognized the existence of independent countries made up of the former Yugoslavia, the group that was left with the Yugoslavian military, which was considerable, with the guns and ammunition, supplies, and personnel, were the Serbians. And, Mr. President, the Bosnians were not.

So when the embargo was placed, the end result was, one side has an overwhelming supply in hand, the other side has nothing with little or no possibility of getting anything. We are seeing the effects of that unfortunate, well-intended but devastating, decision on the part of the Bosnians to be able to defend themselves against the naked aggression and ethic cleansing undertaking of their Serbian neighbors.

Mr. President, I yield the floor.

Mr. DOLE. Mr. President, I am pleased to cosponsor this amendment. The war against Bosnia-Hercegovina has raged on now for more than 4 months. One by one, Bosnian towns have been destroyed, around 65 percent of Bosnia's territory has been occupied, hundreds of thousands of people have been forced from their homes, and tens of thousands have died—victims of ethnic cleansing.

This amendment recognizes the fact that the U.N. arms control embargo has codified the overwhelming advantage of Serbian forces, leaving the Government of Bosnia defenseless against hundreds of tanks, squadrons of Migs, and thousands and thousands of artillery rounds and cluster bombs. The arms control embargo has ensured that the government and people of Bosnia cannot defend their homes, their mosques and churches, their culture and their lives.

Mr. President, the international community made a decision to welcome Bosnia-Herzegovina into the Community of Nations. The United States, like most of the rest of the world, recognized Bosnia as an independent State. Bosnia is a member of the United Nations. So, it seems to me that the decision on whether or not to lift the arms control embargo boils down to this: Does the Government of Bosnia have the right to self-defense? I believe that the answer is "Yes." Bosnia, like the United States, like any other recognized State has the right to defend itself against aggression. And, the only obstacle to self-defense is the arms control embargo.

This amendment while urging the international community to lift the arms embargo, and authorizing up to $50 million in military equipment to be given to the Government of Bosnia, still leaves the final decision to the President. Only if the U.N. lifts the arms control embargo, is the President authorized to transfer defense articles, and only after he certifies that such articles would assist Bosnia in its self-defense, and would promote security and stability in the region.

Mr. President, it seems to me that we can not have it both ways. We need to help the people of Bosnia or allow them to help themselves. I urge my colleagues to support this amendment.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington [Mr. GORTON].

Mr. GORTON. Mr. President, the distinguished occupant of the chair, the Senator from Connecticut, and I have prepared an amendment on precisely the subject which the Senator from Delaware has raised. As a consequence, I ask unanimous consent that the Senator from Connecticut and I be included as cosponsors of the current amendment.

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

Mr. BIDEN. Will the Senator yield for 2 seconds? I ask unanimous consent as well that Senator DOLE be added as a cosponsor.

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

Mr. GORTON. Mr. President, I believe the Senator from Delaware has hit the nail on the head with this amendment. We face a situation in what used to be Yugoslavia in which a conflict which is part civil war and part slaughter is occurring by reason of the aggression of Serbian forces. The former Yugoslavia army was almost entirely composed of Serbians. The

arms industries in that country are located in Serbia. Serbians with tanks and armored personnel carriers and artillery have been engaged in sieges and slaughters in Bosnia and in Croatia for more than a year, in a way which shocks the conscience of humanity. Their leaders have agreed on numerous occasions to engage in ceasefires, to place their artillery under U.N. observation, to allow refugees to leave. And without exception they have broken those agreements.

The United Nations and the United States at the same time have sought to end the conflict by an arms embargo against all parties. That arms embargo, however, has no real impact on the Serbian and quasi-Serbian forces which are well armed and have a steady supply of arms. It has, however, greatly penalized those who are fighting for their own independence and territorial sovereignty.

The balance we chose to preserve, according to our officials in Bosnia, is 300 tanks, 200 armored personnel carriers and up to 800 artillery pieces for the Bosnian Serbs and two tanks and a handful of artillery pieces for the Bosnian Moslems.

As a consequence, an ending of that arms embargo and the offer of aid of this nature to them seems to this Senator the correct course of action.

It is protested. It is stated that for the United States and for other Western powers to allow such arming will simply prolong the fighting and prolong the deaths. I suppose in one sense, at one level, that is correct. But the other half of that coin is that our policy will end that conflict as quickly as possible by a total Serbian triumph, by the complete ethnic cleansing of Bosnia of all non-Serbians, short of allowing the aggressors to win.

This Nation has had a long history, most recently in Afghanistan but in many other nations in the world, of allowing arms to be sold and supplied to those who are fighting for the liberty and for the liberation of their own country. Such arms will not be of any help if the Bosnians do not wish to fight for their own liberties. All indications, however, are that they are so inclined.

And if we are unwilling—and I believe we should be unwilling—to send our own troops, or other Western troops into the morass which is the former Yugoslavia, at the very least we ought to allow those who wish to fight for their own freedom to do so effectively.

This resolution will do so. I commend the Senator from Delaware for offering it, and I offer it my most hearty and complete support.

The PRESIDING OFFICER (Mr. BIDEN). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to support the amendment offered by the distinguished occupant of the chair, the Senator from Delaware [Mr. BIDEN] and say I am proud, along with my colleague and friend from Washington, to join as an original cosponsor of this amendment.

In calling for an end to the arms embargo against Bosnia, and in authorizing the President of the United States to transfer up to $50 million of military stocks to Bosnia, we are fulfilling here a moral responsibility. And we are correcting a perverse effect that a well-intentioned act had.

The arms embargo against the nations of the former Yugoslavia was designed with the loftiest of motives, and that was to prevent the spread of violence. That goal, sadly, has been beyond our reach. And the embargo, as a result, has had a contorted and perverse effect. It has prevented the Bosnians, who are the victims here, from adequately defending themselves against Serbian aggression.

We have effectively left a people defenseless, without the right or the means to defend themselves against aggression. In that sense, the embargo, unintentionally, has contributed to the horrific slaughter which unfolds before the eyes of the world each day.

I congratulate and thank the Senator from Delaware for taking the leadership in offering this amendment.

Mr. President, the Senate addressed this crisis in Yugoslavia before we left in August, and did so in a strong and bipartisan fashion as is appropriate to the case. But we also expressed, I think, there, and responded to what is a quandary both in the United States and in the community of civilized nations as to how, in the post-cold war world, we will respond to ethnic and national conflicts of this kind, the worst kind, that we are seeing here—aggression approaching in some cases genocide against the Moslem population of Bosnia.

The nations of the world agitate and equivocate, complain, as they do understandably in Europe, about the flood of hundreds of thousands of refugees that are moving West and yet they are unwilling to take action to stop that flood by bringing the conflict to some kind of closure.

This amendment responds in a way that is real and forceful to that dilemma, and attempts to ease the pain of the worst consequences of the world's unpreparedness to deal with this kind of post-cold war crisis.

In fact we are being challenged by what is happening in Yugoslavia today to come to some conclusion about whether we are prepared to act where our interests in a specific strategic sense are limited but the moral outrage is absolutely unlimited and clear; whether in fact we are prepared to use our muscle where there is no oil involved, no other clear national strategic interest involved, but just the overpowering legal and moral principle that people are being slaughtered because of their religion—in this case Moslem—and whether we are prepared to act in that case.

Mr. President, as the Senator from Delaware indicated, the extent of the disaster in Bosnia becomes clearer everyday and is much clearer today than it was when he adopted the resolution in August.

Just yesterday, officials of the U.N. Commission for Refugees estimated that up to 400,000 Bosnians could die this winter—die, not from bullets but from cold, disease, and starvation, which is the effective result of Serbian aggression.

We are receiving more confirmation of what we have suspected for a long time and that is that the Serbians are engaging in wholesale slaughter of innocent men, women, and children because of their religion or their nationality.

We have begun to actually be able to identify individuals who are responsible for what is happening. According to United States officials there are two Serbian leaders who we know by name who are responsible for an unspeakable crime that has been committed in what is now the real heart of darkness, the area around Banja Luka, which is the main Serbian city in northwestern Bosnia. We know now that between 2,000 and 3,000 Moslem men, women, and children were murdered there in May and June, in the Moslem village of Kozarac, 18 miles west of Banja Luka. We know two people who have been responsible, leaders of Serbian forces responsible for that genocide. I hope before too many days have passed, too many Moons have come and gone, we will see these two standing before an international war crimes tribunal.

We also know now that 200 captives from a detention center near Banja Luka were killed in cold blood on August 21; women and children were put on one bus, men and teenage boys on another. After several hours of driving, from credible eyewitness sources, we now know that the men and boys were taken off of the bus and shot, one by one—each waiting their turn to die.

Nor is this wave of cruelty against people because of their religion in this region, this northwestern region of Bosnia, abating. According to international relief workers, a campaign of violence has escalated in recent weeks against the hundreds of thousands of Moslems who still inhabit the region.

Mr. President, the human tragedy of Bosnia cries out for a firm international response. We must act because it is our moral responsibility to act. And we must do so, also I believe, because we have an interest in preventing and stemming the tide of Serbian aggression in Bosnia. Because if we do not it will only encourage Serbian aggression in Kosovo, and it will inspire nationalists throughout what was the

former Soviet Union to believe that violence yields more fruit than diplomacy and negotiation.

The gasoline of ethnic hatred lies in puddles throughout much of Eastern Europe and the former Soviet Union, and the Serbian aggression is the lighted match. Unless we snuff it out, it will lead to fires that will well be beyond our control.

This amendment is a beginning, as was the resolution which was adopted a few months ago. This amendment moves beyond and is more specific and more concrete and, in fact, more helpful, expressing support not just for humanitarian aid but expressing a willingness to make this a fair fight and by doing so, to create some incentive for the Serbs who effectively are free to move at will to come to the peace table.

Mr. President, there has been a lot of debate within this circle, as the Senator from Delaware said so well, and outside of the circle, by diplomats, by military leaders about the appropriate range of military response here.

I guess everybody agrees no matter what their opinion that we ought to send no ground forces into this very bitter conflict, ground forces from America or Europe, but there are ground forces there. There are Bosnian ground forces. They are ready and willing and anxious to defend themselves and their families, but they do not have the means to do so. The intent of this amendment, quite simply, is to do that, to give them the arms with which they can defend themselves against the brutality that is threatening their very existence.

I thank and congratulate the Senator from Delaware for offering this amendment. I urge my colleagues to support it. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. LEAHY. Mr. President, 5 minutes ago we were about to accept this. But I understand in the last 3 or 4 minutes, another Senator says he wants to come down and oppose it, so that may not be possible.

If there is another Senator who wishes to speak on this—in fact, what I will do is this: I am perfectly willing to go to a vote right now and I am perfectly ready to go to third reading right now. We have a lot of Senators who have come to the floor for 2 minutes and said they have something and suddenly disappear to important matters, the gym, whatever. If they are interested in it, let us go with it.

I ask unanimous consent that the pending amendment be set aside so that we can take up an amendment on behalf of Mr. SIMON and Mrs. KASSEBAUM regarding Zaire which I understand has been cleared on both sides.

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

AMENDMENT NO. 3337

Mr. LEAHY. Mr. President, I send an amendment on behalf of Mr. SIMON and Mrs. KASSEBAUM 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 Vermont [Mr. LEAHY], for Mr. SIMON, for himself and Mrs. KASSEBAUM, proposes an amendment numbered 3337.

Mr. LEAHY. 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:

Notwithstanding section 620(q) of the Foreign Assistance Act of 1961 or any similar provision, the President is authorized to provide assistance to nongovernmental organization in Zaire, including nonpartisan election and democracy-building assistance to support democratic institutions in Zaire: *Provided*, That the President determines and so certifies to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives that Zaire has made significant progress toward democratization and that the provision of such assistance will assist that country in making further progress and is otherwise in the national interest of the United States. A separate determination and certification shall be required for each fiscal year in which such assistance is to be provided.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3337) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3338

(Purpose: To oppose financing by international financial institutions of developing countries whose military expenditures are greater than their expenditures on health and education)

Mr. LEAHY. Mr. President, I ask unanimous consent it further be in order to send to the desk at this time, holding back the Biden amendment, an amendment on behalf of Mr. HARKIN, myself, Mr. ADAMS, Mr. WOFFORD regarding Third World development and threat reduction.

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

Mr. KASTEN. Will the Senator yield?

Mr. LEAHY. Yes.

Mr. KASTEN. I have had an opportunity now to review the Harkin amendment. First, I ask unanimous consent I be added as an original cosponsor of the Harkin amendment. My hope is it will be adopted by the Senate. I ask unanimous consent to be added as a cosponsor of the amendment.

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

Mr. LEAHY. Mr. President, I have sent the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. HARKIN, for himself, Mr. LEAHY, Mr. ADAMS, Mr. WOFFORD, and Mr. KASTEN, proposes an amendment numbered 3338.

Mr. LEAHY. 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 the bill, add the following new title:

TITLE —THIRD WORLD DEVELOPMENT AND THREAT REDUCTION ACT OF 1992

SEC. 01. SHORT TITLE.

This title may be cited as the "Third World Development and Threat Reduction Act of 1992".

SEC. 02. STATEMENT OF POLICY.

The Congress declares that, in order to promote economic growth in developing countries, it shall be the policy of the United States to encourage developing countries—

(1) to reduce military and military-related expenditures and to dedicate greater resources to health, education, and productive enterprises; and

(2) to dedicate an appropriate allocation of health and education resources to meet the needs of the majority of their populations.

SEC. 03. IMPLEMENTATION.

For the purpose of carrying out the policy described in this title, the Secretary of the Treasury shall instruct the United States executive director to each international financial institution to use the United States voice and vote in fiscal year 1993 and each fiscal year thereafter to—

(1) vigorously advocate and promote policies within such institutions designed to encourage developing countries—

(A) to reduce significantly military and military-related expenditures where these are high and a reduction would be appropriate and

(B) to enhance appropriately resources for primary health care and basic education as a percentage of general government expenditure;

(2) to develop procedures and mechanisms within such institutions to collect data on military and military-related expenditures, primary health care, and basic education for developing countries and to take into account such information in carrying out paragraphs (1)(A) and (1)(B); and

(3) beginning October 1, 1993, to oppose any loan, the extension of financial assistance, or any technical assistance by such institution except for the purposes of defense conversion, to any developing country whose military expenditures as a percentage of general government expenditure are greater than its combined expenditures on health and education as a percentage of general government expenditure.

SEC. 04. REPORT.

As part of the annual report of the National Advisory Committee, the Secretary of the Treasury shall submit a report to the

Congress on the actions taken by the United States executive director to each internationl financial institution in carrying out the provisions of this Act.

SEC. 05. WAIVER.

In fiscal year 1993 or thereafter, the prohibition contained in section 03(3) shall not apply to any developing country for which—

(1) the President determines and so reports to Congress that to do so would endanger—

(A) a democratically elected government facing armed aggression or the threat of armed aggression from a hostile neighboring country; or

(B) the survival of a democratically elected government facing a substantial and sustained offensive from a local insurgency; or

(2) the President determines and so reports to Congress that to do so would result in significant harm to United States national interests.

SEC. 06. DEFINITIONS.

For purposes of this title—

(1) the term "developing country" is a country with a per capita income not in excess of $4,000;

(2) the term "international financial institution" means the International Monetary Fund, the International Bank of Reconstruction and Development, the International Development Association, the African Development Fund, the Inter-American Development Bank, the Asian Development Bank, and the European Bank for Reconstruction and Development; and

(3) the term "military expenditures" includes all expenditures needed for the maintenance and support of the armed forces, but does not include funds destined for civilian law enforcement, unless such law enforcment is under the control of the military or a paramilitary organization.

Mr. LEAHY. The list of the original cosponsors does include, I understand, the Senator from Wisconsin [Mr. KASTEN].

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. Mr. President, I am proud to be joined by the distinguished chairman of the Foreign Operations Subcommittee, Senator LEAHY, as well as Senators ADAMS and WOFFORD, in offering this amendment. I want to thank Chairman LEAHY for his work in helping to draft the amendment and for his leadership in this area.

Mr. President, the cold war is over and it is time for new priorities in America and countries around the globe. It is time to promote economic growth and seek to reduce military expenditures in developing countries.

Mr. President, there is a wide consensus that large military expenditure impede economic and human development in developing countries by diverting capital and other resources away from productive public and private investment. A recent IMF working paper by Daniel Hewitt, as well as Robert McNamara's study prepared for the World Bank's Annual Conference on Development, conclude that international financial assistance "both enables and encourages a nation to spend more on the military".

Mr. President, the U.S. Government has an obligation to the American taxpayer to ensure that their tax dollars are spent wisely. The American taxpayer does not want to see their hard-earned tax dollars subsidize the military expenditures of the Third World. But, the American taxpayer will support a policy that helps raise the standard of living of people in Asia, Africa, Eastern Europe, and Latin America without any additional cost to themselves.

Mr. President, by encouraging developing countries to reduce their military expenditures we can help the developing nations of the world obtain the vast additional resources necessary to build schools, health clinics, and rural water systems—without increasing our contribution to foreign aid by one cent.

My amendment instructs the Executive Directors at the World Bank, the IMF, and all multilateral institutions to use U.S. voice and vote to promote policies that: First, reduce military spending in developing countries; second, increase expenditures on basic health and primary education in developing countries to meet the needs of the impoverished majority; and, third, beginning October 1, 1993, prohibit all assistance to countries which spend more on their military than health and education.

Mr. President, let me cite some facts on Third-World military, health, and education expenditures before elaborating on what my amendment purports to do. Among the 97 poorest countries in the world, 19 countries allocated more money to their military than to health and education combined. The U.N. Development Programme [UNDP] calculates Third-World military expenditures at $173 billion in 1987 with a historic growth rate of 7.5 percent per year. According to the United States Arms Control and Disarmament Agency, during the 1980's, nearly 5 percent of Africa's gross national product was allocated to the military sector. The Global Coalition for Africa recently reported that sub-Saharan African governments imported nearly $15 billion in weapons, a sum equivalent to the combined 1989 gross domestic products of Chad, Ethiopia, Madagascar, Malawi, Mozambique, Somalia, and Tanzania.

Mr. President, the Global Coalition for Africa's report further states that if African governments were to reduce their military budgets by 50 percent between 1992 and 2000, $7.5 billion could be released for development purposes.

Mr. President, according to the U.N. Development Programme, a freeze on all Third-World military expenditures could release $15 billion a year—more than the entire foreign aid bill.

My amendment will encourage developing countries to reduce or at least freeze their military expenditures, which could redirect $150 billion over the next decade to raise the standard of living of their citizens, without costing the American taxpayer one dime.

Still, it is not enough, Mr. President, to encourage Third-World governments to reduce military spending. We also must encourage developing countries to dedicate a greater amount of their health and education budgets to meet the needs of the impoverished majority of their countries.

Research conducted by the World Bank indicates that raising the average educational level of the labor force by 1 year can raise GDP by as much as 9 percent. The World Bank estimates that 3 years of schooling as compared to zero raises GDP by 27 percent. The World Bank Development Report 1991 also states:

> The educational status of adult women is by far the most important variable explaining changes in infant mortality and secondary school enrollments. An extra year of education for women is associated with a drop of 2 percentage points in the rate of infant mortality.

Yet, according to the United Nations spending in almost all developing countries is heavily biased toward higher education rather than basic education for the majority. And UNICEF points out that it is not atypical among developing countries for 75 percent of public spending on health to serve only the top 25 percent of the population. That's why my amendment directs the U.S. executive directors to promote policies which encourage Third World governments to redirect health and education spending in developing countries to meet the needs of the impoverished majority. We should be encouraging policies that help build developing countries from the bottom up, not the top down.

Mr. President, let me emphasize that this amendment will strengthen emerging democracies in the Third World by reducing the political influence of the military.

My amendment will promote economic growth and increase the standard of living of the impoverished majority in Third World countries. Economic growth with equity, human development, and political democracy in Asia, Africa, Eastern Europe, and Latin America benefit the United States as well. Latin America already constitutes one of our most important markets. To the degree that their markets expand, so too will American jobs and our exports.

The amendment will also enhance U.S. national security by increasing political stability in Third World countries, and averting potential threats. And, we can do this without increasing foreign aid by 1 cent. That is not only good morals, it's good policy and good economics.

Again, I want to thank the managers of the bill for their assistance on this amendment.

Mr. LEAHY. Mr. President, I congratulate Senator HARKIN for his lead-

ership and am pleased to join him in offering this amendment.

The purpose of this amendment is to begin to use our influence as the largest contributor to the international financial institutions to convince the developing countries to spend less money on their armed forces and more on the health and education their people so desperately need.

According to the United Nations, military expenditures of Third World countries total upward of $200 billion each year, and are growing 7.5 percent per year. Some countries are spending two or three times as much on their armed forces as on health and education, at the same time that we and other donor countries are spending billions to pay for health and education in those same countries.

Of the 97 poorest countries in the world, at least 25 are spending more on their militaries than on education and health, and 18 spend more on education and health combined.

That makes no sense. Why should the American taxpayer foot the bill for the most basic social services in poor countries in Africa and Central America when they are throwing away their own money to buy expensive military hardware they do not need.

Why should the American taxpayer do what their own Governments refuse to do for their own people?

Now, I do not want to suggest that any country does not have the right to defend itself. That goes to the very heart of sovereignty. But most of these countries have no real enemies. They pour money into their armed forces because the generals and colonels have a grip on politics, and can dictate where the money goes.

If they want the help of the international institutions that lend our money, they are going to have to change their ways. There is nothing revolutionary about this idea. The Presidents of the World Bank and the IMF have already said these countries need to cut their military expenditures and start investing in the human resources that can make their economies grow.

This is a modest amendment. It calls on the U.S. executive directors to the World Bank, IMF and other international financial institutions, to vigorously advocate and promote policies to encourage the poorest countries to reduce their military expenditures, and put more of their scarce resources into health and education.

It also instructs our executive directors to oppose loans by these institutions to any country with a per capita income under $4,000, whose military expenditures exceed its combined expenditures for health and education. This provision does not take effect until October 1, 1993.

To illustrate that this is a perfectly reasonable amendment, the U.S. Government spends 5.2 percent of its total budget on defense. Many of us believe that is too much, but we spend 13 percent of health and education combined, and many of us think that is not enough.

The amendment does contain a waiver. If the President determines and reports to Congress that to oppose such a loan would endanger a democratic government facing armed aggression, either from within or outside its borders, the prohibition on loans does not apply. This will ensure that, for example, in the case of a country like Peru, or the Phillipines, where armed insurgencies are seeking to overthrow the Government, these countries could still count on United States for loans if the President made the required determination.

The President could also waive this requirement if he reports to Congress that to oppose a loan would result in significant harm to U.S. national interests.

Mr. President, one need look no further than the Horn of Africa today to see the legacy of decades of neglect by governments that cared far less about helping their own people than amassing bigger and more powerful arsenals of the latest weapons.

We have seen enough of our foreign aid dollars wasted. From now on, if these countries want our money they need to get serious about getting their priorities straight.

If the new world order means anything, it means that in the poorest countries that cannot even feed their own people, where millions of children die every day from hunger, where countless millions grow up illiterate, people should matter more than guns and bullets.

Mr. President, I ask unanimous consent to print in the RECORD statistics on military expenditure versus health and education.

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

MILITARY EXPENDITURE VS. HEALTH AND EDUCATION

All data based on most recent statistics.[1] Over 99 countries have per capita GDP's under $4,000. Note: This data is based on per capita GDP not general government expenditure as the amendment directs; 19 Countries, among the 97 poorest, allocated more money to their military than to health and education combined.[2]

1. Mozambique[2]
2. Ethiopia[2]
3. Tanzania[2]
4. Chad[2]
5. Somalia[2]
6. Gambia[2]
7. Uganda[2]
8. China[2]
9. Pakistan[2]
10. Iran[2]
11. Iraq[2]
12. Sudan[2]
13. Angola[2]
14. Nicaragua[2]
15. El Salvador[2]
16. Yemen[2]
17. India[2 3]
18. Syria[2]
19. North Korea[2]

[1] World Development Report 1992, World Bank (Oxford University Press); Sivard, L. Ruth; World Military and Social Expenditures 1991, 15th edition (1991). Cross References: The State of the World's Children 1992, UNICEF (Oxford University Press). McNamara S. Robert; "Reducing Military Expenditures in the Third World," Finance & Development, Volume 3, (September 1991). McNamara S. Robert; The Post-Cold War and its Implications for Military Expenditures in the Developing Countries,—Paper prepared for the World Bank's Annual Conference on Development Economics, March 1991.

[2] Countries that spend more on their military than on health and education combined. Discrepancies in data may arise from under reporting. Data is also unavailable for several countries, such as Yugoslavia and the newly independent states in the former Soviet Union.

[3] Recent data indicates that India's military expenditures are currently higher than health and education combined. (Military 3.5 percent of GNP, Health 0.3 percent of GDP, Education 0.5 percent of GDP).

MILITARY, EDUCATION, AND HEALTH EXPENDITURES FOR THE 71 POOREST COUNTRIES IN THE WORLD

[In millions of 1987 dollars]

	Military		Education		Health	
	Number	Percent of GNP	Number	Percent of GNP	Number	Percent of GNP
1. Mozambique[123]	102	8.0	51	4.0	23	1.8
2. Ethiopia[123]	472	8.8	225	4.2	67	1.3
3. Tanzania[123]	171	5.3	116	3.6	35	1.1
4. Chad[123]	34	4.9	14	2.0	4	.6
5. Somalia[123]	23	2.4	6	.6	3	.2
6. Laos			3	.6		
7. Nepal[3]	3[3]	1.2	77	2.8	23	.8
8. Malawi	21	1.8	38	3.2	23	1.9
9. Zaire[3]	82	1.6	139	2.7	44	.9
10. Cambodia						
11. Bangladesh[3]	291	1.7	345	2.0	105	.6
12. Sierra Leone[3]	5	.8	9	1.3	4	.6
13. Madagascar[3]	37	1.9	56	2.9	38	2.0
14. Gambia[123]	16	10.0	5	3.3	3	1.6

MILITARY, EDUCATION, AND HEALTH EXPENDITURES FOR THE 71 POOREST COUNTRIES IN THE WORLD—Continued

[In millions of 1987 dollars]

	Military		Education		Health	
	Number	Percent of GNP	Number	Percent of GNP	Number	Percent of GNP
15. Uganda[1,2,3]	80	2.4	50	1.5	10	.3
16. Bukino Faso[3]	51	3.0	50	3.0	17	1.0
17. Mali[3]	61	3.3	62	3.3	14	.7
18. Burundi[3]	32	2.9	35	3.1	9	.8
19. Nigeria[3]	180	.8	349	1.5	51	.2
20. Zambia[2,3]	63	3.6	60	3.5	34	2.0
21. Vietnam	.....	.....	.....	.....	.....	.....
22. Guyana[2,3]	29	11.8	24	9.6	11	4.4
23. Burma[3]	190	1.9	198	2.0	7[3]	.7
24. China[1,2,3]	13,418	4.4	8,235	2.7	4,269	1.4
25. Pakistan[1,2,3]	2,575	7.9	726	2.2	65	.2
26. Guinea[3]	60	3.0	60	3.0	20	1.0
27. India[2,3]	9,815	3.9	8,808	3.5	2,265	.9
28. Niger[3]	17	.8	67	3.2	15	.7
29. Rwanda[3]	38	1.8	74	3.4	13	.6
30. Equatorial Guinea	.....	.....	.....	.....	.....	.....
31. Kenya[3]	237	3.1	543	7.1	153	2.0
32. Haiti	28	1.3	42	1.9	28	1.3
33. Ghana	45	.9	169	3.4	58	1.2
34. Indonesia[3]	1,367	2.1	2,197	3.4	335	.5
35. Togo[3]	43	3.6	78	6.5	20	1.7
36. Central African Republic[3]	19	1.8	53	5.0	13	1.2
37. Benin[3]	31	1.8	86	5.0	14	.8
38. Sri Lanka[3]	204	3.1	245	3.7	115	1.7
39. Yemen[1,2,3]	494	26.6	310	11.5	71	3.5
40. Lesotho[3]	20	2.9	29	4.2	12	1.8
41. Liberia[3]	26	2.4	43	4.0	19	1.8
42. Mauritania[3]	40	4.6	50	5.8	17	2.0
43. Zimbabwe[3]	390	8.1	506	10.6	178	3.7
44. Bolivia	(4)	(4)	(4)	(4)	(4)	(4)
45. Egypt	(4)	(4)	(4)	(4)	(4)	(4)
46. Sudan[1,2,3]	800	6.0	563	4.2	27	.2
47. Philippines[3]	609	1.8	675	2.0	240	.7
48. Senegal[3]	96	2.2	197	4.5	48	1.1
49. Morocco[3]	800	5.0	899	5.6	161	1.0
50. Dominican Republic	50	1.1	67	1.4	80	1.7
51. Mongolia[3]	172	10.9	.....	.....	22	1.4
52. Papua New Guinea	42	1.4	148	5.0	89	3.0
53. Honduras[2,3]	190	5.0	188	4.9	125	3.3
54. Guatemala[3]	124	1.8	154	2.2	85	1.2
55. Swaziland	8	1.3	36	6.2	13	2.3
56. Nicaragua[1,2,3]	592	20.0	183	6.2	148	5.0
57. Ivory Coast	117	1.2	566	6.0	159	1.7
58. Thailand	1,657	3.5	1,711	3.6	540	1.1
59. El Salvador[1,2,3]	177	3.9	98	2.1	42	.9
60. Ecuador[3]	208	2.1	340	3.5	181	1.9
61. Jamaica	25	1.0	132	5.2	71	2.8
62. Namibia	.....	.....	54	3.0	11	.6
63. Paraguay[3]	49	1.1	56	1.3	13	.3
64. Angola[1,2,3]	2,040	20.0	306	3.0	102	1.0
65. Congo[3]	92	4.5	111	5.4	43	2.1
66. Colombia[3]	273	.8	905	2.7	237	.7
67. Cameroon[3]	232	1.9	334	2.8	101	.8
68. North Korea[1,2,3]	5,840	20.0	.....	.....	250	1.0
69. Albania[3]	151	4.2	.....	.....	83	2.3
70. Botswana[3]	82	6.0	126	9.2	52	3.8
71. Tunisia[3]	492	5.4	494	5.4	201	2.2
Total	44,932	.....	34,388	.....	11,737	.....
Other relevant countries of interest:						
1. Turkey	(5)	(5)	(5)	(5)	(5)	(5)
2. Chile[3]	575	3.3	823	4.7	357	2.1
3. Cuba[3]	1,296	7.2	1,116	6.2	540	3.0
4. Iran[1,2,3]	19,000	20.0	2,650	2.9	1,380	1.5
5. Iraq[1,2,3]	9,370	30.2	1,429	4.6	248	.8
6. Peru	(5)	(5)	(5)	(5)	(5)	(5)
7. Syria[1,2,3]	2,721	11.5	1,109	4.7	104	.4

[1] Countries that allocated more money to their military than education and health combined.
[2] Countries that allocated more money to their military than to education.
[3] Countries that allocated more money to their military than to health.
[4] Recent data from the World Development Report 1992, World Bank, indicates that Bolivia's defense, education and health expenditures are 14.1 percent, 18 percent and 2.3 percent of Central Government expenditures respectively. Egypt's defense, education and health expenditures are 12.7 percent, 13.4 percent and 2.8 percent of Central Government Expenditures respectively.
[5] World Development Report 1992 (World Bank) and indicates that Turkeys expenditures on defense, education and health are 11.7 percent, 19.2 percent and 3.6 percent of Central government expenditures respectively. Peru's expenditures for defense, education and health are 11.2 percent, 16.2 percent and 5.1 percent of Central Government Expenditures respectively.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3338) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I understand we are back on the Biden amendment, am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. Mr. President, will the Senator yield? To accommodate the Senate's schedule and the managers' desire to get through this bill, can we lay the Biden amendment aside and proceed to another one?

Mr. LEAHY. Mr. President, I will say to the Senator from North Carolina, as far as I am concerned, I am ready to go to a vote on the Biden amendment. Mr. President, I ask the distinguished ranking member of the committee, if I might, are there other Senators—I know of none on this side—are there other Senators who wish to speak on the amendment?

Mr. KASTEN. It is my understanding the Senator from Virginia [Mr. WARNER] desires to speak on the amendment, and I believe he is the only remaining Senator desiring to speak on the amendment. My hope is, I am told, in fact, that he is on his way.

Mr. LEAHY. Mr. President, I ask the distinguished Senator from North Carolina, approximately how much time does he desire? I am not trying to limit him to time, but just to get some idea.

Mr. HELMS. I probably will not take more than 10 minutes.

Mr. LEAHY. Mr. President, I ask unanimous consent that we temporarily set aside the Biden amendment, and I then will yield to the Senator from North Carolina. When that is completed, we can take up the Biden amendment and the Senator from Virginia [Mr. WARNER] may be here by then.

Mr. HELMS. Reserving the right to object, I want to be fair with the Senator from Vermont. In all probability, I am going to ask for the yeas and nays on my amendment and that may make a difference whether he wants to lay aside the Biden amendment. But we can also lay aside my amendment.

Mr. LEAHY. Mr. President, I am trying to accommodate all Senators. As the Senator from North Carolina knows, it is a difficult situation to be the manager of a bill that I was prepared to go to third reading on hours ago.

Might we do this, because the Senator from Virginia is still not here. To accommodate the Senator from North Carolina, let us go forward with his amendment. If he is going to require a rollcall vote, I ask if he might at that point join me in a unanimous-consent request to set his amendment aside so we can complete this one.

Mr. HELMS. By all means. I think it is the proper thing to do.

Mr. LEAHY. I yield to the Senator.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Delaware is laid aside, and the Chair recognizes the Senator from North Carolina.

AMENDMENT NO. 3339

(Purpose: To reduce total budget authority in the bill by 10 percent (excluding amounts paid to foreign countries by law) and use the savings to reduce the deficit)

Mr. HELMS. Mr. President, I thank the Chair. I send an amendment to the desk and ask it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The Senator from North Carolina [Mr. HELMS] for himself, Mr. BROWN, and Mr. SMITH, proposes an amendment numbered 3339.

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

Mr. LEAHY. Mr. President, I think it is a short one. Maybe it will make it a lot easier for me, if I have to explain it to everybody, if we do not waive the reading of the amendment.

Mr. HELMS. Very well. I would like to hear my amendment read.

The assistant legislative clerk read as follows:

At the end of the bill, add the following:

SEC. . The total amount of budget authority for fiscal year 1993 provided in this Act is reduced by 10 percent. Each amount of budget authority for fiscal year 1993 provided in this Act for payments not specified by law for foreign countries is reduced by the uniform percentage necessary to reduce the total amount of budget authority provided in this Act by 10 percent. Such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act. The reductions made by this section shall be applied to reduce the deficit.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, the way I figure it, 7 hours and 59 minutes from now, this fiscal year will be over and that is the underlying point of my amendment.

We are going to see how serious Senators are, including the one from North Carolina, about cutting the Federal debt which, as of the close of business this past Monday, September 28 which is the latest date for which a figure is available down to the penny stood at $4,043,564,162,646.52.

The amendment which the distinguished clerk has just read would reduce by 10 percent foreign aid expenditures. That is to say, it will reduce by 10 percent the amount of money the American taxpayer has to furnish to be sent to somebody overseas.

This amendment would return the savings to the U.S. Treasury for the purpose of reducing the Federal deficit. Specifically, the amendment proposes to cut the total amount appropriated under this bill by 10 percent, excluding those amounts specified for earmarked countries such as Israel, Greece, Turkey and Egypt.

This amendment presents Senators with a choice to, (1) reduce foreign aid to help reduce the deficit or, (2) keep throwing money away on foreign aid and add to the burden of the American taxpayers by increasing the Federal deficit.

Mr. President, I have said many times on this floor this year, and sometimes had rebuttal from very good friends of mine, that anybody familiar with the Constitution of the United States knows that no President can spend a dime that has not first been authorized and appropriated and approved by the Congress of the United States—both Houses, the House of Representatives and the Senate.

However, as this Nation has become increasingly aware of the daunting enormity of the Federal debt, this basic fact about constitutional responsibilities has not prevented Members of Congress from attempting to shift blame for this fiscal disaster to somebody else, most frequently to the White House.

I do not claim that the White House has been occupied for the last 25 to 30 years by people who are fiscally pure as the driven snow. But I am saying that had the Congress been of a mind to operate this Federal Government on a balanced budget, Congress has the authority to do it. And the Congress has failed miserably year after year after year.

I mentioned just a minute ago that friends of mine in this Senate have disagreed with me on this subject. Senator LEAHY—he is the chairman of the Agriculture Committee, on which I serve—arose after I had spoken the other day and said—let me quote him—"to put the blame on Congress misses the point very, very much."

Then Senator LEAHY said, "The President submits a budget. The President submits proposals."

Well, I say to my friend—and I say it with all the affection that I can muster—he is right there, but the Constitution does not say one syllable about the President submitting a budget.

The President is not required to do it, and I think he is a fool for trying to do it because for the 20 years I have been in the Senate, just about every time a Republican President has sent up a budget, you hear snickerings and ha-ha's, people saying, "It is D.O.A." It is dead on arrival. "We are not going to deal with that President's budget." So it does not make any difference what the President proposes, regardless of who is the President.

The Congress, let me reiterate, has the authority to balance the budget any year regardless of what any President proposes—be it Bush, Reagan, Jimmy Carter, Nixon, Eisenhower. Go as far back as you want. The Congress could have balanced the budget but did not.

Congress had and still has the ultimate responsibility not to drive this country over the cliff in terms of Federal debt.

So, Mr. President, the dead cat of the $4 trillion debt lies at the doorstep of the Senate and the House of Representatives, and let there be no mistake about that. We could have balanced the budget if we had had the guts to do it. But we did not have the guts to do it, and it is just as simple as that.

Mr. President, we could have stopped the spending spree. We could have balanced the budget. We did not. And Senators ought to fess up to the fact that, without giving excuses and putting the blame elsewhere.

So that brings us to the pending amendment—through which we will see the extent to which this Congress—this Congress, the 102d Congress—is willing to stop making excuses and to start exercising its constitutional responsibility and authority to cut spending.

The Founding Fathers put it in our hands. They did not put it in the hands of the President of the United States. It does not make any difference what the President asks for, little or big, great or small. It is our duty. It has been our duty. And maybe one of these days we are going to stop talking about the Reagan deficits,the Reagan debt, or Bush debt. Congress did it to the American people here in the House of Representatives and the Senate. The President did not do it. That canard ought to stop now.

Now, we can cut foreign aid as an opener, as this amendment proposes to

do, by 10 percent and save the American taxpayer approximately $2.6 billion. I expect that if you put this amendment to a vote among the American people, it would win by 90 percent.

Perhaps the managers of this bill will point out that this bill is already about $1 billion under the President's request, but I say to you that does not have anything to do with it. If we think it is unwise to spend a nickel, we have the authority to say we are not going to spend that nickel or $1 billion or whatever the amount may be. It is our responsibility. It has been our responsibility since the Founding Fathers gave us the U.S. Constitution, which, to me, is the greatest document ever created by the mind of man. And we ought to follow the Constitution.

I remember what my former colleague, Sam Ervin, said about this. Incidentally, Mr. President, you never had the privilege of serving with Sam Ervin. You missed a lot. Senator Ervin was my senior Senator for 2 years, and I never had a better relationship with anybody than with him.

At that time he was a Democrat and I was a Republican. I had been a Democrat, but then I changed parties.

Sam Ervin said, "Jesse, I never voted for a nickel in foreign aid."

He did not believe in it. Nor does this Senator. I believe in compassionate aid, but I do not believe in bailing out failing governments as we have done for years and years and years.

As I indicated earlier, the American people instinctively, and I think wisely, sense that foreign aid is a waste of their money. And it is. That is why there is so little support outside of the beltway for foreign aid.

But what does have support outside of the beltway is reducing the Federal deficit, and the Federal debt. Of course, until we start reducing or eliminating—the better word is eliminating—the Federal deficit, we are not going to do anything about the Federal debt which right now stands in excess of $4 trillion.

I am looking at these bright young people who serve as Pages here in the Senate. Sometime tonight I want you young folks to get a piece of paper and try to write out arithmetically $4 trillion, $4,000,000,000,000. Then you will see, as I hope all the young people in this country will see eventually, that Congress cannot keep up this business of running the Federal debt to the stratosphere without ruining your chances for economic survival.

I have children a little older than you, and grandchildren somewhat younger than you. And I am interested in them. And I am interested in you.

Mr. President, people are going to oppose this amendment, and say, oh, it is too much of a cut. I think it is not enough. I think we ought to cut more than 10 percent. Sure, as I have indicated earlier, we ought to leave the door open for humanitarian aid, but the kind of foreign aid program that we have run since the middle 1950's has just contributed so much to our debt.

I did a study a little over 10 years ago of the cost of foreign aid as of that time. I will not go into the mechanics of it, except to say that I had my fine staff go back to the first year of foreign aid to find out what interest rate the Federal Government was paying on money it borrowed. We have been running a deficit since the forties, as a matter of fact. I asked the staff to apply the interest and roll it over and roll it over and roll it over. And 10 years ago the figure was so enormous that I had to have the Library of Congress use their computers at the time because nothing available to us could handle a figure that big.

That was 10 years ago, I emphasize. It came back from the Library of Congress, and I was jolted out of my chair. It came back that the foreign aid program, counting the interest we had paid and all the rest of it, was $2 trillion, and that was 10 years ago.

Mr. President, on February 25 of this year I began a little process of reporting to the Senate every day the most current figure available for the Federal debt down to the penny. I gave that as I began my remarks. Every day since February 25 that the Senate has been in session, the figure has been updated.

I did not do it the entire time because I had a little encounter with a heart surgeon down in Raleigh back in June. I was away. But my good friend from Idaho, LARRY CRAIG, made the daily report for me. And I am grateful to him.

Let us see what has happened to the Federal debt since February 25, the day I started reporting the exact total of the Federal debt. The debt has grown $218,289,712,691.35. That is the increase in the debt since February 25.

Today, September 30, is the end of the fiscal year and we ought to kiss it goodby tonight at 12 o'clock with shame, and with apologies to the young people of this country for what we have done to them. They are the ones that are going to have to struggle with paying this debt. I expect these young pages will be grandfathers and grandmothers before a dent is made in it.

During this fiscal year which began October 1 last year, 1991, through to today, Congress spent $305 billion more than the Federal Government took in.

Revenues collected in fiscal year 1992 increased 2.6 percent over those collected in fiscal year 1991. But while those additional funds were coming in, total Government spending increased twice as fast—by 5.2 percent over the year before.

We cannot continue to run up the debt over and above what has been collected in taxes while we continue to give billions to foreign countries. Something must be done about this urgent situation.

During the Senate debate surrounding the passage of the original Foreign Assistance Act in 1961, Senator Ervin offered this analogy about the Federal Government spending tax-dollars on foreign aid:

> If an individual were to persist in borrowing money for the purpose of giving it away, his family and friends would institute an inquisition in lunacy, and procure the appointment of a guardian to manage his affairs. If an individual were to undertake to give away his property instead of paying his debts, the law would stay his hand and compel him to be just rather than generous. It is high time that Congress should exercise some common sense and put similar restraints on the Federal Government.

Senator Ervin could not have been more on target. But, if it was high time in 1961 to put our fiscal house in order, what can be said of the Government's situation in 1992?

So, today, Mr. President, we will see the extent to which this Congress is willing to stop making excuses, and start exercising its authority to cut spending. Senators will be asked to make a choice, a very clear choice: Cut foreign aid by 10 percent and take a step in the direction of fiscal responsibility, or continue to mortgage our Nation's future so that billions more in borrowed money can be shipped overseas in foreign aid.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho [Mr. SYMMS].

AMENDMENT NO. 3340 TO AMENDMENT NO. 3339

(Purpose: To reduce total budget authority in the bill by 10 percent (including amounts paid to foreign countries by law) and use the savings to reduce the deficit)

Mr. SYMMS. Mr. 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 Idaho [Mr. SYMMS], for himself and Mr. HELMS, proposes an amendment numbered 3340 to amendment No. 3339.
>
> Delete all after "Sec. ." and insert the following:
>
> "The total amount of budget authority for fiscal year 1993 provided in this Act is reduced by 10 percent. Each amount of budget authority for fiscal year 1993 provided in this Act for payments not specified by law for foreign countries is reduced by the uniform percentage necessary to reduce the total amount of budget authority provided in this act by 10 percent. Such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act. The reductions made by this section shall be applied to reduce the deficit.

Mr. SYMMS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The Chair advises the Senator from Idaho that, after review by the Parliamentarian, the second-degree amendment appear to be exactly the same as the first-degree amendment. Therefore, it would not be in order.

Mr. SYMMS. Mr. President, 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. 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 for the yeas and nays on the underlying amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SYMMS. Mr. President, I withdraw my second-degree amendment.

The PRESIDING OFFICER. The Senator from Idaho has the right to withdraw his second-degree amendment.

The amendment (No. 3340) was withdrawn.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment offered by the Senator from North Carolina.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Rhode Island [Mr. PELL], and the Senator from North Carolina [Mr. SANFORD] are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL] would vote "nay."

Mr. SIMPSON. I announce that the Senator from New York [Mr. D'AMATO] is necessarily absent.

The PRESIDING OFFICER (Mr. EXON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 58, as follows:

[Rollcall Vote No. 252 Leg.]

YEAS—38

Baucus	DeConcini	Murkowski
Bond	Ford	Nickles
Boren	Fowler	Nunn
Breaux	Garn	Pressler
Brown	Glenn	Pryor
Bryan	Gramm	Reid
Bumpers	Hatch	Roth
Burns	Helms	Seymour
Byrd	Hollings	Smith
Coats	Kasten	Symms
Conrad	Lott	Thurmond
Craig	McCain	Wallop
Daschle	McConnell	

NAYS—58

Adams	Dodd	Johnston
Akaka	Dole	Kassebaum
Bentsen	Domenici	Kennedy
Biden	Durenberger	Kerrey
Bingaman	Exon	Kerry
Bradley	Gorton	Kohl
Burdick, Jocelyn	Graham	Lautenberg
Chafee	Grassley	Leahy
Cochran	Harkin	Levin
Cohen	Hatfield	Lieberman
Cranston	Heflin	Lugar
Danforth	Inouye	Mack
Dixon	Jeffords	Metzenbaum
Mikulski	Rudman	Stevens
Mitchell	Sarbanes	Warner
Moynihan	Sasser	Wellstone
Packwood	Shelby	Wirth
Riegle	Simon	Wofford
Robb	Simpson	
Rockefeller	Specter	

NOT VOTING—4

D'Amato	Pell
Gore	Sanford

So the amendment (No. 3339) was rejected.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Vermont.

Mr. LEAHY. Mr. President, I would like to note for my colleagues exactly what an "aye" vote would have done on this amendment. The Foreign Operations Subcommittee made very considerable cuts below the President's request. There is $800 million less for foreign aid in this bill than the President asked for. But if this amendment had passed, let me tell you what it would have done. It would have reduced every program, project, or activity not earmarked for a foreign country. The money we give, for example, for the United Israel Appeal, for the resettlement of refugees from Eastern Europe and Russia and elsewhere, would have been cut considerably more than 10 percent. So those who come here and give long speeches about how they want to help resettle refugees from Eastern Europe and Russia—if they voted "aye" on this amendment they ought to know they voted to cut very substantially out of the program to settle refugees from Russia or Eastern Europe into Israel. That is what an "aye" vote did on this amendment.

That program also assists Russian and Eastern European Jews who come to the United States. I thought I would mention that for the next time somebody comes and gives a great speech about refugee assistance. If they voted "aye" they voted to cut that very substantially.

This cut would have applied to the United States contribution to, as I said, the United Israel Appeal, which is not designated in the bill for a specific country but for a program.

It also would have cut the U.S. contribution to the multilateral development banks, which promote economic development abroad.

I mention that because economic growth abroad means jobs and growth here at home. And it would have cut very substantially the funding for the Eximbank. A lot of Senators who have written to me about how much they wanted to increase support for the Eximbank because companies in their home States use that money to create jobs here in the United States to produce goods we export abroad.

I would say to those Senators, some of whom urged me to give more to the Eximbank, that their "aye" vote was a vote to cut funding for the Eximbank.

I have had a lot of Senators contact me and say we have to do something about Somalia, we have to do something about drought relief and starvation in sub-Saharan Africa and other parts of the world. I would tell those same Senators who wanted me to increase those funds and now voted "aye" on this amendment, that they voted for far more than a 10-percent cut for aid to Somalia or other poor countries in sub-Saharan Africa. That is because the way this amendment is worded, the cut would be far more than 10 percent after you discount the programs that are exempt. It is the poor countries, the Somalias, that would be hurt most. So, for those who called me about disaster assistance and refugee aid, if they voted "aye" for this amendment they just voted for substantially more than a 10-percent cut for those humanitarian programs.

Some have written to me and said they wanted me to include extra money for family planning to curb exploding population growth. If they voted "aye" on this amendment they just voted to cut substantially more than 10 percent for family planning.

Some in this Chamber have written to me or called me saying they wanted increased economic aid to Russia and Eastern Europe. If they voted "aye" on this amendment they just voted to cut substantially more than 10 percent for Russia and Eastern Europe.

So to sum up, this amendment means a cut of far more than 10 percent in our program for refugees. The earmark for the United States contribution to the United Israel Appeal would have been cut.

Sometimes these across-the-board amendments look good but sometimes the result they create is not what Senators may want. This foreign aid bill as it came out of the Foreign Operations Subcommittee that I chair had far greater cuts in it than any foreign aid bill I can remember in my 18 years in the Senate. Those cuts took a lot of thought, and they were not easy to make. They were done carefully. That is the hard way to do it but it is the way that is, I beleve, the most responsible way.

Mr. President, the distinguished Senator from Colorado had sought recognition.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, what you have just heard from the Senator from Vermont is what happened here all the time. They squeal like a stuck hog, every time you try to cut spending around this place. Then they say, "the President has run up the deficit." "He has run up the debt."

As I said earlier, my good friend from Vermont, Mr. LEAHY, and I had a little discussion about this very question back on September 10. At that time he ridiculed the idea that the Congress was responsible for the enormous Federal debt, even though I said and I say again today, that the President cannot spend a dime that has not first been authorized and appropriated by the Senate of the United States and the House of Representatives.

Any time you talk about cutting spending there come the squawk's—"oh, this is too good to cut. You better be careful because you will be hurting all these folks."

Mr. President, whom are you hurting? You are hurting the coming generation. I pointed earlier to the young people who are pages here in the Senate. They will be mothers and grandmothers and great grandmothers before a dent is made in this $4 trillion debt the Congress of the United States has run up. Those on the other side of the aisle always say, "Well, that was Reagan's debt; or that is Ford's debt; or that is Bush's debt."

No, Mr. President, the dead cat, of this $4 trillion debt, has been run up by the Congress of the United States and nobody else. Because we could have balanced the budget. We could have spent less. We could have used some restraint in how much money was being spent.

I say again, the Constitution is absolutely silent about whether a President should even send up a budget or not. It does not say anything about it. There was a statute passed some time ago by the Congress and I think Harry Byrd, Jr., my good friend, may have been the author of it. But nevertheless—and I say this with all respect and affection for Harry Byrd because he was a great Senator—every constitutional expert with whom I have spoken has said that statute passed by Congress requiring the President to send up a budget was unconstitutional.

And it was not something that this Congress, of all people, said that the President has to send up a balanced budget and every year the Congress of the United States unbalances the budget. It is something like 300 billion bucks over and above the income of the Federal Government that this Congress spends every year.

So just listen to the Senator from Vermont. He is trying to give an excuse for ducking the responsibility of the Congress of the United States. I did not expect the amendment to be adopted. But I expected to allow Senators to show where they stood, and they showed, and they voted down the amendment, and that is all right with me. But I am saying that the Congress of the United States can move toward a balanced budget any day it decides to exercise a little courage, a little intestinal fortitude.

59-059 O—97 Vol. 138 (Pt. 20) 19

All the excuses, and all of the warning "you are going to hurt this crowd," "you are going to take money away from this crowd," and so forth and so on. Well pardon me, but I will cry tomorrow about the beneficiaries of foreign aid. I will cry today for the young people of our Nation upon whom such an enormous debt has been saddled. That was what this vote was all about. Now I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, again I note that the bill I presented to my subcommittee had far greater cuts in foreign aid than any foreign aid bill I can remember in 18 years here. I also note that when we speak about whether it is the Congress or the President who proposes this, the Bush administration did not support this amendment to cut the foreign aid program by another 10 percent. Let us not leave that impression here, nor have I found any support from the administration for the cuts we already have made in this bill.

Certainly, the nearly 1.3 billion dollars' worth of cuts that I proposed, the cuts we got out of the subcommittee were not supported by the President. When we talk about what the Congress does or does not do, neither this administration nor I suspect any administration supports the kind of meat ax approach we saw with the amendment we just defeated. I do not want any impression left here that the administration somehow for deficit reduction purposes or otherwise was in support of the amendment that was just voted down. It was not.

I yield to the Senator from Colorado.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I rise to offer an amendment concerning the International Monetary Fund.

The PRESIDING OFFICER. Without objection, the——

Mr. WARNER. Mr. President, parliamentary inquiry. What is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is amendment No. 3336 offered by Senator BIDEN.

Mr. WARNER. Has there been a unanimous-consent request to set that amendment aside?

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

Mr. WARNER. I am not making a request, I am making an inquiry. Has that action been taken by the Senate?

The PRESIDING OFFICER. The Chair is inquiring whether there is any objection to it.

Mr. WARNER. Has the question been posed to the Chair and, if so, by whom?

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment No. 3336?

Mr. WARNER. Mr. President, reserving the right to object, and I hope that I will not object, does that amendment by the distinguished Senator from Delaware recur? Does it not recur as the pending business upon the disposition of the proposed amendment by the Senator from Colorado?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 3341

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 3341.

At the appropriate place in the bill, add the following new section:

SEC. . IMF LOANS TO RUSSIA.

FINDINGS.—It is the sense of Congress that—

(1) Russia must carry our comprehensive economic reforms to merit the support of the International Monetary Fund.

(2) Russia's monetary problems remain unresolved, risks of hyperinflation remain high, and its monetary policies do not provide at this time a suitable basis for an IMF program.

(3) This is further confirmed by the recent fall of the ruble against other major currencies.

Therefore, the Secretary of the Treasury shall instruct the United States Executive Director to the IMF to oppose any loan to Russia unless the following criteria are met:

(1) The loan is primarily being used for economic reform rather than refinancing Soviet debt;

(2) The IMF is providing technical assistance in support of the reform effort; and

(3) The IMF has formulated a realistic package of financial assistance, spelling out in detail to Russia and the West its necessary components.

Mr. BROWN. Mr. President, the reason I did not interrupt the reading of the amendment and ask unanimous consent that it be considered as read is because the amendment is obviously pretty straightforward and reasonably brief and concise.

I offer it because of the concern about the conduct thus far with regard to the IMF in their dealings with Russia. I refer interested Members to an article that appeared in this Sunday's Washington Post. It was an article authored by Jeffrey Sachs, who is a Professor of economics at Harvard, and David Lipton, who is a fellow at the Woodrow Wilson Center. In that article, titled "Russia on the Ropes, How IMF Is Missing Its Chance To Spur Recovery," they are quite critical of the failure of the IMF to act during these desperate times in the former Soviet Union.

I want, with the indulgence of this body, to read a portion of that article to share my concern and to briefly point out why it is I think some urging is needed for the IMF to do the job that we all expect. I think every American

is aware that we are adding $12 billion of American taxpayers' money to the IMF with this bill. I think in fairness, we ought to point out that those are loans. We fully expect that money to be paid back at some point, but it is clear that American money is at risk and I think we have a reasonable right to insist it be reasonably managed.

These two gentlemen who wrote the article in the Washington Post are not anti-aid, they are pro-aid for the former Soviet Union. They are very pro in terms of activates of the IMF. They start off saying this:

Even as dramatic economic reforms go forward, Russia's monetary problems remain unresolved: The risks of hyperinflation remain high; the foreign debt is still not restructured; and only two of the 14 non-Russian states have introduced their own currencies.

They further point out that the International monetary fund to help Russia carry out its most urgent economic task is important.

Yet something has gone wrong, seriously wrong, with the IMF's role in Russia.

Mr. President, I must say I think they have hit the nail on the head when they point that out. They say:

The IMF should get the money—because its mission is unique and crucial—but it should be made conditional on fundamental management changes.

And that is what this amendment suggests, some modest changes in their management system.

The controversies swirling around the IMF tend to focus on whether the institution is too tough in its advice to Russia, but these controversies miss the point. The problem is not toughness, but superficiality. Contrary to widespread perception, the IMF is barely present in Russia.

Mr. President, this is where we are talking about sending billions of dollars for IMF and their very presence.

Remarkably, the IMF does not have a single monetary expert permanently in residence in all of Russia, much less the teams of resident advisors imagined in the public mind. Yes, the staff at headquarters working on Russia has grown significantly through personal shifts and new recruitment, but the end result where it counts—on the ground in Russia—has been negligible. Only two staff members are based there, but their job is mainly to gather and transmit information to and from the Washington staffers who fly in periodically for a couple of weeks at a time.

They go on to say, "The IMF simply has not done the things it can do to make a difference."

Mr. President, this is not from a critic of the aid. This is from an advocate to the aid.

What the amendment merely suggests is this, that before we vote as a country for those additional loans, we follow the advice that has been suggested for these kinds of loans and the commitments that have been suggested in three areas:

One, the loan is primarily being used for economic reform rather than refinancing Soviet debt.

Two, IMF is providing technical assistance in support of the reform effort. And the evidence up to date shows they have not done that.

Three, the IMF has formulated a realistic package of financial assistance spelling out in detail to Russia and the West its necessary components.

Mr. President, we are not talking about imposing all the conditions and regulations that the Federal Government imposes on American banks to make a loan. We are talking about only simple, basic things that already have been alleged would be taken care of by the IMF. This is simply a wakeup call that simply says do at least a minimum, the basics of the job. It would be a tradegy of the first order if our efforts to help Russia did not succeed.

I believe the IMF has a part in that. This amendment simply says they have to do at least the basics of their job.

Mr. President, it is my understanding that the Treasury has reviewed this and has agreed to the language.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I have discussed this earlier with the distinguished Senator, and, as I told Senator BROWN at that time, I have no problems with this amendment. And on this side, I am perfectly ready to accept it.

Mr. KASTEN. Mr. President, I urge adoption of the amendment.

Mr. BROWN. Mr. President, I ask unanimous consent that this letter of support from the Friends of the Earth be printed in the RECORD.

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

FRIENDS OF THE EARTH,
Washington, DC, September 30, 1992.

SUPPORT THE BROWN AMENDMENT TO CONDITION THE $12 BILLION QUOTA INCREASE FOR THE INTERNATIONAL MONETARY FUND (IMF) ON THE PREPARATION OF A STRATEGIC PLAN FOR ITS USE IN RUSSIA

DEAR SENATOR: When the Foreign Operations Appropriations bill reaches the floor, please support the Brown Amendment to condition the $12 billion quota increase for the International Monetary Fund. The IMF should not be given any quota increase on the pretext of helping Russia until it prepares a strategic plan for what it will actually do. The Brown amendment would require such an essential plan of action to be prepared and signed on by the President before the quota increase can occur.

In the absence of a definitive plan it is very unlikely that the financing will result in sound economic investment. The quota increase will simply be recycled to pay off old Soviet debts. It will likely refinance the bank accounts of the old economic elite, lead to further deterioration of the Russian economy, and result in social unrest.

Citizen organizations have documented how IMF programs in the Philippines, Zimbabwe, Costa Rica, Ghana, and Chile have resulted in a deteriorating economy and a decline in the quality of life for large portions of the population. The IMF has failed to recognize the importance of these economic social and environmental indicators and continues to conduct business as usual.

Congress has raised these concerns on several occasions. Despite the passage of legislation in 1989 to require the IMF to pay attention to the environment, the IMF has yet to undertake a serious initiative in this regard even though the destruction of the natural resource base deprives countries of their ability to service their debts.

The IMF's poor performance in Russia this year shows the need for more IMF accountability. According to Russia's economic adviser, Jeffrey Sachs, the IMF has done an inadequate job assessing Russia's real needs. In a Washington Post article, printed last Sunday, Sachs said the IMF is a closed organization relying entirely on its inside staff. The IMF is aloof, developing its program without proper consultation with Moscow officials and economic experts.

In its desire to aid the Russian people, Congress should seek an aid package that will wisely spend taxpayers' money, contribute to a healthy Russian economy, and avoid the mistakes of previous IMF lending.

Sincerely,

BRENT BLACKWELDER,
Vice President.

Mr. BROWN. I would like to express my thanks to the distinguished Senator from Vermont for his support of this amendment and the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 3341.

The amendment (No. 3341) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I know the distinguished Senator from Virgina is waiting. If he can withhold for just a moment, I have two noncontroversial amendments.

AMENDMENT NO. 3342

(Purpose: To reduce the amount available for obligation for salaries and administrative expenses of the Agency for International Development to the amount obligated for such purposes during fiscal year 1992)

Mr. LEAHY. Mr. President, I send an amendment on behalf of Senator GRAHAM of Florida to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. GRAHAM, proposes an amendment numbered 3342.

Mr. LEAHY. 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:

On page 197, between lines 2 and 3, insert the following:

SEC. . The amounts expended under "Operating Expenses" for salaries and expenses relating to the administration of the Headquarters of the Agency for International De-

velopment may not exceed the amounts expended during fiscal year 1992 for such salaries and expenses under such heading.

Mr. LEAHY. I understand this amendment has been cleared.

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

The amendment (No. 3342) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3343

(Purpose: To require that information relating to salaries and administrative expenses of the Agency for International Development be included in the budget submitted to Congress)

Mr. LEAHY. Mr. President, I send another amendment to the desk on behalf of Mr. GRAHAM and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. GRAHAM, proposes an amendment numbered 3343.

Mr. LEAHY. 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:

On page 197, between lines 2 and 3, insert the following:

SEC. . The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Agency for International Development.

Mr. LEAHY. I understand this amendment also has been cleared.

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

The amendment (No. 3343) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3344

Mr. LEAHY. Mr. President, I send to the desk an amendment on behalf of Mr. INOUYE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. INOUYE, proposes an amendment numbered 3344.

Mr. LEAHY. 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 appropriate place in the bill insert the following: "*Provided further*, That up to a total of $40,000,000 of the funds appropriated to carry out sections 103 through 106 and chapter 4 of part II of the Foreign Assistance Act of 1961 may be transferred to and consolidated and merged with the funds appropriated under this heading notwithstanding the limitations on transfers between accounts contained in section 514 of this Act and sections 109 and 610 of the Foreign Assistance Act of 1961: *Provided further*, That any funds transferred to carry out the purposes of the previous proviso shall be made available only for projects and activities which are consistent with the purposes of those funds as initially appropriated: *Provided further*, That transfers of any funds to carry out the purposes of this heading shall be subject to the regular notification procedures of the Committees on Appropriations.".

Mr. LEAHY. Mr. President, this amendment also has been cleared.

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

The amendment (No. 3344) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, we had set aside earlier the Biden amendment. I know the distinguished Senator from Virginia [Mr. WARNER], is here to speak on it. I would ask that we bring now back before the Senate, following our earlier agreement, we bring back before the Senate the Biden amendment so that that will be the order of business.

Mr. WARNER. Mr. President, I certainly want to accommodate the managers of this bill. The amendment was just presented to the Senate a short time ago. I am in the process of contacting the Acting Secretary of State, Mr. Eagleburger, and I anticipate an opportunity to do that within the next 15 or 20 minutes.

Therefore, I would respectfully ask the managers of the bill to allow the Senator from Virginia to have a consultation with the Secretary, and if we could set a time at which we could once again address this amendment, that would be accommodating. I can sort of set forth basically what my concerns are.

Mr. LEAHY. I wonder if the Senator will yield just for a moment.

Mr. WARNER. Yes.

Mr. LEAHY. I am perfectly willing to accommodate the schedule of the Senator from Virginia. He has been most accommodating on this whole matter. I simply want to bring—because we have no other amendment pending—this amendment back before the Senate. But I have no intention of trying to force a vote or anything else. I certainly will accommodate, through a quorum call or anything else, any time the Senator from Virginia needs to discuss this with the administration, as is, of course, his right, some would say his duty, in this case.

I yield to the Senator from Virginia.

Mr. WARNER. Mr. President, I thank the distinguished Senator from Vermont. As yet, I am not certain exactly what final position I will take on this amendment. But I would like to express to those who propose to accept this amendment, or wish to propound it, some questions that are on my mind, and they may well be on the minds of other Senators, and that is that this situation in Bosnia is, indeed, a tragedy.

I had the opportunity several weeks ago to visit in Sarajevo and see with my own eyes, having had the opportunity to be escorted by the French marines away from the airport into the city, the suffering, the indiscriminate use of weaponry, and the foreboding concern about winter as it descends on this once beautiful, indeed, majestic, part of the world, where not so many years ago the world had the opportunity to participate in the Olympics and see the people of that region, be they Serbian, Croatian, Muslim, Bosnian, whoever, join together as cohosts to receive the athletes from all over the world. Indeed, this whole situation poses an incredible quandary to all those nations that are trying to do their best to help the people and to bring about a cessation of the fighting.

My concern is that while this amendment is drawn to appear to give total discretion to the President, if it were to be adopted by the Senate, it could well be misconstrued and nuances could be misinterpreted once it is, that is, the knowledge of it, spreads beyond our shores and it could inspire hopes in peoples in this conflict which may never come to fruition.

Right now, as a consequence of the London conference, we have a former Secretary of State, Cyrus Vance, a former minister, Lord Owen, in the Government of Great Britain, working primarily on a voluntary basis to bring about a greater degree of peace and stability.

How would this amendment impact, I would like to ask the proponents, on the work of these two men who are basically volunteers? What would be the effect of this amendment on those nations that, candidly, have strong leanings toward Serbia?

In other words, if the embargo for some reason were lifted by the United Nations, and the United States, pursuant to this amendment, had the option to move in some up to $50 million in weapons, what is the likelihood that other nations in the world would begin to send like amounts to those forces aligned with the Serbian interests,

again resulting in an arms race in which arms are coming in from several directions pouring into this nation at a time when the suffering has reached almost intolerable levels?

Consequently, I hope the sponsors of this amendment and others who wish to support it will make themselves available for a colloquy with this Senator and other Senators who, in my judgment, have legitimate concerns.

Further, at the present time, the nations of the world, under the auspices of the United Nations, are endeavoring to get in such supplies as they have in hand in the nature of humanitarian relief—food, medicine. I witnessed these brave persons bringing those supplies in. On the very day that I visited, there occurred the tragic loss of an aircraft bringing in such supplies from Italy.

I would like to ask the proponents of this amendment. Do we know for certain today who the guilty parties were that caused the death of the innocent and brave Italian aviators and others who were in that aircraft, all of whom were lost, killed? When a rescue effort was launched by U.S. marines standing offshore, the helicopters came in and experienced hostile gunfire. Are we prepared to say from whence that gunfire came? Who is responsible for it?

Some week or 10 days thereafter, the same marines that served as the host for my visit very bravely escorted me in an armored vehicle, armored vest and helmet, the whole regalia, into the city where some of those lost their lives. I am not sure to this date if it is absolutely clear who was at fault for those deaths.

I point out these two incidents because additional arms coming into this geographical location makes the role of the United Nations in delivering humanitarian relief that much more difficult. We are putting lives in peril, volunteer lives, who are going in on humanitarian missions under the auspices of the United Nations. Those lives are being lost.

I do not claim to be an expert on this. I simply availed myself of the opportunity to see in a very brief period of time, several hours, with my own eyes the devastation in this once magnificent city to learn from those who were there trying to fulfill the mission of the United Nations; that is, humanitarian deliveries, that they do not know the origin of much of the hostile fire. While I was there, you could hear the fire in all directions, 360 degrees, and the shells went over the airport; artillery shells, mortar shells, sniper fire. Quite frankly, no one can identify the origin of the fire or the purpose of the fire.

It was reminiscent of a visit I once had in Lebanon to that airport in the aftermath of the tragic loss, again of freedom fighters, in this instance 200-plus U.S. marines, who lost their lives.

Recently, the Chairman of the Joint Chiefs of Staff, a matter of a few days ago, spoke to this issue, and, I think, with great clarity, gave his opinion, a professional military opinion, with respect to the use of military forces for roles other than peacekeeping. He specifically addressed the role of peacemaking, and at a later time I will address more specifically the remarks of that distinguished soldier. But they do not directly bear on this particular amendment.

To lift the embargo, in the judgment of many, is to open a Pandora's box. That is what this amendment refers to, the lifting of that embargo. I cannot perceive the basis for the United Nations taking such action, but that is a triggering mechanism in the amendment. Without an embargo, there will be no way to control who would be supplying weapons to whom. Weapons could well flow in from all directions. While the Bosnians—and, indeed, I can justifiably have great concern about the Bosnians because they simply have not, through the years, acquired the quantum of weapons that allegedly the forces in Serbia now possess. So there is an imbalance from a strict technical organization of the weaponry associated with those forces now under the command and control of Serbia.

I would like to return at some point to the question of command and control. This is a serious question as to the extent even Serbia can control many of the factions now fighting in Bosnia. But nevertheless, to lift the embargo and for the United States then to begin to ship in arms, I think, could well trigger the shipment of arms from other nations in the world into this very hostile situation.

We have had, I think those who are closely involved with this conflict, experts look at the weapon supply situation. In the judgment of many experts, lifting of the embargo would not materially help the Bosnians. The Bosnians do not have the trained manpower to use sophisticated weapons. They sent in upward of $50 million of weapons from the U.S. arsenal. Many of these weapons are highly technical and complicated. Who is going to train them in the proper and safe use of these weapons?

Second, would not the message spread throughout this conflict that the next shelling could well be shells manufactured in the United States of America again falling on innocent civilians? The innocent civilians have been the category of persons that have really been the prime target of the hostility. This is great hostility. We all recognize that.

But there is no clean hand to be had, as we say in the law. It was clear that the Serbians have the preponderance of the guilt, but I do not know that any of us could stand here and say the Bosnian factions have clean hands in this conflict. There is no clear manner for the outside world to look in on this conflict, and decide clearly who is right, who is wrong, and who should receive the support, such as arms, as contemplated by this amendment.

We all want to stop the suffering. But I want the proponent of this amendment to explain to me how additional arms to one side initially, Bosnia, could bring about less killing, less killing and maiming of the innocent civilians.

The kinds of weapons that would be most useful in mountainous warfare are not in short supply anywhere in the world. Many nations possess them. There are innumerable arms merchants with warehouses stuffed full, and they would flow very rapidly into this conflict.

Mr. President, these are but some of the questions that I have related to this amendment, and I would like to give the opportunity to the proponents of the amendment to address some of these questions. For that purpose, I now suggest the absence of a quorum——

Mr. LEAHY. If the Senator will withhold that.

Mr. President, I thought that we had an amendment that was cleared for action that we could have passed. In the meantime, I find that I am not right.

Mr. BIDEN. Mr. President, the Senator from Virginia has posed two questions to me about the effect of the amendment this Senator has offered with regard to military assistance to Bosnia.

I would like to take this opportunity to answer those questions as best as I understood them.

First, the Senator from Virginia asked whether this amendment, by authorizing the President to provide $50 million in United States military equipment to Bosnia, would harm the efforts being made in London to achieve a peaceful settlement of this dispute.

The Senator has asked a pertinent question that merits a detailed answer. Let me offer the following response. Right now the Serbian forces have taken over the vast majority of the territory of Bosnia. As a result of this successful aggression, the Serbs are happy to negotiate a peace. Meanwhile, Bosnian Government forces are seeking military assistance to help them fight off this aggression. And so long as Bosnia has been largely taken from the Bosnians, it is hard to imagine a serious peace in that country.

Mr. President, the only language understood by Serbs fighting in Bosnia is the language of force. That is why it is my fervent belief that the Serbs will only agree to return the land they won through aggression if they believe they cannot hold that land.

In short, if Serbia and its forces in Bosnia understand that the Bosnian Government will be in a position to recapture their territory by force, then

and only then will Serbs pursue serious negotiations. Therefore, military assistance is a means to accelerate a lasting peace—not a means to increase the bloodshed.

The Senator from Virginia's second question was whether lifting the arms embargo would result in further armaments being sent to Serbia by its allies.

My answer is that the amendment urges only that Bosnia be exempt from the arms embargo. In the same way that the international community has imposed an economic blockage only on Serbia and Montenegro it can impose an arms embargo only on Serbia and Montenegro.

I hope that these comments serve to answer the two pertinent questions posed by the Senator from Virginia [Mr. WARNER].

Mr. LEAHY. Mr. President, I ask unanimous consent that Senator NICKLES be added to amendment No. 3323 as an original cosponsor.

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

Mr. LEAHY. Mr. President, I tell my friend from Virginia, if I might, my understanding is that with the exception of two or three minor amendments that are going to be—not minor; I do not mean that, but minor in the sense of the controversy, because they are so good. They are going to be accepted soon. We are just working that out right now. Once those are done and the amendment of the Senator from Virginia is done, we will be ready to complete this. I am perfectly willing to go ahead on a voice vote on the amendment presently before us, if there is—I forgot that the Senator from Virginia told me about his call. Maybe we can do this then. In the meantime, I suggest the absence of a quorum——

Mr. WARNER. If the Senator will withhold that, I want to be cooperative with the manager of the bill. My Republican leader has an interest in this amendment. I am advised that, given the interests of the Senator from Virginia, we are not going to have action on the amendment, and I can leave the floor for a brief moment to talk to the Acting Secretary.

Mr. LEAHY. I assure the Senator from Virginia that I will protect his rights, and we will not take further action on the amendment until he comes back from his phone call. The Senator can rest assured on that.

AMENDMENT NO. 3345

Mr. LEAHY. Mr. President, I send an amendment to the desk on behalf of Mr. CRANSTON and ask for its immediate consideration.

The PRESIDING OFFICER. The Biden amendment will be laid aside, and the clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. CRANSTON, proposes an amendment numbered 3345.

Mr. LEAHY. 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:

On page 75, line (16) strike "and," and insert ";", then on line (19) strike "period" and add "; and (3) describe the extent to which indigenous people are able to participate in decisions affecting their lands, cultures, traditions and the allocation of natural resources, and assess the extent of protection of their civil and political rights."

Mr. CRANSTON. Mr. President, I send to the desk an amendment that would require the State Department to include in its yearly human rights report the status and condition of indigenous peoples around the world.

This amendment is an expanded version of that which came out of last year's conference report of the foreign aid authorization bill. At that time, the report requirement focused on the plight of the indigenous people of Latin America.

Mr. President, I believe that it is time that we give special attention to the human rights issues confronting the millions of tribal and otherwise underrepresented people around the world. As a statement issued today by Amnesty International USA, passage of this amendment "is a solid first step in ensuring that the human rights of indigenous peoples are not left by the wayside."

Later next month, attention will be focused on the plight of the more than 35 million indigenous people of Latin America, as we mark the 500th anniversary of the arrival of Europeans to the American hemisphere.

And next year has been proclaimed by the United Nations the "Year of the Indigenous People."

In some countries, such as Guatemala, Peru, Bolivia, and Ecuador—where huge populations of indigenous people are left virtually outside the realm and reach of government—the issue of their rights remains perhaps the most important roadblock to the consolidation of democracy and civilian rule.

The issue of the rights and roles of indigenous people, in some respects a traditional human rights concern, in others a cornerstone of democratic development in the Third World, are not going to go away. The report I am proposing today can help set the future agenda in a positive and proactive way. I urge its adoption.

Mr. President, I also ask unanimous consent that a statement by Jack Healey, the executive director of Amnesty International USA, be printed in the RECORD.

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

JACK HEALY'S STATEMENT ON THE CRANSTON AMENDMENT, A REPORT ON THE STATUS AND CONDITION OF INDIGENOUS PEOPLES

Amnesty International USA supports measures by the US Government to promote and protect the human rights of indigenous peoples. Because of that, AIUSA urges support for the Cranston Amendment to the Foreign Operations Appropriations Bill in that it calls for an accounting of the status and treatment of indigenous peoples around the world. More specific to Amnesty's mandate, it asks for available information on the promotion and protection of the civil and political rights of indigenous peoples. Amnesty International USA feels that this is a solid first step in ensuring that the human rights of indigenous peoples are not left by the wayside.

Amnesty International will be issuing a report next week entitled "Human Rights Violations Against the Indigenous Peoples of the Americas" which underscores the immediate necessity to address the status and treatment of indigenous peoples.

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

The amendment (No. 3345) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3346

(Purpose: To allocate funds for preventive screening to include breast and prostate cancer screening)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 3346.

Mr. DOLE. 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:

On page 17, line 7, strike out the period and insert in lieu thereof "; and".

On page 17, between lines 7 and 8, insert the following:

(i) Up to $10,000,000 shall be available for preventive services to include breast and prostate cancer screenings.

Mr. DOLE. Mr. President, this amendment is very simple. It states that up to $10 million shall be available to the Agency for International Development [AID] for preventive services to include breast and prostate cancer.

Over the years the United States has learned the value of preventive health care, and most recently, the value of preventive screenings, such as mammography for the detection of breast cancer and the PSA test for the detection of prostate cancer. The health programs instituted by the Agency for International Development are placing increasing focus on prevention. There

is a recognition that even in less developed countries, as improved sanitation and immunization leads to better control of the spread of infectious diseases, and as infant and childhood mortality rates decline, cancer will become an increasingly important factor in the health of these populations.

Mr. President, this amendment is intended to support AID's growing emphasis on prevention and underscore the important role that preventive screenings play in early detection.

I think this amendment has been cleared on both sides.

Mr. LEAHY. There is no objection on this side.

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

The amendment (No. 3346) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3347

Mr. DOLE. Mr. President, I send an amendment to the desk on behalf of Mr. MCCONNELL and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. MCCONNELL, proposes an amendment numbered 3347.

Mr. DOLE. 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 appropriate place, insert:

None of the funds appropriated by this Act or any other Act may be used to support the transfer of aircraft from the Department of defense to the Drug Enforcement Administration to carry out counter-narcotics activities in Guatemala, unless the President determines that to do so is important to the national interest and so notifies the Committees on Foreign Relations and Appropriations of the Senate.

Mr. DOLE. Mr. President, I understand this amendment has been cleared on both sides.

Mr. LEAHY. There is no objection on this side.

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

The amendment (No. 3347) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I had another amendment. We are just double checking for the clearance of it. I see the Senator from Virginia back on the floor. I ask that the Biden amendment be brought back before the Senate, and I yield to the Senator from Virginia.

AMENDMENT NO. 3336

Mr. WARNER. I thank the distinguished manager of the bill and the Republican leader.

I have now had the opportunity to speak with the Acting Secretary of State Eagleburger. We must appreciate the fact that he has had but a few minutes to reflect on this amendment. Incidentally, he knows the general subject very, very well, primarily because at one time he was the United States Ambassador to the former nation of Yugoslavia and has taken an intense interest in trying to foster negotiations to resolve this tragic conflict.

He advised me that at this time the administration, given that they have not had the opportunity to consider the amendment in detail, would have to oppose the amendment but would have no objection if it is voice voted at this moment, so that the matter can be carefully considered in conference. But, again, the Secretary pointed out to me basically what I have already stated in my earlier remarks. It is the judgment of many, be they military, diplomatic, or others, that this conflict cannot be resolved without incredible amounts of bloodshed if military force is used, and that the hope of the nations of the world, indeed, the hope of the vast majority of the citizens of the former nation of Yugoslavia, irrespective of their cultural background, is that negotiations can prevail some day and in some manner and in some form that can bring about a cessation of the hostilities. To inject more arms in under this formula as laid down in the amendment or from other sources would only exacerbate the problem, and it would not likely foster that environment in which the negotiations could take place.

Having said that, Mr. President, I indicate my objection to the amendment, but I understand it is to be voice voted, and therefore, at the moment I see the proponent of the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware [Mr. BIDEN] is recognized.

Mr. BIDEN. Mr. President, I have been in this body now for 20 years, and I think I have learned the language of the body. As I understand my friend from Virginia, he just says he opposes the amendment, the administration opposes the amendment, but they will not oppose it being voice voted, which is usually a code word for saying that if there is not a rollcall vote they assume it will be dropped in conference. Unless things have changed after 20 years.

I do not want to delay the Senate, and I do not think in 20 years I have ever been accused of delaying the Senate.

Let me ask the manager of the bill, the chairman of the committee, whether or not there is a voice vote or a rollcall vote supporting this amendment, will the distinguished manager of this bill and the chairman of the committee and the chairman of the conference be willing if the Senate adopts this by voice vote to treat it as if it were a rollcall vote and it were passed? Will he treat it with the same, as they say, respect and consideration as he would if this were a rollcall vote?

Mr. LEAHY. Mr. President, I recall in catechism class being told all God's children are the same in His eyes. And all the colleagues' amendments are the same in my eyes, rollcall vote or not.

I go into the conference on this supporting the Senate's position. There are some things in this bill that are contrary even to what I had proposed in the chairman's mark. I will support them in the conference.

The amendment of the Senator from Delaware is one that if we have a vote on it I would be voting for. I will note that.

I cannot commit to what the conference is going to do, because with 2 days remaining I do not know. That incidentally is the same answer I would give to cosponsors of amendments that I have in this bill and it is the same answer I have given to those who cosponsored amendments that I have proposed and which have been accepted. And I said with only 2 or 3 days left in the session in what is going to be a contentious conference, I cannot guarantee what will happen there.

The amendment of the Senator from Delaware is what I would support. What will happen in the committee of conference, frankly I do not know.

Mr. BIDEN. Mr. President, I thank the distinguished Senator for offering that. I, too, had catechism lessons for years and years, and I also remember God makes no guarantees but gives us sufficient grace and opportunity to be able to make it into heaven.

I realize my friend from Virginia is a much more magnanimous chairperson as the chairman than the Senator from Delaware is chairman of the Judiciary Committee. I often accept amendments with the express intention to drop them in conference. I have a tendency on this floor to be more candid than some are.

I want to make sure the Senator from Vermont is not like the Senator from Delaware who is accepting the amendment for the express purpose of dropping it in conference, as I thought was implied by the distinguished Senator from Virginia, because he and I understand the same Senate jargon.

He as chairman of the Armed Services Committee, as I do as chairman of the full Judiciary Committee, are less than ferocious in defense for it. If we had a vote, and that is not the case, if 100 Senators were for an amendment it

forces the managers of the bill to be a little more vigilant in protecting that amendment in conference.

But because I know that the Senator from Vermont learned his catechism well and means exactly what he says, I will not ask for a voice vote, knowing that he has committed to do his best to see it be kept in conference. That is his intention but obviously I know better than anyone here every chairperson has no firm commitment.

I thank the Chair and I yield and will not ask for a rollcall vote.

Mr. LEAHY. Mr. President, I have not made a commitment to anybody to drop this matter in conference. I do not know what is going to happen in the conference. But I can assure Senators I will be supporting a number of amendments in conference including some that were contrary to what I had proposed in the chairman's mark.

Mr. DOLE. Question on the amendment.

The PRESIDING OFFICER. The question occurs on the amendment.

The question is on agreeing to the amendment.

The amendment (No. 3336) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, it is my regret the distinguished Senator from Delaware, the author of the amendment, did not have the opportunity to address the arguments raised by the Senator from Virginia.

I would hope at some point in the RECORD the Senator from Delaware might consider the inclusion of some responses to the several questions posed by the Senator from Virginia.

I recognize that the Senator from Delaware is engaged in many activities, as are all Senators at this moment, so I would just suggest that perhaps before the day is out that could be made part of the RECORD so that those Senators studying this issue could have the benefit of both sides of the argument. I say that most respectfully.

Mr. BIDEN. Mr. President, I assure our friend from Virginia I will do that.

The only reason I did not respond was I was assured by staff persons on the Republican side that, please, do not stand up and take up time answering questions, because the administration is going to agree to accept the amendment.

Once again the staff is wrong. They are probably right having me not speak, but probably wrong in terms of the outcome.

That is the only reason I did not respond, but I will respond for the RECORD to each and every one of the Senator's questions.

Mr. LEAHY. Mr. President, I will note, so there will not be confusion, the Senator from Delaware was on the floor earlier and spent a considerable amount of time propounding the amendment. We were prepared to go to a vote at that time. To accommodate the Senator from Virginia, we set it aside then so he could come in at a later time. Of course by that time the Senator from Delaware had other matters. Both Senators were very diligent in it but unfortunately both having conflicting schedules.

Mr. President, I ask unanimous consent that Senator LEVIN be added as a cosponsor to my amendment No. 3323.

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

Mr. LEAHY. Mr. President, I said there may be one amendment left. As far as I am concerned we are ready to go to third reading in the next 2 or 3 minutes.

VETO MESSAGE—H.R. 5138

Mr. LEAHY. Mr. President, I have another matter while the distinguished Republican leader is on the floor; I ask unanimous consent that when the Senate receives the veto message on H.R. 5138, a bill providing MFN to China, that initial reading be waived and spread upon the Journal and the Senate return to its consideration under the previous order.

The PRESIDING OFFICER. Without objection, it is ordered.

FOREIGN OPERATIONS APPROPRIATIONS, FISCAL YEAR 1993

The Senate continued with the consideration of the bill.

Mr. LEAHY. Mr. President, I urge Senators that brevity is the greatest encouragement to the manager of the bill to accept any amendment.

I yield to the Senator from Michigan.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENT NO. 3348

(Purpose: To express the sense of the Senate that action should be taken by the United Nations to halt ethnic cleansing in the former Yugoslavia and the United States should call for a meeting of the U.N. Security Council on methods to achieve that goal)

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

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. DOLE, Mr. LAUTENBERG, and Mr. HATFIELD, proposes an amendment numbered 3348.

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

The amendment is as follows:

SEC. . FINDINGS.

(1) Continuing hostilities and "ethnic cleansing" in the former Yugoslavia are killing thousands of noncombatants, displacing hundreds of thousands of civilians, and causing massive destruction and starvation;

(2) Independent reports of torture, atrocities and murder of civilian refugees and prisoners of war have been confirmed by officials of the United States Department of State, including the slaughter last spring of thousands of Muslims who had been captured by Serbians in the Bosnian town of Brcko, and

(3) The United States Senate did, on August 11, approve Senate Resolution 330, calling on the President to urge United Nations Security Council actions that would contribute to the cessation of hostilities in the former Yugoslavia, including: authorizing "all necessary means, including the use of multilateral military force under a Security Council mandate" to facilitate provision of humanitarian relief in Bosnia-Hercegovina; developing a plan to ensure access for United Nations and International Red Cross personnel to refugee and prisoners of war camps in the former Yugoslavia; and convening a tribunal to investigate allegations of war crimes and crimes against humanity in the region.

Therefore, it is the Sense of the Senate that—

The United Nations Security Council should act to halt the policy and practice of "ethnic cleansing" in the former Yugoslavia and the President of the United States should seek a meeting of the Security Council to consider methods of achieving that goal.

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

Mr. LEVIN. Mr. President, this resolution expresses the sense of the Senate that the United Nations Security Council should act to halt the policy and practice of ethnic cleansing in the former Yugoslavia, and that the President of the United States should seek a meeting of the Security Council to consider methods of achieving that goal.

It speaks for itself. We all know what is going on in Yugoslavia. We are all uneasy about it. I think most of us feel that the United Nations should actively seek to halt the ethnic cleansing, and this would call upon the President to seek a meeting of the Security Council to consider means of achieving that goal.

Mr. President, I ask unanimous consent that Senator HATFIELD be added as a cosponsor.

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

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, might I inquire, has the Senate had any opportunity to examine this document?

Mr. DOLE. The manager has.

Mr. WARNER. For what length of time have we had it before the body? Those of us that have an interest, like the distinguished Senator, to stop ethnic cleansing would indeed like to have a few minutes to look at it.

Mr. LEVIN. I read the entire resolve clause, but I would be happy to place us in a quorum call.

Mr. LEAHY. Mr. President, this may help. While the Senator from Virginia is reading that, might I ask unanimous consent that we temporarily set it aside so I may move another amendment which has been cleared?

Mr. WARNER. I thank the managers.

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

AMENDMENT NO. 3349

Mr. LEAHY. Mr. President, on behalf of Senator DOMENICI, 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 Vermont [Mr. LEAHY], for Mr. DOMENICI, proposes an amendment numbered 3349.

Mr. LEAHY. 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:

On page 48, strike all through line 5 and renumber the following subsection.

Mr. DOMENICI. Mr. President, the cold war is over. Socialism is discredited. The survivors need our help, and help is provided in this bill.

But, Mr. President, the peoples of Eastern Europe and the Baltic States have very different challenges than the people of nations where our agency for international development has been working for over 30 years.

Poland is not Pakistan. Latvia is not Liberia. You would never know it looking at this bill and its accompanying report.

This amendment would leave to the next administration which nations in Eastern Europe are willing to work with us, how much we can afford for each, and the types of help we will provide to each.

The bill before us, like the House bill, goes far beyond existing policy and the applicable SEED authorization act in micromanaging our programs of assistance to Eastern Europe and the three Baltic nations.

Why don't we want to leave it up to whoever is elected in November to look at these programs and make his own determination about how best to manage them? If we don't agree, then we can act to change it next year?

I know that the managers have been willing to extend unusual flexibility to those who are trying to help Eastern Europe.

I would ask the managers to agree to withhold the bill language forcing the Eastern Europe program into the traditional aid mold until the next administration has a chance to look at what has been done and determine what it wants to do there?

Mr. LEAHY. Mr. President, I understand this amendment has been cleared.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to amendment No. 3349.

The amendment (No. 3349) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3348

Mr. LEAHY. Mr. President, I understand we are back on the Levin amendment, is that correct?

The PRESIDING OFFICER. The Senator is correct.

The Senate is considering amendment number 3348, the Levin amendment.

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

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

Mr. LEVIN. Mr. President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment is so modified.

The amendment (No. 3348), as modified, is as follows:

SEC. . FINDINGS.

(1) Continuing hostilities and "ethnic cleansing" in the former Yugoslavia are killing thousands of noncombatants, displacing hundreds of thousands of civilians, and causing massive destruction and starvation;

(2) Independent reports of torture, atrocities and murder of civilian refugees and prisoners of war have been confirmed by officials of the United States Department of State, including the slaughter last spring of thousands of Muslims who had been captured by Serbians in the Bosnian town of Brcko; and

(3) The United States Senate did, on August 11, approve Senate Resolution 330, calling on the President to urge United Nations Security Council actions that would contribute to the cessation of hostilities in the former Yugoslavia, including: authorizing "all necessary force under a Security Council mandate" to facilitate provision of humanitarian relief in Bosni-Hercegovina; and for other purposes.

Therefore, it is the Sense of the Senate that—

The United Nations Security Council should act to halt the policy and practice of "ethnic cleansing" in the former Yugoslavia and the President of the United States should seek a meeting of the Security Council to consider methods of achieving that goal.

Mr. LEVIN. Mr. President, the modification is in the "whereas" clause. It has been worked out between myself and my friend from Virginia.

And with that modification, I ask unanimous consent that the Senator from Virginia be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, the Senator from Virginia will be added as a cosponsor.

Mr. WARNER. I thank my friend.

Mr. LEVIN. It is an improvement, because we avoid paraphrasing an earlier action of the Senate. Instead we simply incorporate it, in effect, by reference.

Mr. WARNER. I thank my colleague and friend from Michigan.

Indeed, the revision excises from the amendment as originally submitted that area of language which I had some concern with at an earlier time when the Senate addressed it. I still have some concern with it.

With the excising of that, I wish to commend the Senator on the main thrust of the amendment and indeed am privileged to be a cosponsor.

Mr. LEVIN. I thank my friend.

Again, I think the amendment speaks for itself. It is now urging the President to seek a meeting of the Security Council of the United Nations to seek ways of ending ethnic cleansing in the former Yugoslavia. That is not the thrust, as my friend said, but it is the gist, and that is it. That is the kernel, that is the essence, that is the totality of the "be it resolved" clause.

It does, although, make a very significant point, putting the Senate on record as asking the President to convene that meeting of the Security Council. It is important that we do that. It is the least we can do.

I hope that we have the unanimous expression of support from the Senate.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 3358), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I commend the distinguished Senator from Michigan not only for his resolution, but for the force of his argument and his unanimous support that he received here in the Senate because of the force of that agreement.

Mr. President, just so we can alert Senators on both sides, we are prepared to go to third reading at this point. I see no reason why we should not go to third reading.

I realize that Senators are merely constitutional impediments to their staffs. But if there is any staff that knows of a constitutional impediment who wishes to bring up an amendment,

they may want to have them zip over here.

Mr. DOLE. Third reading.

Mr. LEAHY. Mr. President, 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. 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.

AMENDMENT NO. 3350

(Purpose: To allocate funds for humanitarian assistance for the people of Kurdistan)

Mr. LEAHY. Mr. President, I send to the desk an amendment on behalf of Mr. LIEBERMAN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. LIEBERMAN, proposes an amendment numbered 3350.

Mr. LEAHY. 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 appropriate place insert the following:

KURDISH HUMANITARIAN ASSISTANCE

SEC. . (a) Of the funds appropriated by this Act, not less than $20,000,000 shall be made available for an urgent program of humanitarian assistance for the people of Kurdistan in northern Iraq.

(b) Funds allocated by subsection (a) shall be provided to United States based nonprofit private voluntary organizations on an expedited basis notwithstanding any existing contracting laws or regulations.

(c) The program funded under this section should focus on rehabilitation of the agricultural sector.

Mr. LIEBERMAN. Mr. President, we must do what we can to assist the Kurdish people of northern Iraq, who have suffered so much at the hands of Saddam Hussein. The situation there remains critical, hundreds of thousands of Kurds remain refugees in their own lands. According to the United Nations, it is imperative that food and medical supplies be furnished to northern Iraq before the onset of winter. Saddam Hussein's current strategy is based on an economic blockade that forbids all commerce between the Iraqi Kurds and the rest of Iraq. The result is a perilous economic situation for the Kurdish people.

Since Desert Storm, the United States has been very generous in providing food, medicine, and temporary shelter to Kurdish refugees through the Operation Provide Comfort. However, I am reminded of the old adage that it is better to teach a man how to fish rather than to give him a fish to eat. Much of the humanitarian effort now underway in northern Iraq and in refugee camps in Turkey is like the proverbial fish. We are feeding refugees but it would be much better if we could help the Kurdish people help themselves.

Mr. President, this amendment is intended to do just that. It will provide agricultural seeds, fertilizers, pesticides, food storage, and sustainable livestock production for the rehabilitation of the agricultural sector. Because of the Iraqi blockage, all these are in short supply. Commercial poultry facilities, for example, are sitting idle because there are no chicks or fertilized eggs to grow into chickens. Providing 2 million chicks via Turkey would allow the Kurdish region to restore a sustainable poultry production. Similarly, Saddam's military either stole or slaughtered most of the livestock in Kurdistan. If significant numbers of livestock could be reintroduced there, it would ease the food crisis both in the immediate months and for next year's harvest season.

Mr. President, there are so many humanitarian crises around the world that it is difficult to maintain any sense of focus. The horrendous television images of Kurdish women and children freezing to death was last year's image, displaced now by similar images in Somalia and Bosnia. Nonetheless, even though the Kurdish images have faded, the ongoing tragedy has not. Kurdish men, women, and children remain homeless and in great need.

Mr. President, I realize that dollars are very tight in the current budgetary climate. But the Kurds desperately need America's help to get through the upcoming months. We need them to help them to become more self-sufficient through seeds, pesticides, and spare parts for farm machinery for next year's growing season. The United States is doing things to fulfill their immediate needs. But by spending money on agricultural production now, we can avoid spending larger sums to prevent a massive refugee flow into Turkey or, in the worst case scenario, starvation next year.

This amendment would help to avert such a catastrophe by helping the Kurds to survive despite Saddam's economic blockade.

There is much that needs to be done, and particularly with these people, a proud and able people, we have the opportunity, and it is the intention of this amendment, to give them the chance to better themselves. It is the old adage that it is better to train a person how to fish than to give that person fish.

This amendment is aimed at helping the people of Kurdistan revive their own agricultural sector so that they can find employment and also take care of their own needs.

In my opinion, it is not only necessary but a very generous act, and I am grateful to the Senator from Vermont for accepting the amendment and moving it on my behalf. I am grateful to my colleagues for accepting it.

Mr. LEAHY. Mr. President, I commend the Senator from Connecticut on both his amendment and what he has said. As I told him earlier in a private conversation, I visited one of the Kurdish refugee camps at the very end of the Persian Gulf war. I was appalled at what I saw. That was one of the better refugee camps. Details were horrendous, from what we heard.

There is no question as told by some of the people who were there. They were tales really of genocide, genocide against the people, whole families wiped out, villages, communities. The history of the village, the community and the people wiped out. We are seeing more and more in different parts of the world genocidal activity.

We are a nation that has a responsibility to try to help out just as we should help on such issues as drought relief, famine relief in Somalia, I use as one example. There was an attempt earlier today to cut very, very substantially the amount of money that we send for aid to Somalia. I am glad the attempt failed.

We have about 5 percent of the world's population here in the United States and we are using about 70 percent of the world's resources. If there is something that cries out for the moral imperative of helping others, it is that fact alone. When we are willing to use so much of the world's resources and be unwilling to share in other parts of the world, unwilling to share the bounties really that we have been blessed with in becoming the most powerful and wealthiest nation on Earth, then we turn our back on our own moral responsibilities.

So I commend the Senator from Connecticut. I commend those who support the efforts to help in areas where really only the United States will and can help, but also areas where again we have the moral responsibility to help.

I understand this amendment has been cleared. I urge its adoption.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 3350) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WIRTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. Mr. President, I was in line to offer two amendments, one a sense of the Congress in support of protection for the Tatshenshini River sys-

tem which runs from Canada into Alaska.

We had thought that this had been cleared, but apparently the Senator from Alaska, Senator MURKOWSKI, has some other things that he might like to do with this. I understand they are on their way over here. If they are not, I think we ought to proceed to finish the bill if they are not on the way.

I also had been in line to offer a sense of the Senate related to the implementation of Agenda 21. The distinguished Chair will remember that one of the accomplishments of the Earth summit in Rio was, one, a global climate change treaty which everyone in the world signed and which the United States is in the process of putting together a draft implementation program for. That relates to carbon dioxide and is going to be a very ambitious task. That is the implementation program for the Global Climate Change Treaty.

There was also signed by everybody, except the United States, a treaty related to biodiversity. There was a third document signed which was Agenda 21, a long and quite detailed agenda, of where the United States and the rest of the world ought to be going in the 21st century related to the relationship among nations on issues of the environment.

Senator GORE and I have been very eager that there be a sense-of-the-Senate resolution. We were members, as members of the other side, of the observer group going to the summit in Rio. We were also eager that there be a statement coming from the Senate that we believe the administration ought to as well be implementing Agenda 21.

It is my information from the other side that the distinguished Senator from Kentucky has said that he would filibuster the bill until the cows come home, or something to the effect of that, if we went ahead with this simple resolution related to the Earth charter of Agenda 21, a very important agenda that the rest of the world has agreed to, we have agreed to, we are going to have to anyway, the administration is going to do it.

It does not, in my opinion, appear as if it is worthwhile by any means exposing all of this to such a filibuster related to something we are going to do anyway. So I will not offer the UNCED sense-of-the-Senate resolution I thought everybody would, of course, agree to. One Senator has said that he does not agree with that and those are his rights to do so. We are at the end of the session and I will, therefore, not offer the amendment related to UNCED and Agenda 21.

On the issue of the Tatshenshini River, it had been my hope we would be able to come to a resolution on that. The Tatshenshini is part of a river system flowing from Canada down through Alaska and into Glacier Bay. Clearly, there are some very important international negotiations between the United States and Canada that ought to be occurring on that.

I met this morning with the distinguished Ambassador from Canada to the United States on this. The Canadian Government is very aware of the concerns of a great number of people in the United States—from our State Department on down—about the relationship between the two countries and about the potential degradation that might occur to the Tatshenshini and the river system from the development of a very large copper mine on the Canadian side of the border, what will happen in terms of transportation, what happens in terms of tailings, how the river might be in some way, shape, or form polluted in a very dangerous way.

The Canadian Government is very aware of this and are having their own discussions. It may be, given this really sharp awareness by the Canadian Government and by the British Columbia Government, that such a resolution as the one we drafted is not necessary at this time in any case.

So the summary of this, Mr. President, is one to say to the distinguished Senator from Vermont, who has managed this bill in a very expeditious fashion, has included a number of extremely important provisions that I do not intend at this time to offer either of the two resolutions that we had offered, and I know the Senator wanted to go to third reading of the bill. He told me we were the last people standing in the way of doing that. So I will assure the Senator I will not offer those two resolutions on the assumption that you are going to move right away to third reading.

Mr. LEAHY. I want to thank the Senator. I want the distinguished Senator from Colorado to know I get paid by the year, not by the hour or by the bill. I am perfectly willing to stay here as late as it takes. My understanding is we were ready, virtually ready, to go to third reading. I was trying to get to third reading. I was advised by the Senator's staff that he had amendments he wished to bring up. So I protected his interests.

Mr. WIRTH. I appreciate that. I just discussed those two amendments and why I would not bring them up at this point, not wanting to hold up action on the Senate floor and knowing of the eagerness of the distinguished Senator from Vermont to go to third reading.

I yield the floor.

Mr. SPECTER addressed the Chair.

Mr. LEAHY. I am prepared to go to third reading.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I just have a statement which will take a couple of minutes. I just want to say I regret missing the vote in full committee on the El Salvador issue. I have in the past, as the record will show, been a proponent of military aid. Had I been present, I would have voted for the full $40 million to El Salvador for demobilization instead of having $29 million for demobilization and $11 million in military aid.

In the past, we have had these issues on the Senate floor after committee. I had thought it would be likely this would be taken up on the floor. But, as I understand it, the issue is not going to be pressed on the floor. I just wanted to make that very brief explanation of my position.

I thank the Chair and yield the floor.

Mr. LEAHY. Mr. President, I want to explain why El Salvador did not come up on the Senate floor today. In the bill I took to the subcommittee, I had taken all money for military aid for El Salvador and put it into a fund for demobilization of excombatants. Then a motion was made in the full committee to take $11 million out of the demobilization fund and use it for military aid. That amendment won. Had all Senators been there to vote, it would have lost on a tie.

Because of that action in the committee, it was not brought up here again on the floor. Maybe next year we will have to fight it again. I hope not. I hope this is the last we will ever hear of military aid for El Salvador.

I think most cities in the United States of America would love to have the amount of attention that El Salvador is given. Most people in my State of Vermont—which is about the same size as El Salvador —would love to have as much Federal money flowing to them as El Salvador. But the committee spoke, and I accepted the vote of the committee. I do not like what the committee did, but that was the committee's decision.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am a member of the Subcommittee on Foreign Operations and the distinguished Senator from Vermont [Mr. LEAHY] is the chairman of the subcommittee. I had accepted his mark at that time and thought it appropriate for the full $40 million to be in demobilization.

It has seemed to me over the years as we have looked at Central American countries, the more money we put into military aid, the more fighting there has been, as has been my sense of Nicaragua when I consistently opposed military aid. I have always felt that if we avoid military aid and leave the parties to themselves, given humanitarian aid or, in this case, demobilization aid, it would be a preferable situation.

My understanding was there was a 14 to 12 vote in the full committee, so my vote in support of the Senator from Vermont would not have been disposi-

tive as to a tie. I had discussed it with Senator LEAHY and was advised that there was a proxy so that there may have been. I do not know what the result would have been, but it was my understanding, and I inquire of the distinguished senator from Vermont if, in fact, the recorded vote was not 14 to 12?

Mr. LEAHY. The recorded vote was 14 to 12. There was another proxy that apparently was not recorded, by Senator INOUYE, which would have made it 14 to 13. Had the Senator from Pennsylvania then voted for the position he has expressed here, and which he expressed in a letter to me before the vote, that would have made it 14 to 14, and the amendment would have failed on a tie vote. There would have been no more military aid.

Mr. SPECTER. Mr. President, in the past, these issues have always been brought up on the floor. As I say and informed the distinguished Senator from Vermont earlier, I would be prepared to cosponsor an amendment to put all of the $40 million into demobilization. In the past, these issues have always been on the floor. But I have explained my position, and I thank the Chair and thank my colleague from Vermont. I yield the floor.

Mr. DOLE. Mr. President, I understand there is only one amendment left. I wonder if we might adopt the amendment, go to third reading, and have statements. I am covering for Appropriations Committee members, and I have to leave. I am not on the committee.

AMENDMENT NO. 3351

Mr. SIMON. Mr. President, I send an amendment to the desk. I believe it is acceptable to both sides. It appropriates money for an OPIC program that was authorized in 1988. I do not think I need a lengthy explanation.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 3351.

Mr. SIMON. 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:

On page 30, line 16, strike "$512,000,000" and insert in lieu thereof "$510,800,000".

On page 57, line 17, after the period add "during the fiscal year 1993, within the resources and authority available, gross obligations for the amount of equity investment shall be $5,000,000".

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

The amendment (No. 3351) was agreed to.

Mr. SIMON. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. LEAHY. I am prepared to go to third reading.

LITHUANIA, LATVIA, AND ESTONIA

Mr. DECONCINI. Mr. President, the Senate has under consideration the Foreign Operations Appropriations Act. The Appropriations Committee, on which I serve, added clear, tough language expressing our continuing strong interest in three former captive nations—Lithuania, Latvia, and Estonia. The Freedom Support Act does the same thing.

I think the executive branch has gotten the message that the Congress stands for a firm supportive policy toward the three Baltic States as they seek to repair 50 years of Communist rule. As we consider this legislation, I believe it is important to leave no doubt about what Congress believes U.S. policy toward these countries should be.

I wonder if the Senator from South Dakota [Mr. PRESSLER], a firm friend of the three independent Baltic States—would discuss these countries for the purpose of establishing legislative history and intent?

Mr. PRESSLER. Certainly, and I thank the Senator from Arizona, the chairman of the Appropriations Committee, Senator BYRD, and other Senators for standing up for the Baltic States during my absence from the Senate. Lithuania, Latvia, and Estonia were captive nations for more than five decades. I believe the Senator agrees with me that—of all the countries emerging from Soviet occupation—these three have an excellent chance to rekindle free institutions and free economies that existed before the forced Soviet occupation.

Mr. DECONCINI. I absolutely agree with the Senator from South Dakota. The three Baltic nations can serve as a beacon to guide their own people and a real example for other countries forcibly and illegally controlled by Moscow.

First of all, and I know the Senator from South Dakota agrees, the entire complement of Russian troops must be removed from Estonia, Latvia, and Lithuania. There is clear language to that effect in the Freedom Support Act, but the Foreign Operations appropriations bill nails down strict sanctions against the Russian Government unless timetables for total withdrawal are negotiated with each Baltic Government.

Mr. President, I hope these agreements are reached soon, and I ask the Senator from South Dakota what he believes is the best way the United States can make sure that Russian forces leave according to negotiated timetables and that Russian bases and military factories close?

Mr. PRESSLER. The Senator from Arizona knows there are still plenty of ex-Communists in high positions in today's Russian Federation, particularly in the military. Some of the officials still have an imperial frame of mind. For example, the implementation of the recent timetable agreement between Russia and Lithuania has been challenged by the Russian Parliament. No dates have been set on an overall agreement between the Presidents of Russia and Lithuania and no dates for any sort of agreement have been set between Russia and Latvia and Estonia.

If and when timetables have been established, the United States actively should advocate international supervision of troop withdrawals. Perhaps the Senator from Arizona agrees that active congressional oversight should take place every 3 months? At these intervals we can take the opportunity to reevaluate our assistance to Russia.

Mr. DECONCINI. The Senator is correct to be wary of Russian military figures, and I support the idea of regular oversight by relevant congressional committees and monitoring groups.

Unwanted Russian or CIS forces frustrate the development of free institutions as well as economic development in the Baltic States. The sooner they go, the sooner the three Baltic States can flourish.

Mr. PRESSLER. The Senator from Arizona's comments are right on the money. All Senators know that I oppose the huge amounts the U.S. taxpayer is forced to pay for foreign aid. In most cases, the money is wasted and in many other cases it actually promotes causes and ideas that do not deserve our support.

Foreign aid programs are already under way in Lithuania, Latvia, and Estonia, however. I think the Congress has to make absolutely sure that money used for these programs is well spent and promotes noble concepts of individual liberty and free enterprise—that they help in concrete ways to reverse the legacy of Communist occupation. For example, it makes no sense for the administration just to slice the pie in thirds and ship money or aid to each of the Baltic States as if they have identical needs.

Mr. DECONCINI. Mr. President, additionally, I regret that an entirely artificial wall has been constructed between the three Baltic States and the 12 former Soviet Republics in terms of United States assistance. America should make certain that what works in Lithuania, Latvia, and Estonia can also be applied, where necessary, in the former Republics. Conversely, it makes no sense at all to limit U.S. efforts in areas such as nuclear reactor safety or defense conversion exclusively to the 12 former Republics when the Baltic States face identical problems.

Mr. PRESSLER. Is the Senator from Arizona suggesting that Soviet occupation damaged the Baltic States as severely as it harmed Moldova or Armenia?

Mr. DECONCINI. Absolutely. Look at the environmental situation in the Baltic States, for instance. Moscow was an equal opportunity polluter in all the so-called republics. In Estonia, authorities are deeply worried about what they'll find in the Baltic Sea around the Paldiski nuclear facility when the Russians finally leave. Scientists and government officials throughout the entire Nordic region are very concerned about the safety of the Soviet-constructed nuclear powerplant at Ignalina in Lithuania.

And while I'm sure it is no surprise to the senior Senator from South Dakota, it may be news to some of our colleagues in the Senate that Moscow still controls some of the factories in Latvia that are used for military production. In fact, earlier this year the Russian Government was refurbishing a submarine for Libya in the Riga ship construction facility that it has refused to turn over to the Latvian Government.

Mr. PRESSLER. The Russian Government should be condemned for using Baltic ports and territory in the production of weapons and machinery they then try to sell to renegade regimes. This is another reason why the United States should insist upon complete troop removal and respect for the sovereignty of the Baltic States before assistance to Russia is granted.

Mr. DECONCINI. I agree. We need to recognize that our foreign aid needs to be wisely directed, and where appropriate, should be designed to address the unfortunate, but indisputable connection between the Baltic States and the former Soviet Union.

Mr. PRESSLER. It would be tragic, indeed, if the United States ignored assistance programs in Eastern Europe, of which the Baltic States are a part, while bailing out the former Soviet Union.

Mr. DECONCINI. I thank the Senator from South Dakota for his leadership on Baltic freedom issues and for clarifying congressional intent in this area.

Mr. PRESSLER. I thank the Senator from Arizona.

Mr. DECONCINI. I yield the floor.

HUMAN RIGHTS IN KASHMIR

Mr. REID. I have been very concerned about the human rights situation in Kashmir and other parts of India. Two bloody wars have already been fought over Kashmir, and there have been reports of human rights violations in the area for some time. I think it would be appropriate for the Foreign Relations Committee, particularly the Subcommittee on Near Eastern and South Asian Affairs, to hold hearings next year on this situation. Would the chairman of the Near East Subcommittee agree with me?

Mr. SANFORD. I share the Senator's concern over the terrorist violence which continues at horrific levels in parts of India, and the excesses that have sometimes been committed by the Indian security forces in response. There are a number of other issues relating to India which certainly deserve the attention of the Subcommittee on Near Eastern and South Asian Affairs. I certainly agree that hearings would be appropriate, and will do my best to hold hearings next year on this matter.

Mr. REID. I thank my colleague for his interest and concern.

PROJECT EDEN

Mr. LIEBERMAN. Last year, Senator INOUYE, Senator KASTEN, and I introduced legislation that authorized the Middle East Environment Defense Network or Project EDEN. Project EDEN is an environmental program that would establish a wide range of projects in the Middle East, including water conservation, air pollution controls, and reforestation. It is my understanding that the foreign operations bill has a provision that establishes and funds Project EDEN. Is that correct?

Mr. LEAHY. Yes. We have earmarked $2 million for this program.

Mr. KASTEN. I concur.

Mr. LIEBERMAN. I want to commend the bill's managers for their excellent leadership. Environmental problems pose serious threats to the area's political stability, as well as the health and welfare of its peoples. It is the intention of the manager's to establish a cooperative international program to assist the countries of the entire Middle East?

Mr. KASTEN. I believe that we have reached a consensus that it is time to move forward.

Mr. LEAHY. I concur.

Mr. LIEBERMAN. I would like to include at this point in the RECORD, a copy of the legislation that the Senate passed last year. Because this is an appropriations bill, I do not intend to offer it as an amendment. I do, however, want to provide some legislative history for Project EDEN. I thank my good friends for their leadership on the issue.

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

[From the CONGRESSIONAL RECORD, July 24, 1991]

KASTEN (AND OTHERS) AMENDMENT NO. 817

(Ordered to lie on the table.)

Mr. KASTEN (for himself, Mr. INOUYE, Mr. BURDICK, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by them to the bill S. 1435, supra, as follows:

On page 234, line 24, add the following new title:

TITLE XIII—MIDDLE EAST ENVIRONMENTAL COOPERATION AND RESTORATION ACT OF 1991

SEC. 1301. SHORT TITLE.

This title may be cited as the "Middle East Environmental Cooperation and Restoration Act of 1991".

SEC. 1302. FINDINGS.

The Congress of the United States finds that—

(1) the Gulf War and the resulting damage to the environment of the Arabian Gulf graphically demonstrates the vulnerability of the natural environment of the Middle East and man's potential for inflicting untold damage on that environment;

(2) interdependence, rather than independence, characterizes the relationship of all parts of the Middle East, the natural environment, and the global community;

(3) environmental quality is an integral component of every nation's national security;

(4) through concerted, cooperative action the peoples of the Middle East can reverse the damage to their natural environment;

(5) regional cooperation is essential to the management, restoration and maintenance of the environment of the Middle East;

(6) the problems associated with environmental degradation affect all countries of the Middle East regardless of national income, religious orientation or political persuasion;

(7) environmental protection and stewardship of the earth is compatible with the major religious traditions of the peoples of the region;

(8) the President of the United States was correct in declaring before Congress on March 6, 1991 that regional cooperation will stand in the future as a central pillar of United States foreign policy in the Middle East; and

(9) there is an urgent need for the countries of the Middle East, in cooperation with the United States and other concerned parties, to address through enlightened action, the environmental problems of the region.

SEC. 1303. ESTABLISHMENT OF THE MIDDLE EAST ENVIRONMENTAL DEFENSE NETWORK.

(b) ESTABLISHMENT.—The President shall establish and direct, through the Agency for International Development, a program to be known as the "Middle East Environmental Defense Network" (hereafter in this title referred to as "Project EDEN").

(c) PURPOSE.—The purposes of Project EDEN are as follows:

(1) To develop a Middle East Regional Environmental Protection Plan.

(2) To assess the environmental problems affecting all Middle East states.

(3) To seek and advance ways in which all Middle East states can work cooperatively to ameliorate natural resource and environmental degradation.

(4) To promote national and, wherever appropriate, cross-boundary natural resource and environmental restoration and maintenance activities.

(5) To develop and disseminate educational programs to promote regional understanding and cooperation in all areas of environmental protection.

(6) To undertake and encourage both public and private initiatives to improve the quality, quantity, and management of natural resources and the environment through initiatives such as regional planning, joint infrastructure investment, water conservation, water quality management, air quality management, solid waste management, desalinization, reforestation, energy efficiency, and renewable energy utilization.

(7) To provide a framework for new interstate structures, institutions, and relationships which might be developed to further environmental and natural resource management in the Middle East region.

(8) To undertake and encourage the safe handling, minimization, substitution, and cleanup of hazardous substances as well as

the restoration of degraded desert and marine ecosystems between regional states.

(9) To conserve, protect, manage, restore, maintain and promote the historical, cultural, social, archaeological, and geophysical resources and heritages of the peoples of the Middle East, where possible, within their natural environment.

(10) To conserve, protect, and enhance biodiversity, both in situ and ex situ, and to develop regional programs to advance these ends.

(11) To undertake and encourage the involvement of the private sector, governmental, nongovernmental, bilateral and multilateral organizations and entities in all aspects of environmental protection and rehabilitation.

(12) To promote environment-related technology transfer as well as identify new technologies which might contribute to environmental protection, management, restoration, and maintenance.

(13) To initiate and guide mutually beneficial environmental research and development projects between various Middle East countries.

(14) To research, investigate, document, and mitigate, wherever possible, the adverse effects on the public health and general welfare of environmental degradation.

(d) FUNDING.—(1) There are authorized to be appropriated to the President $10,000,000 for fiscal year 1992 and each fiscal year thereafter to carry out Project EDEN.

(2) Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 1304. ENVIRONMENTAL PLANNING COUNCIL.

(a) ESTABLISHMENT.—There is established an interagency Environmental Planning Council (hereafter in this title referred to as the "Planning Council").

(b) COMPOSITION.—The Planning Council shall be composed of 8 members, or their designees, as follows:

(1) The Administrator of the Agency for International Development.

(2) The Secretary of State.

(3) The Administrator of the Environmental Protection Agency.

(4) The Administrator of the National Oceanographic and Atmospheric Administration (NOAA).

(5) The Secretary of Agriculture.

(6) The Secretary of the Interior.

(7) The Director of the National Academy of Sciences, Board on Science and Technology in Development (BOSTID).

(8) The Director of the United States Trade and Development Program (TDP).

(9) The Chairman of the Council on Environmental Quality.

(c) ADMINISTRATION.—(1)(A) The Administrator of the Agency for International Development, or his designee, shall serve as Chairman of the Planning Council and shall convene not less than four meetings of the full Planning Council each year.

(B) The Administrator of the Agency for International Development shall provide the Planning Council with a permanent staff, office space and any other support, as required by the Planning Council, from within the Agency for International Development.

(2) The Administrator shall—

(A) enter into contracts, grants, and other financial arrangements, as necessary on behalf of the Planning Council, in accordance with other applicable law, to carry out the work of the Planning Council and the purposes of Project EDEN;

(B) establish, coordinate, and fund a Project EDEN postgraduate fellowship program focused on issues of environmental public policy in the Middle East; and

(C) maintain and coordinate the work of the United States Environmental Center pursuant to section 1309(f) of this Act.

(d) PLANNING COUNCIL RESPONSIBILITIES.—The Planning Council, shall have the following responsibilities:

(1) To prescribe policies and procedures to establish and implement Project EDEN.

(2) To coordinate United States activities in support of Project EDEN with the Permanent Conference on Environmental Security and Cooperation and its Secretariat.

(3) To establish working groups, as necessary, to assist in the carrying out of Planning Council responsibilities and the purposes of Project EDEN.

(4) To prepare an annual 5-year strategic environmental plan for the Middle East which shall be presented to the Secretariat of the Permanent Conference on Environmental Security and Cooperation for annual review and then to the Permanent Conference on Environmental Security and Cooperation for ratification.

(5) To encourage the establishment of Environmental Planning Councils by each member state participating in Project EDEN.

(6) To recommend to the Administrator of the Agency for International Development specific ways to enhance existing bilateral and multilateral programs of the United States established to promote the diffusion of knowledge on regional environmental issues through joint research and development, cooperative exchanges, education, and mutual assistance.

(7) To advise the Administrator on the operation of the United States Environmental Center.

(e) ANNUAL REPORTING REQUIREMENTS.—Not later than June 1 of each year, the Administrator of the Agency for International Development shall submit a report to the Committees on Appropriations of the Senate and House of Representatives and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, on the work and future agenda of Project EDEN, including—

(1) an evaluation of the progress Project EDEN is making to environmental management in the Middle East;

(2) a timetable, a budget, and an action plan for the execution of Project EDEN initiatives during the coming fiscal year; and

(3) a detailed accounting of the operating expenses of the Planning Council, the Permanent Conference on Environmental Security and Cooperation in the Middle East, and the Secretariat of the Conference.

SEC. 1305. ACTIONS OF THE PRESIDENT OF THE UNITED STATES.

The President is authorized to enter into negotiations and agreements with governments of Middle East for the purpose of concluding, by September 1, 1992, an international agreement establishing a Permanent Conference on Environmental Security and Cooperation, a Conference Secretariat, a Middle East Regional Environmental Fund, and Middle East Environmental Centers.

SEC. 1306. THE PERMANENT CONFERENCE ON ENVIRONMENTAL SECURITY AND COOPERATION.

(a) ESTABLISHMENT.—The President is authorized to enter into agreements with the governments of countries described in subsection (b) on the establishment of a Permanent Conference on Environmental Security and Cooperation in the Middle East (hereafter in this title referred to as the "Conference"), by September 1, 1992.

(b) COMPOSITION.—The countries referred to in subsection (a) are those countries designated in the Annual Report of the World Bank for 1991 as belonging to the Middle East or which choose to participate in Project EDEN.

(c) RESPONSIBILITIES AND OBJECTIVES.—The Conference should have the following responsibilities and objectives:

(1) To carry out the purposes of Project EDEN.

(2) To serve as the focus for substantive interaction on environmental matters among Project EDEN member states.

(3) To provide regional leadership in the advancement of new ideas for environmental management.

(4) To approve by a majority vote the annual operating budgets of the Conference and the Secretariat.

(5) To establish the Middle East Regional Environmental Fund.

(6) To approve by a majority vote of the members the projects to be funded from the income derived from the Middle East Regional Environmental Fund.

(7) To maintain a corpus within the Middle East Regional Environmental Fund of not less than the equivalent of $100,000,000 in United States dollars.

(8) To solicit from donor countries, multilateral institutions, private entities, the United Nations Iraq reparations account and other sources, initial funding and subsequent capital increases for the Middle East Regional Environmental Fund.

(9) To promote the maximum exchange of information and research data on the state of the environment in the Middle East.

(10) To involve and solicit the views of nongovernmental organizations.

(11) To coordinate the work of the national Planning Councils.

(12) To hold an annual meeting of Conference members.

(13) To approve and amend operating procedures for the Conference.

SEC. 1307. SECRETARIAT TO THE PERMANENT CONFERENCE ON ENVIRONMENTAL SECURITY AND COOPERATION.

(a) ESTABLISHMENT.—The President is authorized to enter into an agreement with foreign governments on the establishment of a Secretariat to the Permanent Conference on Environmental Security and Cooperation in the Middle East (hereafter in this title referred to as the "Secretariat"), by September 1, 1992. Such agreement should provide for the United States to serve as permanent head of the Conference Secretariat.

(b) RESPONSIBILITIES.—An agreement negotiated under subsection (a) should provide for the Conference Secretariat to—

(1) devise and recommend changes to the operating procedures of the Conference;

(2) manage the regular affairs of the Conference;

(3) establish the work plan for the Conference, including project solicitation, project development, project evaluation, preparation of an annual budget for the review and approval of the Conference, and the obligation and expenditure of funds;

(4) prepare an annual operating budget and a 5-year strategic plan for the Conference;

(5) exercise full oversight and accountability over Project EDEN by maintaining full financial disclosure and planning visibility through regular project audits and other mechanisms as may be necessary;

(6) prepare an annual report for the approval of the Conference;

(7) organize an annual public meeting of Conference members;

(8) establish and support scientific committees to study, evaluate, monitor and make scientifically based recommendations to the Conference on problems connected with the purposes of Project EDEN; and

(9) establish working bilateral and multilateral relationships with governmental and nongovernmental financial, development and other institutions.

(c) ROLE OF THE ADMINISTRATOR OF AID.—The Administrator of the Agency for International Development, or his designee, should serve as the permanent chair of the Conference and shall retain the right of veto over Conference decisions and appointments.

(d) COMPOSITION OF THE SECRETARIAT.—The daily operations of the Secretariat of the Conference should be managed by a Director-General with supervisory authority over a full-time professional staff appointed by the Director-General and approved by the Conference.

(e) DIRECTOR-GENERAL.—The position of Director-General should be held for a period not to exceed one 5-year term and should rotate among member states of Project EDEN.

(f) STAFF OF THE SECRETARIAT.—(1) The staff of the Secretariat shall be vested with the same responsibilities, rights and entitlements of civil servants employed by the International Bank for Reconstruction and Development.

(2) The professional staff of the Secretariat should be drawn from Project EDEN member states and should be persons of distinction in the fields of basic sciences, engineering, ocean and environmental sciences, education, research management, international affairs, health physics, health sciences, or social sciences.

(3) The number of full-time professional staff employed by the Conference Secretariat should not exceed 50. The number of clerical staff employed by the Conference Secretariat should be as required to support the work of the professional staff and the Conference.

(g) ANNUAL ENVIRONMENTAL ASSESSMENTS.—The Secretariat of the Conference should prepare and submit to the Conference, no later than May 1 of each year, a report on the state of the Middle East environment including measures indicating the progress, or lack of progress, made by each country in the Middle East in fostering environmental cooperation and in solving and managing the regional environmental issues addressed by Project EDEN.

SEC. 1308. MIDDLE EAST REGIONAL ENVIRONMENTAL FUND.

(a) ESTABLISHMENT.—The President is authorized to enter into agreements with foreign governments on the establishment of a Middle East Regional Environmental Fund (hereafter in this title referred to as the "Fund"), by September 1, 1992.

(b) PURPOSE.—It should be the purpose of the Fund—

(1) to finance Middle East environmental projects having a transnational dimension consistent with the purposes of Project EDEN and which are authorized by the Conference; and

(2) to finance the full operating costs of the Permanent Conference on Environmental Security and the Conference Secretariat.

(c) ORGANIZATION.—The Fund should be established and managed by the Conference Secretariat.

(d) CAPITALIZATION OF FUND.—The Fund shall be capitalized with contributions solicited by the Conference Secretariat from Project EDEN member states and pursuant to the terms of section 1308(f)(2) and section 1308(f)(3) of this Act.

(e) PURPOSES FOR DISBURSEMENT OF FUNDS.—Disbursements from the Fund should be made only for projects conforming to the purposes of Project EDEN and for the administrative costs associated with the work of the Conference and the Secretariat.

(f) AUTHORITY TO INCUR OBLIGATIONS.—Obligations against the Fund should be made by the Secretariat and should be subject to the review and approval of the Conference.

(g) USE OF IRAQI REPARATIONS.—The Secretariat, with the full cooperation and active leadership of the President of the United States, should work through the United Nations to ensure that not less than 25 percent of any future reparations paid by Iraq for war damages leading to, or resulting from, the Persian Gulf War is applied to the Middle East Regional Environmental Fund and used for environmental remediation, natural resource management, environmental research and environmental education.

(h) ANNUAL CONTRIBUTIONS.—The Secretariat, with the full cooperation and active leadership of the President of the United States should solicit annual contributions to the Middle East Regional Environmental Fund from national and multilateral entities, private donors, individuals and other sources as might be required to carry out the purposes of Project EDEN.

SEC. 1309. MIDDLE EAST ENVIRONMENTAL CENTERS.

(a) ESTABLISHMENT.—The President is authorized to enter into agreements with foreign governments for the establishment, by September 1, 1992, of Middle East Environmental Centers (hereafter in this title referred to as the "Environmental Centers") and an Environmental Data Network, within and between the sovereign member countries of Project EDEN.

(b) COORDINATION.—Coordination of the Environmental Centers should be carried out by and through the Conference Secretariat.

(c) PURPOSES.—The purpose of each Environmental Center would be to serve as a national focal point for regional environmental cooperation and the national support of environmental initiatives through the active fulfillment of the purposes of Project EDEN pursuant to section 1305(c) of this Act. The responsibilities of the Environmental Centers also should be, among others—

(1) to support and assist national environment ministries and regional environmental organizations and initiatives;

(2) to establish and maintain the Project EDEN Environmental Data Network through regional cooperation;

(3) to direct innovative environmental research and sustainable development initiatives;

(4) to establish and maintain a broad-based, active, and integrated early warning system for irregular or threatening interstate ecological, geophysical, biological, atmospheric, or maritime hazards;

(5) to serve as a crisis management coordination, communication, and information network between sovereign countries participating in Project EDEN, international organizations, and others;

(6) to establish and maintain a comprehensive inventory database of all significant biological, geophysical, historical and cultural resources on national lands to be freely available for public study and global dissemination; and

(7) to establish and maintain a water research authority to—

(A) monitor national water supplies;

(B) support study into more efficient means of water allocation, distribution and utilization;

(C) promote water conservation;

(D) study the environmental and social effects of water engineering projects;

(E) study the environmental and social effects of development projects on local and regional water availability;

(F) recommend new approaches toward managing or resolving local and regional water disputes; and

(G) contribute to the making of sound national water policies.

(d) ENVIRONMENTAL DATA NETWORK FOR THE MIDDLE EAST.—The Secretariat, in coordination with the permanent Conference Chair, shall establish the Project EDEN Environmental Data Network (hereafter in this title referred to as the "Data Network").

(e) RESPONSIBILITIES.—The purpose of the Data Network would be—

(1) to support the work of Project EDEN and the Middle East Environmental Centers in which it will be housed;

(2) to provide for a voice and data link between all participating Middle East, associated states, international agencies and entities, educational institutions and private organizations in Project EDEN.

(3) to serve as a means for providing real-time communications and dissemination of information on actual or potential environmental occurrences, hazards, accidents, and crises;

(4) to promote the wide distribution of technical, scientific, and information on environmental resources in the Middle East;

(5) to assist in providing and fostering environmental education and an appreciation for the importance of regional environmental awareness;

(6) to facilitate environmental research, evaluation, and testing; and

(7) to provide on-line access to the Project EDEN environmental data bank.

(f) THE UNITED STATES ENVIRONMENTAL CENTER.—It is the sense of the Congress that the President should establish within the Agency for International Development, an Environmental Center dedicated to the purposes of Project EDEN and linked fully to the Middle East Environmental Centers and the Data Network.

COLLOQUY ON THE FOREIGN ASSISTANCE ACT

Mr. DECONCINI. Mr. President, I strongly support the aim of the Foreign Assistance Act which includes funding to advance human rights, democracy and rule of law in each of the newly independent States of the former Soviet Union. While much has been made of its impact on Russia, we cannot and must not overlook the implications and benefits for the other countries covered by this legislation, including Ukraine. Is my understanding correct that the pending measure envisions the active participation of nongovernmental organizations in carrying out programs funded under this legislation?

Mr. DOLE. Yes. The Senator from Arizona is correct. This bill authorizes activities that are designed to promote the active involvement of U.S. profit, not-for-profit, and voluntary private organizations. In addition, assistance to the newly independent States may be provided through nongovernmental organizations.

Mr. DECONCINI. An important objective of this Act is to assist in the development of democratic institutions in

the newly independent States. I am convinced that such nongovernmental organizations can make a substantial contribution in this regard. They have the expertise, contacts, and commitment to get the job done. Many of these organizations and foundations have strong track records in efforts to promote democracy and the rule of law. They know the key actors in the independent States and have earned their respect. They are uniquely suited as they have intimate knowledge about the conditions in the countries in which they already have an active involvement. One such organization is the U.S.-Ukraine Foundation dedicated to assisting the democratic movement in Ukraine and the peaceful transition to democracy, pluralism, and a market economy. With a proven commitment, genuine expertise, and a dedicated staff, the U.S.-Ukraine Foundation is ideally suited to contribute to the process of democratization in Ukraine.

Mr. DOLE. Mr. President, I recently had the pleasure of meeting with Ivan Pliusch, Chairman of the Ukrainian Parliament. We discussed U.S.-Ukrainian relations and the reform process currently underway in Ukraine. Chairman Pliusch described to me the almost overwhelming tasks that face his parliament in the coming months, including writing the new Ukrainian Constitution, passing laws on radical economic reform, dealing with the ecological devastation of Chernobyl, and coming to an agreement with Russia on trade and the division of assets. Chairman Pliusch expressed appreciation for the efforts of the many American individuals and organizations who were assisting Ukraine in its transition to democracy and free enterprise. For example, the visit of his delegation was organized by the United States-Ukraine Foundation and Indiana University with funding from the United States Information Agency.

I am convinced that the United States can and should play an active role in encouraging democratic reform in this important country. I fully agree with the Senator from Arizona that United States nongovernmental organizations, such as the United States-Ukraine Foundation can make a significant contribution in this regard. The members of the Foundation have a long-standing involvement on issues relating to Ukraine. United States-Ukraine has worked closely with democratic forces within and outside the Ukrainian Government. This American group has had an office in Kiev for over a year, provided critical information to Ukrainian democrats during the August 1991 coup attempt, and has continued to assist those political leaders in Ukraine who are committed to real reform. The foundation has set up a policy research organization and library in Kiev, and runs educational and internship programs for local reformers. I support the valuable work of organizations such as the United States-Ukraine Foundation in advancing democracy and free markets in the newly independent States.

U.S. SECURITY ASSISTANCE

Mr. CRANSTON. Mr. President, one of the most important topics contained in the bill before us today is that concerning U.S. security assistance in the post-cold-war era.

Last year I and several of my colleagues asked the General Accounting Office to take a look at our security assistance programs in light of the massive changes, mostly for the better, taking place around the world.

Since that time the GAO has produced four reports concerning various aspects of U.S. security assistance efforts. Today, I am pleased to note, they have issued a fifth study, "Security Assistance: Observations on Post-Cold War Program Changes."

A number of the GAO findings go directly to the issues we are debating here today. For example, the so-called Expanded IMET program came into being as the result of the urgings of the distinguished Senator from Vermont [Mr. LEAHY], me and others.

The purpose of this program is to help empower civilians in the management of military institutions within a democratic framework, and to help improve civil-military relations.

Obviously, democratic oversight of military establishments can only occur if civilians are sufficiently trained and knowledgeable about issues concerning their armed forces. IMET can and should play a part in empowering these civilians, particularly in new and fragile democracies.

According to the GAO, although this program is in the process of being implemented, "some U.S. officials question the need for the program because of the lack of qualified civilians in prominent governmental positions."

Mr. President, "the lack of qualified civilians" in many of these security assistance recipient countries is precisely the reason expanded IMET needed to be established. I can only hope that such complaints do not hide any intent by officials over at DOD to drag their feet on a program Congress, and this Senator, believe is vital in the post-cold-war era.

Similarly, I would like to draw my colleagues' attention to several of the issues raised in the "Recommendations" section of the GAO report.

These include steps toward evaluating the effectiveness of both the Expanded IMET Program and the human rights awareness training of the regular IMET Program; the revision of the Security Assistance Management Manual to reflect human rights criteria mandated by the Foreign Assistance Act, and the development of programs designed to offer to international students specific human rights educations.

These are sound and informed recommendations, I urge that we pay attention to them. I would also like to congratulate Mr. Joseph E. Kelley, director of security and international relations issues at GAO, and his staff for this balanced and well-considered report.

Mr. President, I ask unanimous consent that the executive summary of this latest GAO report, as well as the appendix listing major GAO contributors to this effort, be printed in the RECORD.

There being no objections, the material was ordered to be printed in the RECORD, as follows:

[U.S. General Accounting Office, September 1992]

SECURITY ASSISTANCE: OBSERVATIONS ON POST-COLD-WAR PROGRAM CHANGES

(Report to Congressional Requesters)

U.S. GENERAL ACCOUNTING OFFICE,
NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, September 30, 1992.

Hon. ALAN CRANSTON,
Hon. DANIEL P. MOYNIHAN,
Hon. THOMAS A. DASCHLE,
Hon. BROCK ADAMS,
Hon. RICHARD G. LUGAR,
U.S. Senate.

As requested, we reviewed U.S. Security Assistance programs in the post-cold-war period. This report provides information on the (1) purposes and goals of the security assistance programs in the 1990s; (2) changes in the International Military Education and Training Program, including the expanded program and civic action training; (3) extent of human rights training and violations; and (4) impact of an assignment to Security Assistance Organizations on the career of military personnel.

As arranged with your office, unless you publicly announce this report's contents earlier, we plan no further distribution until 7 days from the issue date. At that time, we will send copies of this report to the Secretaries of Defense and State and to appropriate congressional committees. We will make copies available to others upon request.

This report was prepared under the direction of Joseph E. Kelley, Director, Security and International Relations Issues, who may be contacted on (202) 275-4128 if you or your staff have any questions. Other major contributors to this report are listed in appendix I.

Sincerely yours,

FRANK C. CONAHAN,
Assistant Comptroller General.

EXECUTIVE SUMMARY

Purpose

Over the years, the United States has provided billions of dollars of security assistance to over 100 countries. Because of the fastchanging world situations, such as the collapse of the former Soviet Union and the global democratic revolution, several Senators asked GAO to review U.S. Security Assistance programs in the postcold war period. This report provides information on the (1) purposes and goals of the security assistance programs in the 1990s, (2) changes in the International Military Education and Training (IMET) Program, including the expanded program and civic action training, (3) extent of human rights training and violations, and

(4) impact of an assignment to Security Assistance Organizations on the career of military personnel.

Background

The Secretary of State is responsible for policy decisions and general direction of security assistance, while the Secretary of Defense is responsible for implementing military programs. U.S. security assistance includes, among other things, (1) military equipment and supplies provided under grant or on a concessional basis through the Foreign Military Financing Program, (2) professional military education and technical training through the IMET Program, and (3) economic assistance through the Economic Support Funds.

The IMET Program provides instruction and training in military skills and U.S. military doctrine to foreign military and related civilian personnel on a grant basis. The U.S. military departments offer over 2,000 courses in the United States and abroad, including professional military education at its Command and General Staff and War colleges. The departments also offer courses on management, technical areas, maintenance, and flight training. Under the IMET Program, the Defense Department spends about $47 million annually to train about 5,000 foreign personnel.

Results in brief

The majority of the security assistance funds continues to go to recipient countries which received the bulk of assistance during the cold war. In fiscal year 1989, six countries—Israel, Egypt, Greece, Turkey, Portugal and the Philippines received $6.2 billion, or 81 percent, of the total $7.6 billion in Security Assistance funding, which consisted of Foreign Military Financing, IMET, and Economic Support Funds. In fiscal year 1993, $6.2 billion, or 83 percent, of the total $7.5 billion is proposed for these same six countries.

The United States has developed some new security assistance goals/objectives as a result of recent changes in the former Soviet Union and Central Europe. These include increased emphasis on providing support for emerging democracies, with a primary focus on civilian control over militaries, and assistance in the fight against drug trafficking. This change in focus has generated aid to new recipients such as former Soviet Republics and some Central European countries.

The scope of the IMET program was expanded in Fiscal Year 1991 to include the education of civilians in prominent and influential positions in their governments, with the intention to improve civilian/military relations and civilian control over the military. Although host country militaries sometimes conduct civic action/nation-building activities, in conjunction with U.S. troops, IMET is not used to directly support these activities.

Security assistance legislation specifies that human rights awareness be provided as part of the IMET Program. While the Defense Department has begun to emphasize the importance of educating international students in human rights, the program, for the most part, does not provide specific human rights training.

The Army and, to a lesser extent, the Marines have established specific programs to train Foreign Area Officers assigned to Security Assistance Organizations. However, the Air Force and the Navy do not have special programs. The Security Assistance Organization officers GAO contacted had mixed opinions on whether assignments to this area hinder career advancement.

PRINCIPAL FINDINGS

New world order generates changes in security assistance goals

The Security Assistance program began primarily in response to events that threatened U.S. interests—for the most part, threats to friendly states from neighbors supported and encouraged by the Soviet Union. The destruction of the Berlin Wall and the recent dissolution of the Soviet Union has drastically changed this condition, lessening tensions and generating increased U.S. emphasis on providing support to emerging democracies. Central European countries and former Soviet Republics and States are receiving U.S. funding to assist in their transition and from communist to democratic societies. The United States is also providing Economic Support Funds to former Soviet Republics to assist them in meeting economic requirements and to promote development of market economies.

The important changes have resulted in modified security assistance goals. Some changes have been made in security assistance programs; however, a limited number of traditional recipients continue to receive the majority of security assistance. According to a State Department official, funds will probably continue to be earmarked by the Congress for the major recipients.

Changes in the IMET Program

The number and types of countries receiving IMET have varied over the last few years. For example, in fiscal year 1987, 99 countries received this training, as compared to 111 in fiscal year 1992. In fiscal year 1992, countries such as Bulgaria, Latvia and Russia received IMET funding for the first time.

Expanded IMET Program

In 1991, the Congress amended the Foreign Assistance Act of 1961 allowing the Department of Defense to make the IMET program more responsive to the changing global and regional political conditions. The Department developed the expanded program, which focuses on civilian control over the military, defense resources management, and human rights education.

Response to the expanded IMET program by both host country and U.S. officials in the countries GAO visited was for, the most part, positive. However, some U.S. officials question the need for the program because of the lack of qualified civilians in prominent governmental positions. The Defense Department is in the process of implementing a system to evaluate the effectiveness of the expanded program but, has not prescribed the format and types of data that should be included in this assessment.

Civic action

Most military civic action projects are undertaken by the host country. Military civic action includes such humanitarian assistance projects as education, health, and sanitation that contribute to the host country's economic and social development. In Honduras and several African countries, U.S. teams provide civic action assistance.

Host country militaries have not received civic action training through the IMET Program. However, foreign military graduates have received training that they may have used on their own civic action projects.

Human rights awareness training

International students come from countries in which human rights violations reportedly are occurring. Security assistance legislation provides that human rights will be a part of the international students' education in the United States. However, regulations set forth in the Security Assistance Management Manual do not list it as an objective of the program.

Students who attended professional military education classes received more human rights education, which is interwoven into the course curriculum. Students who attended technical courses were less likely to receive exposure to human rights issues through the course curriculum. Overall, only one Defense Department training installation we visited offered a formal course on human rights.

About half of the students GAO questioned on this issue did not recall receiving any human rights education while attending courses in the United States. There is no mechanism in place to measure the impact of the human rights awareness training, therefore it is difficult to determine whether the training is effective.

Career development

Each U.S. military service differs as to how it assigns personnel to Security Assistance Organizations positions. The Army and the Marines have established specific programs to train personnel assigned to these organizations. The Air Force and the Navy, however, do not have special programs. The Security Assistance Organizations' officers GAO contacted had mixed opinions on whether assignments to this area hinder career advancement. Many expressed concern regarding promotions in the field, yet, most understood the limitations of working in the Security Assistance field.

RECOMMENDATIONS

GAO recommends that the Secretary of Defense direct the Director of the Defense Security Assistance Agency to (1) complete the implementation of a mechanism to evaluate the effectiveness of the Expanded IMET program, as well as the human rights awareness training included in the regular IMET program; (2) revise the Security Assistance Management Manual to reflect the language in the Foreign Assistance Act concerning human rights awareness training to international students; and (3) develop programs that will make more specific human rights education available to international students.

AGENCY COMMENTS

As agreed, GAO did not obtain written comments on a draft of this report. However, GAO discussed the contents of this report with responsible Defense and State Department officials and have incorporated their comments where appropriate.

APPENDIX I.—MAJOR CONTRIBUTORS TO THIS REPORT, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION, WASHINGTON, DC

Thomas J. Schulz, Associate Director.
Charles A. Schuler, Assistant Director.
Joseph C. Brown, Evaluator-in-Charge.
Patricia A. Schiffhauer, Evaluator.
Calvin D. Watson, Evaluator.

EUROPEAN OFFICE

Jon M. Chasson, Site Senior.
George A. Taylor Jr., Evaluator.

FAR EAST OFFICE

Judith A. McCloskey, Site Senior.
Robert E. Sanchez, Evaluator.

Mr. KENNEDY. Mr. President, I want to express my understanding of the problem being addressed by the amendment which the Senator from Michigan [Mr. RIEGLE] has offered. I wish there were more time in this session to con-

sider it and to deal with other equally important immigration reforms.

Unfortunately there is not.

The Senator from Wyoming [Mr. SIMPSON] my distinguished colleague on the Immigration Subcommittee, also has an amendment he believes to be equally important—but which is also controversial in many quarters.

Both these amendments, and others, deserve the consideration of Congress, but time, and the pending appropriations bill, simply will not give us the opportunity to do so.

I, too, would like to see a number of remedial reforms to our immigration laws—from the so-called consular affairs package recommended by the Department of State, to a number of overseas naturalization reforms. But, again, there is not sufficient time.

Over the past several weeks the staff of our Immigration Subcommittee has attempted to draft a consensus bill reflecting all of these concerns, and the need for adjustments in our immigration laws. Unfortunately, those negotiations with our House colleagues and others were not successful.

But for the record, Mr. President, I want to list some of the items that have been mentioned as possibly being included in an immigration reform package:

Naturalization amendments (H.R. 5599);

Elimination of sunset for G-4's (H.R. 5601);

Consular efficiency package—proposed by the administration;

A program for temporary entry for spouses and minor children of permanent resident aliens—led by Senator RIEGLE;

Expansion of Immigration Commission by four, two for House, two for Senate, S. 3090;

Immigration judge pay increase (S. 2099);

Battered spouses (H.R. 5693);

A program for expedited exclusion of those abusing the asylum process—Senator SIMPSON's proposal;

Airport inspections (H.R. 5555);

Adjustments to the Investor Visa Program; and

Authority to consular officers to make refugee determinations.

Although, our effort to achieve a compromise was not successful at this time, I believe we must deal with these issues early in the next Congress. I simply want to express to my colleagues my commitment, as chairman of the Subcommittee on Immigration and Refugee Affairs, to pursue them next year.

So I want to assure the Senator from Michigan [Mr. RIEGLE] and my colleague on the subcommittee, the Senator from Wyoming [Mr. SIMPSON], that I will schedule a subcommittee hearing on these immigration proposals early in the next session of Congress. They are deserving of urgent consideration and review.

Mr. SIMPSON. I appreciate the chairman's assurance that we will discuss these important issues at hearings early in the next Congress, and I will withhold my amendment at this time.

Mr. RIEGLE. Mr. President, on March 20, I introduced a bill to permit spouses and children of permanent residents to receive visitor and student visas. This legislation would have removed the presumption that future immigrants would overstay their nonimmigrant visas simply because the Department of State has approved their petition for permanent residence.

I had intended to offer this legislation as an amendment to the Foreign Operations bill, now pending before the Senate. It has become clear, however, no immigration legislation will pass during the remainder of the 102d Congress. In light of this fact, I have decided not to offer my amendment.

Nevertheless, I strongly believe that Congress should pass this legislation into law as soon as possible. It is my understanding that the Chairman of the Senate Immigration Subcommittee, Senator KENNEDY, has agreed that consideration of the Riegle proposal regarding visas for spouses and children of permanent residents would be a top priority for the subcommittee in the 103d Congress. It is my further understanding that Senator KENNEDY has agreed that hearings on and consideration of this measure would take place early next year, so that it can be reported separately to the full Judiciary Committee and subsequently to the floor of the Senate for a vote.

I appreciate the cooperation of the Senator from Massachusetts and look forward to moving this legislation forward.

Mr. KENNEDY. Mr. President, I support the legislation offered by the Senator from Michigan. This important measure would allow spouses, whose immigrant visas have been approved, to come to this country as visitors or students while they remain on the family 2A visa waiting list.

I would like to take this opportunity to inform the Senator from Michigan that, as chairman of the Subcommittee on Immigration, I am committed to holding hearings on his proposal early in the next Congress. I further intend to keep this legislation separate from other measures which could hinder its passage and to report it to the Judiciary and the full Senate for consideration as soon as possible.

Mr. SIMON. Mr. President. I want to also express my willingness to have the Immigration and Refugee Affairs Subcommittee address the second preference issue that has been raised here by my friend from Michigan, Senator RIEGLE.

I joined Senator RIEGLE in sponsoring legislation that would have allowed spouses and children of permanent residents to come to the United States as students or visitors for brief periods of time while they wait for their permanent visa. In the last Congress, all three of us on the subcommittee, Senator KENNEDY, Senator SIMPSON, and I, effectively reduced the long second preference waiting lists for thousands of family members of permanent residents. I hoped that we could have addressed this remaining problem during the 102d Congress.

Over the past year, I have been contacted by Indo Americans in Naperville and other communities in Illinois; California, Ohio, and other parts of the country who have asked that Congress help them be reunited with their close family members. The Professionals for Spousal Reunification, a new organization of young professionals living in the United States, mainly from South Asia, has been instrumental in bringing this important concern to my and other Senator's attention.

There is a lot of talk these days about family values. I can think of no better way to advance family values than by ensuring that spouses and children are not separated. I commend the efforts of Senator RIEGLE and look forward to working with my colleagues on the subcommittee to advance this important cause.

HUMAN RIGHTS ABUSES IN KASHMIR

Mr. SASSER. Mr. President, I rise today to express my concerns about the widespread human rights abuses which are occurring throughout Kashmir. In the report accompanying the Foreign Operations appropriations bill, the Appropriations Committee included language expressing strong concerns about reports of widespread human rights violations by the Indian Government in Kashmir. I commend my colleagues for taking this important step toward holding those responsible accountable for these abuses.

The report calls on India to investigate reports of violations and to bring those responsible to justice. Investigative organizations such as Amnesty International, Asia Watch, and Freedom House have provided as much information as is available. Unfortunately, Kashmir has been closed to International Organizations such as the Red Cross and a true evaluation of the extent of human rights violations cannot be obtained.

The information which is coming out of Kashmir—and which has been verified by the committee of state-sponsored atrocities in Kashmir—is quite distressing. The details are both gruesome and chilling.

We have not overlooked violations in East Timor and we must not overlook those in Kashmir. I am hopeful that the administration will heed the Appropriations Committee's call and strongly encourage the Indian Government to establish an independent commission to investigate these reports of abuses and to prosecute those individuals who are responsible.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. LEAHY. Mr. President, I understand there will be a request for the yeas and nays, so I will ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, I understand an order has been entered to have a series of rollcall votes tomorrow. I ask unanimous consent that the vote for which we just got the yeas and nays follow immediately after the last one of the votes ordered for tomorrow morning.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1993—CONFERENCE REPORT

Mr. BYRD. Mr. President, I submit a report of the committee of conference on H.R. 5503 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5503) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 24, 1992.)

Mr. BYRD. Mr. President I ask unanimous consent that the reading be waived; that the conference report be agreed to and the motion to reconsider laid on the table; and that Senators who have statements in explanation thereof be allowed to have those statements printed in the RECORD as though read.

The PRESIDING OFFICER (Mr. WOFFORD). Is there objection?

Mr. NICKLES. There is no objection on this side.

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

Mr. BYRD. Mr. President, I bring before the Senate today the conference report on H.R. 5503, the fiscal year 1993 Department of the Interior and related agencies appropriation bill. This conference report and accompanying statement of the managers appeared in the CONGRESSIONAL RECORD on September 24, on pages H9306 through H9326.

The domestic discretionary allocations for the Interior Subcommittee total $13.230 billion in budget authority and $12.666 billion in outlays. The amount requested by the President in total budget authority for the programs under the jurisdiction of the subcommittee is $12.489 billion, using OMB's current scoring. The conference agreements before you today total $12.486 billion in total budget authority, so this bill is in compliance with the amount requested by the President. This is a fiscally responsible bill. The new spending authority recommended in the bill is nearly 3 percent below the fiscal year 1992 level.

The President has threatened to veto the Interior bill if the budget authority exceeds the amount in his budget request regardless of the 602(b) allocations assigned to the subcommittee. Thus, while the bill is just $3 million below the President's budget authority request, it is nearly $740 million in budget authority below the subcommittee's 602(b) allocation.

In order to comply with the budget authority amount set by the President, a reduction in outlays was also necessary. As a result, the outlays in this bill, using CBO scoring, total $12.616 million, which is $50 million below the subcommittee's 602(b) allocation. However, attempts to spend any of this money would result in a veto of this bill by the President, since this would cause us to exceed the President's request for budget authority. This is a shame, because there are many worthwhile programs in the bill that could use these resources. But, because of the President's policy, we are unable to provide our full allocation to assist in the operations of our national parks, forests, and wildlife refuges, funding for Indian health care, and other basic programs under the subcommittee's jurisdiction.

Mr. President, reaching the President's budget authority target was not an easy task. Despite a series of painful reductions and eliminations of specific projects before the conferees, it was still necessary to include an across-the-board reduction of 0.85 percent in order to avoid the potential for a Presidential veto.

This bill has been the subject of a great deal of scrutiny. Most members have a direct interest in projects in the bill which affect their State, as well as numerous policy issues involving public lands, including grazing fees, mining law reforms and holding fees, net receipt sharing, and timber sale appeals. The bill passed by the Senate had 160 numbered amendments that had to be resolved. The discrete differences addressed by the conferees totaled some 1,400 items. The conference agreement, by its nature, is a compromise. It will not satisfy all Members in every respect. However, it is time to complete action of this bill. The start of the new fiscal year looms before us. I urge my colleagues to approve this conference report and send this Interior bill to the President.

Mr. President, I would like to thank Senator NICKLES for his assistance on the Interior bill throughout this year. I believe we have worked well together, and he is to be commended for his efforts on behalf of the Senate positions during conference. This bill represents a bipartisan package. Nearly every Member of the Senate expressed an interest in at least one project or another in this bill. There is not enough money available to satisfy all of the more than 3,000 requests received by the Senate subcommittee and the many other requests that were proposed in the House. I would also like to note the cooperation of our colleagues from the House subcommittee, particularly Chairman SIDNEY YATES of Illinois, and the ranking minority member, Mr. RALPH REGULA of Ohio. Conference on the Interior bill is never an easy task, but it is made more pleasurable by the good spirit with which these gentlemen and their staffs approach the challenge of accommodating so many competing demands within tight budgetary constraints.

Mr. President, before proceeding with a summary of the bill, I would like to thank all members of the subcommittee for their participation and cooperation in reaching closure on this year's Interior bill. There will be some changes on the subcommittee the next time we consider an Interior appropriation bill. We lost a devoted member of the subcommittee when Senator Burdick passed away a few weeks ago. Senators GARN and RUDMAN are retiring, and I especially thank them for their contributions over the years, and wish them well in their future endeavors.

With that, Mr. President, I would like to call attention to some items of interest in the conference agreement.

Consistent with the position passed in the Senate in each of the last 2 years, no increase in the grazing fee is recommended in this appropriation bill.

The reforms to the Mining Law of 1872 as passed by the Senate are not included, and neither is the patent moratoriums included in the House bill. The conference agreement does include a mining holding fee for the first time.

Sharing of receipts for mineral revenues from production on Federal lands is maintained at the current level of 25 percent, as compared to 37.5 percent proposed in the President's budget, and 50 percent in the House bill.

Total funding in the bill for land acquisition and State assistance is $286.1 million. This amount is $30.3 million below the fiscal year 1992 appropriation

and $79.9 million below the President's request for fiscal year 1993.

Total funding for construction in the Bureau of Land Management, the Fish and Wildlife Service, the Park Service, and the Forest Service, amounts to $587.1 million. This total is $84.5 million below the fiscal year 1992 appropriation for these same construction accounts. So, in total, for land acquisition and construction accounts in these four agencies, we are nearly 12 percent below last year's level.

The operating accounts in these same four public land managing agencies increase by $49.8 million, or 1.5 percent, over the fiscal year 1992 level. This does not allow them to keep pace with inflation, let alone comply with additional responsibilities imposed by the President and the Congress.

Elsewhere, for Indian construction related to education, health clinics, and basic services, the conferees have recommended a total of $487.4 million, which is an increase of $138.8 million over the budget request.

The Indian operating accounts increase by a total of $195.3 million, or 6.9 percent, over fiscal year 1992. Much of this increase is attributable to the medical inflation costs that plague the Indian Health Service.

A reduction of nearly $60 million is taken in the forest road construction program. This decrease is about 30-percent below the amount requested in the President's budget.

And, lastly, no specific legislative protection is included regarding timber harvest and the spotted owl in the Pacific Northwest. Nor does this bill modify the Endangered Species Act in any way. The bill does direct that salvage of timber in spotted owl habitat be done in full compliance with all existing environmental and forest management laws.

Mr. President, I would also like at this point to clarify or correct several items addressed in the statement of the managers. The House Interior Appropriations Subcommittee is in agreement with these clarifications.

In the section addressing the National Capital Arts and Cultural Affairs Program, the managers agreed that, in order to assure public funding does not displace the role of private sector support, no grant from this program may exceed 25 percent of an institution's annual income budget.

With regard to fossil energy research and development (amendment No. 104), in the seventh delineated item agreed to by the managers, the use of up to 5 percent of internal research and development funds for capital equipment also applies to the Western Research Institute [WRI].

So, Mr. President, I urge the Senate to adopt this conference report.

I will yield to Senator NICKLES for any remarks he cares to make.

Mr. NICKLES. Mr. President, I am pleased to support the chairman's remarks and his introduction of the conference committee report for the fiscal year 1993 Interior appropriations bill. I want to thank the chairman for his efforts in bringing the conference report to the Senate floor. It is with his leadership that we are able to present a fine, balanced product with attentive consideration to the administration's request and the Members' requests.

This bill was a difficult and challenging appropriations bill to put together this year. There were approximately 1,500 items of difference between the House and Senate Interior appropriations bills. We struggled with low allocation levels for budget authority and outlays while working our way to the conclusion of the conference report that we submit to you today. During the past 9 months, we have faced challenging questions on land acquisition, mining law, mineral receipts sharing, the setting of timber sale program levels, grazing fee increases, and others.

The conference report is within the 602(b) allocations of $13.230 billion for budget authority and $12.666 billion for outlays. In addition, it is under the President's budget request level for total budget authority, which is $12.489 billion. The conference material before you presents the meshing of the priorities from both Houses, attention to agency needs, and consideration for Member requests. To bring the bill within the funding limitations, criteria were established which did not provide funding for items such as new wildlife refuges, new visitor center, and new research facilities.

Overall, the fiscal year 1993 Interior appropriations bill is a 3-percent decrease from the fiscal year 1992 enacted level. The bill generates approximately $8.2 billion in receipts to the Treasury. The total of the construction accounts for the Bureau of Land Management, the Fish and Wildlife Service, the National Park Service, and the Forest Service is $85 million below the fiscal year 1992 enacted level. In addition, the total for the land acquisition accounts for those same agencies is $31 million below the fiscal year 1992 enacted level.

The decisions that are being made in this bill carry over to future years. Our recommendations, while under the allocation limits, carefully balance appropriations and revenue generation impacts in fiscal year 1993 and in future years. The conference committee's recommendations will contribute to a balanced Federal budget while continuing to provide the expected Government services.

During our conference deliberations, deep concerns have been expressed over the changing uses of public lands and its resources. Such shifts have drastic effects on local rural communities and economies and on the funding of local governments. While keeping within our limitations, the conferees have recognized the importance of programs to employment, the economies, the infrastructure, and the social fabric of many rural communities. We have been alert to the needs of Native Americans, as well as the other programs funded in this bill. I believe we have been able to produce a bill which is acceptable to the administration.

Mr. President, again I wish to thank the chairman with whom I have worked very closely. I wish to express my appreciation to Senator BYRD's staff—Sue Masica, Rusty Mathews, Kathleen Wheeler, Larry Benna, and Ellen Donaldson. The Senator from West Virginia and his staff have made this a bipartisan effort which makes the task certainly much easier and achievable.

Mr. WARNER. Mr. President, I rise today to voice my frustration that the fiscal year 1993 Department of the Interior and related agencies appropriations conference report failed to include planning and design funding for the proposed extension of the National Air and Space Museum. At the conclusion of my remarks, I ask unanimous consent to have printed in the RECORD three attachments regarding this matter. The first is an editorial from today's Washington Post that points out the duplicity and financial waste involved in H.R. 3281, legislation which would reopen the site selection for the location of the National Air and Space Museum extension. The second attachment is a letter from Secretary of the Smithsonian Robert McC. Adams to Senator WENDELL FORD, chairman of the Senate Committee on Rules and Administration. In that letter, Secretary Adams clearly outlines the Smithsonian's opposition to H.R. 3281 and the Senate version, S. 1788. The third attachment is the statement of administration policy stating that the Smithsonian Institution would recommend the President veto H.R. 3281 if it was passed in its present form.

The PRESIDING OFFICER. Without objection, it is ordered.

(See exhibit 1.)

Mr. WARNER. I believe the Senate is well aware of the fact that legislation to expand the National Air and Space Museum at Washington Dulles International Airport has on four occasions, most recently on June 17, 1992, as an amendment to the African-American Museum bill, been favorably reported by the Senate Committee on Rules and Administration. The U.S. Senate has approved such legislation on two separate occasions. Also, the Board of Regents of the Smithsonian has voted at least six times in favor of siting the museum extension at Dulles.

The decision to locate the Air and Space Museum extension at Dulles is the result of many years of hard work by Senator GARN, who serves on the Smithsonian Board of Regents, the Board of Regents and its staff, and the Commonwealth of Virginia. The legis-

lation represents an objective decision to do what is best for the future of the Smithsonian Institution and most importantly, the American public.

In September 1983, the Smithsonian Board of Regents first approved the National Air and Space Museum plan to expand at Washington Dulles International Airport. Since then, the board has expressed support for the extension at Dulles over and over again. Through four Governors—John Dalton, CHARLES ROBB, Gerald Baliles, and now Douglas Wilder—the Commonwealth has also continued to support the concept of the extension and its location in Virginia.

Locating the extension at Dulles would serve to further the objectives of the National Museum Amendments Act of 1965 which directs the National Air and Space Museum to "collect, preserve, and display aeronautical and space flight equipment of historical interest and significance."

I believe that it is accurate to state that the National Air and Space Museum now holds the most impressive and significant collection of spacecraft and aircraft in the world. However, due to the limited exhibition space in the Mall building coupled with the size and weight of many of the artifacts, only 25 percent of the museum's collection is on display. Therefore, such significant air and spacecraft as the Boeing 367-80, the Saturn V launch vehicle, the Boeing Flying Fortress, the B-29 *Enola Gay*, and the space orbiter *Enterprise* cannot be displayed and enjoyed by the nearly 10 million visitors the museum receives each year. In addition, the museum's space limitations inhibit the interpretation of aerospace technology's significant contribution to all societies and the possibilities which it holds for the future.

The limited storage space and poor conditions at the Smithsonian Garber Facility in Suitland, MD, endangers artifacts currently in the Air and Space Museum collections and curtails its ability to accept other artifacts.

Irreplaceable aircraft—a priceless part of our national heritage—are deteriorating because Congress cannot make a decision on the siting of this museum extension. This can no longer be tolerated.

The continued, strong support from the Board of Regents, the Commonwealth of Virginia and the Senate for this project is a testimony to the importance of the extension. I would like to reiterate that this support has been for the extension of the museum at Dulles. Therefore, I must mention the substantial financial commitment which the Commonwealth has made to this project.

Virginia's commitment includes: $3 million interest-free loan for planning and design work; State bonding authority to finance up to $100 million in debt for the initial construction phase of the extension; a commitment to provide the required site improvements at a total cost of $26 million; $6 million in direct funds toward the construction costs, and another $6 million raised through private and local contributions; a pledge to work with local governments, the Washington Metropolitan Area Transit Authority and others to develop rail passenger service between the West Falls Church Metro Station and the museum site by the year 2000; a willingness to initiate metro-like bus service between the extension and the Smithsonian's facilities on the Mall; and plans for construction of the Barnsfield Road Interchange on Route 28 at an estimated cost of $15 million.

The support for the museum's extension at Dulles is also largely due to the site's logistical and physical characteristics.

These characteristics include: proximity to an active runway; flexibility in building configuration and space for future expansion; adequacy of existing and projected transportation networks for visitor access and artifact movement; compatibility with existing airport operations and absence of vibration, noise, and fumes; potential numbers of visitors; geological configuration and subsurface conditions; and the availability of utilities and vital support services.

It is important for the Senate to be aware of the General Accounting Office's [GAO] involvement in the proposed extension. In February and March 1991 the Smithsonian met with officials from GAO to resolve several concerns which GAO staff had expressed with the scope of the proposed extension and the Smithsonian's site selection process.

In addition to the site characteristics mentioned previously, the Smithsonian reemphasized the importance of siting the extension in the Washington Metropolitan area rather than splitting the collection between the Mall location and a remote location. Such a split could not provide "a comprehensive and balanced view of the history, technology, and social aspects of air and space flight." Smithsonian officials realized in the 1960's that an extension of the building on The Mall would be necessary and since that time the proposed expansion has always been viewed as an extension of the museum on The Mall, not as a separate museum.

The Smithsonian also verified the significant cost differential in constructing and operating an extension at Dulles versus a remote location.

After much discussion and study, the GAO concluded in a March 20, 1991, letter to House Interior Appropriations Subcommittee Chairman Yates that "we now believe the choice of Dulles International Airport as the preferred site can be objectively defended by the Smithsonian."

In addition, in May 1991, the Board of Regents concurred to the GAO's recommendation and agreed to reduce the scope of the extension limiting it to meeting the museum's most immediate needs to protect, preserve, and restore the collection, and provide public access to significant portions of the collection. This reduces the overall project cost to $162,000,000—half of the originally estimated cost.

Mr. President, it is time for self-interested parties to accept the conclusions of the Board of Regents, the Senate Committee on Rules and Administration, the U.S. Senate and the GAO that Washington Dulles International Airport is the most practical, convenient, and cost-effective location for the extension of the Air and Space Museum.

I call on every Member of the Senate to support making the expansion of the National Air and Space Museum at Washington Dulles International Airport a reality. As we witnessed in the operations of Desert Storm in the Persian Gulf, air and space technology has and will continue to greatly impact every facet of our lives. The creation of this extension will enable visitors from all over the world to experience firsthand the magnitude and significance of man's technological achievements.

EXHIBIT 1

[From the Washington Post, Sept. 30, 1992]

A MUSEUM RAFFLE IN THE HOUSE?

Today's pork barrel special on the floor of the House is H.R. 3281, an outlandish proposal to raffle off the Smithsonian's planned National Air and Space Museum extension to some site in the United States—instead of letting the facility be where the Smithsonian's Board of Regents has voted five times since 1983 to put it—in the Washington region at Dulles International Airport. Like other efforts over the years to undo a logical plan for putting the museum at Dulles, the latest bill is an attempt to lobby support for sticking the museum annex at the abandoned Denver Stapleton Airport when the new airport opens in that city. That idea, along with other suggestions that the annex site be switched to Baltimore-Washington International, has been studied and rejected before. Why vote for another expensive delay, this time with an expensive "nationwide competition" for a site?

In a "Dear Colleague" pitch from Reps. David Skaggs of Colorado and Benjamin Cardin of Maryland, the bill is described as "your chance to get a Smithsonian museum in your district." At some unspecified cost, it would set up a "national competition" to select a site. This would be an expensive duplication—the Smithsonian's regents started their search for a site in 1981 with criteria that included proximity to the Mall and an active runway to move some of the biggest items, such as a Boeing 707 and 747. The Smithsonian spent $350,000 to study BWI and Dulles as possible sites. Then in 1989, at the request of the mayor of Denver, it spent an additional $50,000 to study Stapleton in Denver. On five separate occasions, the board has reasserted its preference for Dulles. The late Carmen Turner, undersecretary of the Smithsonian, last year requested a GAO review of the selection process. GAO concluded

the choice of Dulles could be "objectively defended by the Smithsonian."

Congress should let the Smithsonian stick to its original logical plan. House members can let this happen by rejecting the rafflestall bill, which is being pushed in the last-minute rush to adjournment.

SMITHSONIAN INSTITUTION,
Washington, DC, October 21, 1991.

Hon. WENDELL H. FORD,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I would like to take this opportunity to comment on S. 1788, a bill to establish the National Air and Space Museum Expansion Site Advisory Panel for the purpose of developing a national competition for the evaluation of possible expansion sites for the National Air and Space Museum, and to authorize the Board of Regents of the Smithsonian Institution to select, plan, and design such site. The Smithsonian Institution is opposed to the bill because it is inconsistent with the authority and the objectives of the Institution's Board of Regents. Furthermore, inasmuch as it outlines actions that for the most part already have been taken, it is unnecessary.

Section 2 of S. 1788 would create the National Air and Space Museum Expansion Site Advisory Panel as an independent establishment of the United States. Its duties would be (1) to establish and conduct a national competition for the evaluation of possible expansion sites for the Smithsonian's National Air and Space Museum and (2) to develop expansion site selection criteria which are to include long-term costs of capital, operations, and administration; access to operational runway facilities; accessibility to the public; and other administrative and curatorial factors related to the storage, management, and display of Smithsonian air and space collections. The criteria specifically are not to include proximity to Washington, DC, except that the Panel may consider administrative and curatorial advantages of an expansion site in the Washington, DC region.

The Panel is to make its criteria known not later than four months after its initial meeting. Within eleven months after the initial meeting the Panel is to evaluate the extent to which proposals submitted to it comply with the criteria established and submit a report to the Smithsonian's Board of Regents and the Congress evaluating each proposal and recommending the location of the expansion site.

The Panel is to be composed of nine people, including four appointed by the President from among individuals having significant experience in the museum profession, at least two of whom are to be aerospace experts. Additionally, two of these four must live and work in States west of the Mississippi River which for this purpose is to include the State of Minnesota. Other members of the panel are to be two Senators, one appointed by the President pro tempore of the Senate and the other by its Minority Leader; two Members of the House of Representatives, one appointed by The Speaker and the other by the Minority Leader; and one person appointed by the Secretary of the Smithsonian Institution from among its officers and employees. No other panel members are to be current officers or employees of the Smithsonian. All panel members are to be appointed within sixty days of enactment.

If any of the Congressional members or the Smithsonian member of the Panel ceases to hold the positions on which their appointments were based, they may continue on the Panel for not longer than sixty days after that event. Otherwise, the term of Panel members is the life of the Panel, and the appointment of successors is to be made in the same manner as the original appointment was made. Panel members other than those from the Congress and the Smithsonian are to be paid at a daily rate equivalent to GS-18 for each day that they are engaged in the actual performance of duties of the Panel, and each Panel member shall receive travel expenses, including per diem in lieu of subsistence.

Five members of the Panel would constitute a quorum, although a lesser number may hold hearings, and the Panel chair is to be elected by a majority of the members. The initial meeting of the Panel is to be held not later than thirty days after the appointment of the last member.

The Panel is to have a director, appointed by the chair, who shall be compensated at a rate not to exceed the maximum rate of basic pay of GS-18. Subject to the rules of an unidentified Commission, the Chair may appoint and fix the pay of such additional staff as the Chair considers appropriate. The director and the staff may be appointed without regard to the provisions of title 5, U.S.C. and paid without regard to its provisions, except that no one can receive pay greater than GS-18. There is a comparable cap on the pay of experts and consultants. The head of any Federal department or agency is authorized to detail on a reimbursable basis any personnel to assist the Panel.

Under Section 2(e) of S. 1788 the Panel may hold hearings and administer oaths or affirmations to witnesses; grant authorization to any of its members or agents to take any action on its behalf which it is authorized to take; secure directly from any Federal department or agency any information necessary to carry out its duties; use the United States mails in the same manner as any other department or agency of the United States; request the Administrator of General Services to provide on a reimbursable basis administrative support services and office space; and contract with and compensate public and private agencies and individuals for research, surveys, and other services necessary to carry out the duties of the Panel. Section 13 of the Federal Advisory Committee Act, providing for public availability, is to apply to the report of the Panel, the work of which is to terminate thirty days after the date on which the Smithsonian's Board of Regents selects the expansion site.

Section 3 of S. 1788 provides that funds to carry out the duties of the Panel shall be available only to the extent that such amounts are made available in advance in appropriations Acts.

Section 4 of S. 1788 authorizes the Board of Regents to select an expansion site only after considering the criteria developed by the Panel and the site recommendation in its report. Within thirty days after making its selection the Board of Regents is to submit to the Comptroller General of the United States a report explaining the reasoning for selecting its preferred site. The Comptroller General is to review and evaluate that report and the extent to which the site selected by the Board is consistent with the criteria established by the Panel, and to report that review and evaluation to Congress within sixty days after receiving the report of the Regents. The Board of Regents is authorized to plan and design an expansion site only to the extent that amounts necessary for such work are made available in appropriations enacted after the date of enactment of S. 1788.

The National Air and Space Museum (NASM) was initially established as a bureau under the administration of the Smithsonian Institution by Public Law 722 of the 79th Congress. Enacted August 12, 1946, the measure included in its mandate for the Museum the requirement to "collect, preserve, and display aeronautical and space flight equipment of historical interest and significance."

Decision-making authority for fulfilling that mandate and for carrying out other Smithsonian activities is vested in the Institution's Board of Regents and rooted in the Will of James Smithson, an English scientist who died in 1829 after providing that:

"In the case of the death of my . . . nephew without leaving a child [which occurred] . . . I then bequeath the whole of my property . . . to the United States of America, to found at Washington, under the name of the Smithsonian Institution, an Establishment for the increase and diffusion of knowledge among men."

In 1835, after learning of the bequest through diplomatic channels, President Jackson wrote to Congress:

"The Executive having no authority to take any steps for accepting the trust and obtaining the funds, the papers [concerning the bequest] are communicated [to Congress] with a view of such measures as Congress may deem necessary."

In the Act of July 1, 1836 (5 Stat. 64), Congress accepted the trust and pledged the faith of the United States that all monies involved in it would be received and applied to the establishment of the Smithsonian for the purposes set forth by Mr. Smithson. In the Act of August 10, 1846 (9 Stat. 102) Congress chartered the Institution in its present form and in directing that "the business of the said institution shall be conducted . . . by a board of regents . . ." delegated to the Board its responsibility as trustee for carrying out the Smithson bequest. To ensure geographical representation on the Board, Congress provided that among the Regents, other than Members of Congress, two were to be "resident in the city of Washington" and the remainder were to be "inhabitants of some State, but no two of them of the same State."

The Board includes the Chief Justice; the Vice President; three Members of the House—Mr. Whitten, Mr. McDade, and Mr. Mineta; three Members of the Senate—Mr. Garn, Mr. Moynihan, and Mr. Sasser; and nine citizens who include David C. Acheson of the District of Columbia; Anne Armstrong of Texas; William G. Bowen of New Jersey; Jeannine Smith Clark of the District of Columbia; I. Michael Heyman of California; Samuel C. Johnson of Wisconsin; Homer A. Neal of Michigan; R. James Woolsey of Maryland; and one vacancy. While the Board of Regents benefits from representation from all three branches of Government, the Institution is not under any branch, and it does not perform governmental functions. Its sole function is to carry out the trust responsibility "for the increase and diffusion of knowledge among men," a responsibility supported by the 1836 pledge of faith by the Congress.

The Board of Regents is responsible for setting Institution policy and overseeing the management of Smithsonian assets and activities. This independent authority, however, is exercised subject to the obligations imposed by law on all trustees: the obligation to exercise good judgment in carrying out trust purposes; to be faithful to the trust; to exercise prudent oversight of trust activities; to maintain strict records of trust assets; and to be prepared to justify stewardship to all proper authorities.

Section 4 of the 1846 Act authorized the Regents to select "a suitable site for such building as may be necessary for the institution . . . [from] the public ground in the city of Washington. . . ." While this language was sufficient nearly a century and a half ago to provide a site for the Smithsonian "Castle," in more recent years the Board of Regents has recommended enactment of specific authority to provide sites for Institutional units such as the National Museums of American History, American Art, the American Indian, African Art, and Air and Space.

The need for an extension to the National Air and Space Museum dates to the 1960s when, in planning for the Museum on the Mall, it became clear that the building would not have the capacity to accommodate the entire collection, allow for additions to it, or provide adequate support services. Thus, it was recognized that another structure ultimately would be required to meet those needs and to replace the Paul E. Garber Facility at Suitland, Maryland, if the Museum was to honor its mandate, keep pace with developments in aerospace technology, and provide proper protection for the entirety of its collection.

The additional structure has always been viewed as extending the on-going activities of the Museum on the Mall, rather than housing major programmatic expansions. As an example, the Mall Museum can display artifacts of air transportation only through the mid-1930s; the largest commercial airplane on view is a DC-3. Only at an extension can we continue that story into the post-World War II era and illustrate the transformation of politics and cultures with larger artifacts much as the Boeing 707 and 747. Furthermore, because the extension is to provide vital intellectual and physical support services for the Mall Museum, a nearby location always has been an integral consideration in its planning.

In 1981, the Museum's staff began to search for a location for an extension which had

permanent access to an active runway capable of handling large jet aircraft;

a location within an hour of the Mall to facilitate curatorial and other staff visits;

no interference with the primary mission of the airport;

sufficient area for present needs and prospective growth; and

support of the airport and local authorities.

With these requirements in mind, the staff inspected Washington National Airport, Andrews Air Force Base, Baltimore-Washington International Airport, Glenn L. Martin Airfield, the Department of Agriculture airfield at Beltsville, Md., and Washington Dulles International Airport.

In September, 1983 a proposal for an extension at Dulles was submitted to the Board of Regents which endorse its conclusions. A series of related events quickly ensued; their details follow.

November 1983. Maryland requested that the Smithsonian consider the Fairchild plan at Hagerstown which, after inspection, was rejected because of insufficient length of its runway and low ceiling heights in its buildings.

December 1983. West Virginia requested that the Smithsonian consider Shepherd Field in Martinsburg which, after inspection, was rejected because of insufficient length of the runway.

January 1984. The Regents requested their Congressional Members to introduce and support legislation authorizing planning and construction of the extension.

September 1985. The Regents endorsed pending Senate legislation for planning, design, and construction of the extension at Dulles.

September 1985. A study by Dewberry and Davis, an architectural firm, recommending a specific location on the Dulles reservation, was completed.

December 1985. The National Park Service requested that the Smithsonian consider Floyd Bennett Field in New York. After inspection, it was rejected because of inadequate size of the hangar facilities and distance from the Mall.

August 1986. The Secretary appeared before the Senate Committee on Rules and Administration to request amendment of pending legislation to include $1 million for master planning for the Dulles extension.

September 1986. The Board of Regents concurred in a recommendation to enter into a lease agreement with the Federal Aviation Administration for land at Dulles.

September 1987. The State of Maryland expressed interest in having the extension sited at Baltimore-Washington International Airport.

September 1988. A preliminary planning report for an extension prepared by Skidmore, Owings and Merrill was completed.

October 1988. Governor Schaefer of Maryland and Governor Baliles of Virginia received copies of the September report and discussions began on proposals from each state.

December 1989. Hellmuth, Obata and Kassebaum completed a site survey, comparing Dulles and BWI. Both sites could accommodate the extension, and the financial packages from both were comparable.

January 1990. Colorado submitted a proposal for an extension at Stapleton Airport just prior to a meeting of the Regents at which they reaffirmed their preference for Dulles.

In February and March of this year the Smithsonian met with representatives of the General Accounting Office (GAO) in order to understand concerns its staff had raised about the scope of the extension project, the manner in which the Institution had conducted its site selection for the extension, and the value of each site offered. In the course of the meetings it became clear that some of the steps the Smithsonian had undertaken to address certain issues were novel to the GAO.

For example, using a collections rationale which includes airplanes and spacecraft that ultimately should be part of the NASM program to analyze future architectural needs was a step with which the GAO staff seemed unfamiliar. As an alternative to the thirty-five year projection of needs and the accompanying proposal for a comprehensive, three phase program developed by the Smithsonian, the GAO suggested that the Institution confine itself to more readily defined immediate needs and document those.

The Institution's need for a nearby extension also was discussed, and the reason for it clarified. Related to that is the issue of splitting collections between the Mall Museum and a remote facility, which the Smithsonian opposes because it then could not provide a comprehensive and balanced view of the history, technology, and social aspects of air and space flight.

The Institution also developed life-cycle operating cost comparisons for a nearby and a remote extension over 30 years. Previously, a seven to ten year projection had been provided to demonstrate that a remote extension would prove far more expensive in the long run. At the suggestion of the GAO, the life-cycle costs were arrayed in the form of a present-value analysis, as were assessments of Dulles and BWI construction costs, which demonstrated that the Dulles site represented the best value.

As a result of these discussions, the Smithsonian gained a better understanding of the approach of the GAO which, in turn, more fully comprehended the reasons for the manner in which the Institution had conducted its studies. Together, differences between approaches and points of view were resolved.

At their meeting this past May the Regents concurred in the recommendation to reduce the scope of the extension, limiting it to meeting the most immediate needs of the Air and Space Museum and allowing for modest growth of collections in the five years after its opening. The Regents also asked their Congressional Members to support legislation authorizing detailed planning and design of the extension. S. 289, introduced on January 30, included Smithsonian Regents Garn and Moynihan among its original cosponsors.

As the foregoing attests, virtually all of the steps contemplated in S. 1788 already have been taken. The Board of Regents, which has statutory responsibility for the management of the Smithsonian Institution, has made a thorough analysis of the extension proposal and reached a carefully-considered conclusion on it. To have the matter addressed again by the panel proposed in S. 1788 would be redundant and wasteful.

If enacted, the bill would set in motion a seventeen-month timetable for action. The realities of implementing such a timetable, however, are likely to lead to extended delays which can only jeopardize further the unique and extensive collection of air and space artifacts with which the Institution has been entrusted, and the ability of the Museum to fulfill its mandate.

For all of these reasons the Smithsonian Institution is opposed to S. 1788.

The Office of Management and Budget advises that it has no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

ROBERT MCC. ADAMS,
Secretary.

OFFICE OF MANAGEMENT
AND BUDGET,
Washington, DC, September 29, 1992.

STATEMENT OF ADMINISTRATION POLICY

(H.R. 3281—National Air and Space Museum Expansion Site Selection Act of 1991—Skaggs and 42 cosponsors)

The Secretary of the Smithsonian Institution would recommend a veto of H.R. 3281 if it were presented to the President in its current form.

H.R. 3281 interferes with the authority and autonomy of the Smithsonian's Board of Regents and duplicates a site selection process the Board has already completed. The General Accounting Office has stated that the board complied with generally accepted business practices in making its selection.

FOREST SERVICE APPEALS

Mr. CRAIG. Mr. President, I would like to raise a matter contained in the conference report with the distinguished floor manager of the bill. If I may have his attention.

Mr. BYRD. I will yield to the Senator from Idaho.

Mr. CRAIG. Mr. President, as the floor manager knows, when the Senate

was considering the fiscal year 1993 Interior appropriations bill, I, along with Senator DECONCINI offered an amendment concerning the Forest Service's administrative appeals process. Our efforts in this regard were, in my opinion, a reasonable and balanced approach to resolve the debate over the future of the Forest Service's appeals process. During the conference on this bill, the Craig-DeConcini amendment was modified. I have had the opportunity to review these modifications and I am satisfied with the results of the conference.

Mr. DECONCINI. Will the gentleman yield?

Mr. CRAIG. I will be happy to yield to my friend from Arizona.

Mr. DECONCINI. I thank the Senator from Idaho. As a coauthor of the Craig-DeConcini amendment, I am also satisfied with the result of the conference on this matter. The chairman of the Agriculture Committee deserves special recognition for his and his staff's efforts to resolve some of the concerns that had been raised with the amendment as it passed the Senate. I feel that his suggested changes to the Craig-DeConcini amendment were constructive and resulted in a better final product. Thanks to Senator LEAHY, we now have an administrative appeals process mandated by statute.

Mr. LEAHY. Will the Senator from Arizona yield?

Mr. DECONCINI. I yield to my friend.

Mr. LEAHY. Mr. President, both Senator CRAIG and Senator DECONCINI are to be commended for their efforts to develop and pursue their amendment concerning forest appeals. While I did not support it when it was considered by the Senate, I am appreciative of their willingness to listen to my concerns and make the necessary modifications. Consequently, I can now support this provision. I feel that through our collaborative efforts, we have now preserved an appeals process that gives the citizens of this country an opportunity to participate in the management of their national forests.

Mr. CRAIG. I wonder if I may engage the chairman of the Agriculture Committee and the Senator from Arizona in a colloquy to clarify a few points with respect to the provision contained in the conference report concerning Forest Service appeals. First, as both of the Senators know, the Forest Service has a separate appeals process concerning licenses and permits. Is it their understanding that the appeal provisions contained in the fiscal year 1993 Interior appropriations bill would not affect this separate appeals process?

Mr. DECONCINI. The Senator from Idaho is correct. As both a coauthor of the original Craig-DeConcini amendment and a conferee, it was my intent that the appeal provision contained in this legislation, H.R. 5503, should only apply to decisions implementing forest plans and that the separate appeals processes for the forest plans themselves and decisions on licenses and permits should remain unaffected by this legislation.

Mr. LEAHY. I concur with both Senators in this regard.

Mr. CRAIG. On another matter, the amendment that was adopted by the conference committee provides that an individual may appeal a Forest Service decision so long as that person "* * * was involved in the public comment process" for the decision under appeal. It is this Senator's opinion that the Forest Service must establish a record in order to identify those who have met the standing requirement contained in this legislation. I wonder if the Senator from Arizona and the Senator from Vermont have any thoughts on this issue.

Mr. DECONCINI. The Senator from Idaho raises an important point. The Craig-DeConcini amendment as passed by the Senate was criticized by some because they were under the mistaken impression that it may limit participation in the appeals process. Rather, it was this Senator's intent to encourage participation in the public involvement processes associated with decisions made by the Forest Service. Consequently, with respect to the issue of standing, I feel that it is imperative that as the Forest Service implements the appeal provision in this legislation, they must clearly define a process by which the public comments that are received, in whatever form, are clearly documented. If there ever is a question of standing, I feel that the burden of proof should be on the Forest Service to prove that an individual does not have standing rather than the appellant having to prove that he or she is eligible to file an appeal.

Mr. LEAHY. I wholeheartedly concur with the Senator from Arizona. In fact, one of my suggested modifications to the appeal provision provides for a clearly defined public comment period for each individual Forest Service decision. I felt this was necessary because as the original Craig-DeConcini amendment was drafted, in order for a person to have standing, they must have participated in the public involvement process for the underlying decision. The problem with this is that current Forest Service practice does not require a uniform public involvement process for each individual decision. Therefore, my modification to the Craig-DeConcini amendment will add clarity to the appeals process by providing a statutorily mandated public comment period during which an individual's participation will establish standing to appeal. This will prevent confusion in the future on this issue.

Mr. CRAIG. One final matter, the appeals provision contained in the conference report provides that the automatic stay of action will be lifted when: First, no appeal has been filed; and second, when the Secretary fails to act on the appeal within the time frames allowed. The language does not, however, specify what will happen to the stay when the appeal is decided within the timeframes spelled out in the bill. It was certainly my intention that stay of action be lifted 15 days after the decision on the appeal was decided within the deadlines contained in the bill. I wonder if my colleagues share my interpretation in this regard.

Mr. LEAHY. The Senator from Idaho's interpretation of this matter is entirely accurate. We did indeed intend for the stay of action to be lifted 15 days after the disposition of the appeal within the timeframes contained in the bill. I am confident that as the Forest Service implements this provision, they will recognize that this was an inadvertent error and draft the regulations accordingly.

Mr. DECONCINI. Mr. President, I share the opinion of both the Senator for Idaho and the Senator from Vermont in this regard. It is clear that we intended for the stay of action to be lifted 15 days after the disposition of the appeal regardless of whether it was within the amount of time provided for the decision on the appeal or not.

Mr. CRAIG. I thank the Senators for their clarifications of these issues. In closing, while we have mentioned a number of issues, there are still several that will be resolved during the Forest Service's rulemaking process. We look forward to working with the Forest Service in this regard. Mr. President, I also want to thank the floor manager for his leadership in moving this appeal provision forward.

Mr. BYRD. I thank the Senator from Idaho. I want to say that I share the interpretation of the Senators on the intent of the language in the conference report concerning Forest Service appeals. I might ask, Mr. President, my colleague from Oklahoma, Senator NICKLES, the ranking minority member of the subcommittee, whether he shares this interpretation as well.

Mr. NICKLES. Mr. President, that is, indeed, my understanding of the agreement reached by the conferees with respect to the appeals legislation.

MINING CLAIM RENTAL FEE

Mr. BYRD. Mr. President, I know the Senator from Alaska and the Senator from Arkansas would like to engage in a colloquy about an aspect of the small miner exemption to the holding fee.

Mr. NICKLES. I want to complement the conferees, especially the two senators who worked so hard on this amendment that the conferees included in the conference report to help small miners.

Mr. BUMPERS. Mr. President, I would like to engage the senior Senator from Alaska in a colloquy about a modification to the amendment the Senator attached in conference to the

holding fee provision for claims under the 1872 mining law. As I understand the Senator's amendment, those persons holding ten claims or less which meet certain requirements have the option of paying the claim rental fee or performing an equal value of assessment work on their claims as is required under current law.

Mr. STEVENS. That is correct Senator. It is my belief that the holding fee would have a serious impact on small-scale miners nationwide, especially those in Alaska.

Mr. BUMPERS. I agreed to support the Senator on his amendment because, as chairman of the Small Business Committee, I am sensitive to the argument that small miners could be put out of business by the imposition of a claim rental or holding fee. While I do not necessarily agree that a miner holding 10 claims, which can cover as much as 200 acres of public land, should be considered a small miner, I note that the fee in this bill is limited to 2 years, and we will likely revisit this issue in the future when we have more information to make a reasoned judgment about the definition of a small miner.

The Senator's small miner amendment includes a provision designed to guard against those persons holding more than 10 claims from avoiding the fee requirement by transferring some claims to their spouses and minor children. I want to make clear that the BLM, in carrying out its responsibilities under the holding fee provision, is expected to be vigilant in guarding against other schemes by miners holding more than 10 claims from avoiding the claim rental fee requirement.

Mr. STEVENS. I agree with the Senator. The intent of my amendment is to protect small miners, not to create loopholes for others.

In further clarification, Mr. President, I would like to address a few issues concerning the mining claim rental fee included in the conference report submitted by the Interior conferees of the House and Senate. My friend, Senator BUMPERS raised some good points about the small miner exemption to the claim rental fee. As chairman of the Small Business Committee, I realize that the Senator from Arkansas truly wants to make sure small mining operations are not unduly burdened by a claim rental fee.

Mr. BUMPERS. That is absolutely correct and I appreciate the Senator from Alaska's willingness to accommodate the concerns I raised on the floor when the Senate debated his provision. I do want to ask the Senator a question about the small miners provision which we discussed in conference. The conferees did modify his language by adding a provision to guard against double dipping on the exemption to the $100 fee in situations where family members might disperse claims throughout their immediate family so as to qualify for a small miner exemption and avoid payment of the claim rental fee. Will the Senator from Alaska please explain the conferees' agreement to eliminate this situation?

Mr. STEVENS. I certainly will. We added language as the last sentence of the claim rental fee provision. The language reads:

Provided further, That for purposes of determining eligibility for the exemption from the claim rental fee required by this Act, any claims held by a husband and wife, either jointly or individually, or their children under the age of discretion, shall be counted together toward the ten claim limit.

What is intended with this language, which was added after our discussions in committee, is to prevent claim holder with more than 10 claims from transferring some claims to a spouse or child under the age of discretion so that each family member then holds 10 or fewer claims. In such a situation, without the modification, each would be eligible for the small miner exemption even though, in actuality, the claims are owned by the family unit.

After my discussions with Senator BUMPERS, we agreed to add the language to prevent such transferers from taking advantage of the small miner exemption.

For example, in a situation where a husband owns, say 15 claims, and he transfers 5 to his wife, his wife would not qualify for the exemption to the holding fee even if the other conditions for the exemption were met. However, in a situation where a father owns 10 claims and his daughter over the age of discretion owns 10 claims, each would still be eligible for the small miner exemption if they met the other factors for the exemption spelled out by the language agreed to by the conferees. In a family situation, children above the age of discretion may be producing or exploring on their own claims independent of their mother and father and such children should be eligible for the small miner exemption as well.

Mr. BUMPERS. I thank Senator STEVENS for his clarification and accommodation in preventing the result we spoke about in the conference.

Mr. NICKLES. I thank both Senators, again, and I agree that this is what the conferees intended.

Mr. BYRD. The mining claim holding fee was an important part of the conference agreement and I thank the Senator from Alaska and the Senator from Arkansas for their hard work in reaching an agreement to help the small-scale miners on Federal land. Their explanation is most instructive and it explains well the agreement between the conferees.

LAND ACQUISITION PROVISION

Mr. SANFORD. I would like to ask the distinguished chairman of the Appropriations Committee a question regarding a land acquisition provision contained in the Interior appropriations conference report. I hope to clarify a matter of great importance to the people of North Carolina.

Mr. BYRD. I will be glad to entertain a question from the junior Senator from North Carolina.

Mr. SANFORD. I thank my friend from West Virginia. The Interior conferees worked under very tight budgetary constraints this year, and I commend members on both sides of the isle for their efforts.

The Senate Interior appropriators designated $4.2 million for Forest Service land acquisition in the Chattooga Wild and Scenic River corridor in the mountains of western North Carolina, northeastern Georgia, and northwestern South Carolina. House appropriators allowed $1 million for this worthy project.

Due to funding restrictions and the immediate need to protect several threatened properties in North Carolina, it is my understanding that the Interior appropriations conferees agreed, as a position of compromise, to designate $1.8 million in the Forest Service land acquisitions account for the Chattooga River project solely in the State of North Carolina.

Mr. BYRD. My friend from North Carolina is correct that agreement was reached among conferees to direct $1.8 million for the Chattooga program in his State. I am pleased that this allocation will likely save some of this Nation's most biologically diverse and ecologically sensitive lands.

Mr. SANFORD. I greatly appreciate the opportunity provided me by the chairman to clarify this most important matter. Once again, I must thank the senior Senator from West Virginia and his fellow conferees for their good work this year.

SOUTHWEST FOREST STUDY

Mr. DECONCINI. Mr. President, during Senate consideration of H.R. 5503 I had the opportunity to enter into a colloquy with my distinguished colleagues, Senator DOMENICI and Senator GARN, and with the distinguished floor manager concerning the Southwest forest study which has recently been awarded to a consortium of universities from Arizona, New Mexico, and Utah coordinated through Northern Arizona University. The study was initiated in fiscal year 1992 by the Congress with an appropriation of $300,000. Because of the lengthy but necessary competitive bidding process, the study is just getting underway and almost none of the appropriated funds have been spent. The Senate provided $500,000 for the study for fiscal year 1993. The conferees, however, have reduced that number to $300,000. It is my understanding that both fiscal year 1992 and fiscal year 1993 funds, totaling approximately $600,000, will be available to be expended for the study in fiscal year 1993, and would ask the distin-

guished floor manager if he shares that understanding.

Mr. BYRD. The Senator is correct.

Mr. DECONCINI. I thank the chairman.

BIA AMENDMENT DROPPED IN CONFERENCE

Mr. STEVENS. I included an amendment in the Senate Interior appropriations bill to make certain Alaska Native villages eligible to receive Bureau of Indian Affairs road funds. The conference committee deleted this amendment based on a Solicitor's opinion that the amendment was redundant and unnecessary. The Solicitor's opinion stated that villages such as Craig, AK, already qualify under the existing BIA road program. The opinion explained that recent changes permitted Native villages such as Craig, with less than 50 percent Native population, to qualify for BIA road funds. Based on this opinion, the conference committee agreed to delete my amendment. Is my understanding correct?

Mr. BYRD. Yes; the Senator is correct. The amendment of the Senator was dropped during conference because the Solicitor's office issued an opinion that current BIA policy already makes cities such as Craig, AK, eligible to receive BIA road funds.

Mr. STEVENS. I thank my friend from West Virginia.

THE MIDDLE RIO GRANDE BIOLOGICAL MANAGEMENT PLAN

Mr. DOMENICI. Mr. President, as the Senate considers the conference report to accompany H.R. 5503, the Interior and related agencies appropriations bill for fiscal year 1993, I would like to seek the chairman's assistance with regard to the implementation of a biological management plan for the Bosque habitat along the Middle Rio Grande River in New Mexico.

There is no doubt that the conference on the Interior appropriations bill is one of the most difficult conferences in which I have participated. I commend the distinguished chairman and the ranking member for the fine job they did in crafting a final bill that will be acceptable to the President. Such an outcome tasked them with reductions in the bill of approximately $500 million.

With this outcome, every priority could not necessarily be funded, and that proved to be the case with one item of particular importance to me. That item is continued progress on a strategy to protect one of the last remaining Bosque habitats in the Nation, which is along the Middle Rio Grande River in New Mexico. I am most grateful for the support of the subcommittee for this initiative this year and in the previous 2 years. The pending bill includes an additional $200,000 through the Fish and Wildlife Service Resource Management Program to continue the Bosque effort. The conferees did not approve, however, the full $400,000 contained in the Senate bill to proceed with the development of a multiagency management plan for the Bosque area, which is the next important step in this effort.

The Bosque protection plan has widespread community support and unprecedented cooperation among the Fish and Wildlife Service, the Army Corps of Engineers, and the Bureau of Reclamation, which have entered into a memorandum of agreement to work on this initiative. Would it be acceptable to the distinguished chairman that within established reprogramming guidelines additional resources above the $200,000 included in the conference report could be devoted to the preparation of the Middle Rio Grande biological management plan within the overall funding approved for the Fish and Wildlife Service?

Mr. BYRD. I understand the Senator's concern about proceeding with the Middle Rio Grande biological management plan and commend the close cooperation of several Federal agencies in protecting and seeking to regenerate this riparian habitat. If this project is of sufficient priority of the service to propose a reallocation within existing funds, it would be acceptable for the Fish and Wildlife Service to contribute additional resources to other Bosque initiative using its normal reprogramming guidelines.

Mr. NICKLES. I join the distinguished chairman in urging the Fish and Wildlife Service to continue its support for the Bosque initiative.

Mr. DOMENICI. If necessary, would the distinguished chairman and ranking member entertain a formal reprogramming request from the administration if it determines that additional resources are needed to prepare the Bosque biological management plan?

Mr. BYRD. I would be willing to entertain such a reprogramming request if necessary, but I would hope that this initiative could be supported by the Fish and Wildlife Service within the framework of this bill. Under current authorities, the Service may reprogram up to $250,000 without advance approval of the committees.

Mr. NICKLES. I concur with the distinguished chairman and would expect that the Fish and Wildlife Service will support the Bosque management plan.

Mr. DOMENICI. I thank the distinguished chairman for his consideration of this initiative, and for the strong support he has given to several pressing matters of importance to my home State of New Mexico. I thank my friend from Oklahoma for his assistance on many important issues in this bill. I am most appreciative for their sensitivity to the significance of the programs in the Interior appropriations bill to public lands States such as New Mexico.

LAKE CHAMPLAIN AND THE FOREST LEGACY PROGRAM PROVISIONS OF H.R. 5503

Mr. LEAHY. Mr. President, I would like to seek the chairman's assistance in making clarifications to the fiscal year 1993 appropriation for the Forest Legacy Program and the U.S. Geological Survey's [USGS] Lake Champlain activities.

To start I would like to thank the chairman for his willingness to work with me and other supporters of the Forest Legacy Program. We are making great strides in conserving the environmental and economic benefits of our private forests. The Forest Legacy Program is a very important part of our efforts.

The Senate report states that Forest Legacy Program funds should be equitably allocated among all States with active programs based on demand for projects in each State. Future allocations for the legacy program should be divided such that 50 percent of the funds are divided equally among the States with approved programs, and the balance to be distributed on a basis determined jointly by the Secretary and the States. This allocation determination should be decided within 90 days of enactment of this legislation. While the conference was silent on this language do you agree that the Secretary should move as quickly as possible to take action on this Senate report language?

Mr. BYRD. I agree. As the Senator knows, unless language in the House and Senate report is addressed to the contrary by the conferees, it is to be complied with by the agency.

Mr. LEAHY. Does the chairman also agree that it was the conference's intent that the States of New York and New Jersey are eligible to receive a maximum of $3 million of the $10 million allocated to the Forest Legacy Program? In other words, if the Secretary makes $3 million available to New York and New Jersey for the New York/New Jersey Highlands, the remaining $7 million would be divided among the remaining States who are actively participating in the Forest Legacy Program.

Mr. BYRD. I would say to the Senator from Vermont that it was the expectation of the committee when the Senate passed the Interior bill that because of the funds made available for the New York/New Jersey Highlands, the balance of the legacy program funds would be available for other eligible States. Since the House did not include any funding for the Forest Legacy Program other than for the New York/New Jersey Highlands, the Forest Service should consider the intention of the Senate in allocating the funding agreed to by the conferees.

Mr. LEAHY. With regard to Lake Champlain, there was some confusion last year as to the intention of the committee in funding USGS efforts to

implement the Lake Champlain Special Designation Act—Public Law 101-596.

The act directs the USGS to concentrate its efforts in three areas: First, to coordinate the development of a geographic information system for Lake Champlain; second, to bring USGS recording sites in the basin up to continuous monitoring status; and third, establish additional continuous monitoring station sites as needed. In fiscal 1992, the appropriations were directed by the committee to other elements of the Lake Champlain Basin Program. I would very much appreciate the assurance of the chairman that it is the intention of the committee that fiscal year 1993 funding be applied to the three priority items mentioned in Public Law 101-596. Doing so will enhance the USGS Champlain effort.

Mr. BYRD. It is indeed the intention of this committee that these funds are intended for both the monitoring stations and geographic information systems coordination as directed by the Lake Champlain Management Conference.

Mr. LEAHY. I thank Senator BYRD for helping to clarify these matters.

INSPECTOR FOR PORT OF PHILADELPHIA

Mr. LAUTENBERG. Mr. President, I rise in support of the fiscal year 1993 Interior appropriations conference agreement, and commend the distinguished Senate Appropriations chairman, Senator ROBERT C. BYRD, for his outstanding efforts on this bill.

This legislation includes an important provision, at my request, to restore a part-time inspector at the Port of Philadelphia.

Under the Endangered Species Act of 1973, all fish and wildlife products, with limited exception, imported or exported through United States seaports must be inspected by an authorized Fish and Wildlife inspector. In addition, this cargo must pass through a port designated to accept such cargo or shippers must obtain a designated port exception permit issued by the Fish and Wildlife Service. A wide range of cargo is covered under the Endangered Species Act, including products such as lizard watchbands, leather sofas, fur coats, and leather shoes.

The Port of Philadelphia is not one of the Fish and Wildlife Service's 10 designated ports. Until recently, however, the Port of Philadelphia was able to accept cargo regulated by the Endangered Species Act because a part-time inspector from Newark, NJ, traveled to Philadelphia about once per week to inspect the cargo under a nondesignated port exception permit. When that wildlife inspector's position became vacant the Fish and Wildlife Service, citing inadequate funding and personnel, failed to hire a replacement inspector to service the Port of Philadelphia. As a result, cargo is no longer eligible for a designated port exception permit at the Port of Philadelphia.

The loss of an inspector has an adverse impact on the amount and type of cargo that can be handled at the Port of Philadelphia. Unless a part-time inspector is reinstated in Philadelphia, the port will no longer be able to receive shipments subject to regulation under the Endangered Species Act. Perhaps of even greater concern, however, is the potential loss of business from large shippers, like retail stores, who may choose to bypass Philadelphia for all of their imports. Importers tend to utilize as few ports as possible but expect full Government services regardless of the type of cargo.

A part-time inspector would ensure the issuance of designated port exception permits to shippers and help the Port of Philadelphia continue to play a vital role in the Philadelphia-Southern New Jersey region's economic well-being.

I am thankful that this legislation includes funding to support restoration of a part-time inspector at the Philadelphia Port.

Mr. LAUTENBERG. Mr. President, I rise in support of the fiscal year 1993 Interior appropriations conference agreement and to commend the distinguished Senate Appropriations chairman, Senator ROBERT C. BYRD, for his outstanding efforts on this bill.

This legislation makes important investments in the preservation of our Nation's natural and cultural heritage through its support of the National Park Service, the U.S. Fish and Wildlife Service, and the Forest Service. It also provides essential support for the National Foundation on the Arts and Humanities as well as for the National Holocaust Memorial Council.

I would like to discuss a number of items involving parks, historic preservation, and open space that are important to my State and which are addressed in this legislation.

PROTECTING THE NEW JERSEY SHORE FROM OIL-SPILLS

Mr. President, I would like to express my support for the bill's provision banning OCS leasing activities on lease sale 164, which includes the Mid-Atlantic Planning Area, including the waters off the New Jersey coast. The conference agreement contains moratoria language, and I am very pleased that the committee chose to support my request to include the moratoria in the agreement.

This language is consistent with Senate action earlier this year. During the Senate's consideration of S. 2166, the National Energy Strategy Act, the Senate included a provision which would ban leasing off New Jersey for the remainder of this decade. The House companion bill includes a moratorium along the entire east coast of the United States.

In 1988, then-candidate George Bush visited the New Jersey shore. He called the pollution of our coastal waters and beaches a national tragedy, and promised to protect the Nation's shores. Yet, in his June 1990 OCS moratoria decision, the President protected only a portion of the Nation's coastline. Although he recommended moratoria for most of the west coast, much of New England and certain areas off western Florida, the President flatly ignored New Jersey and the other Mid- and South Atlantic States. That decision effectively discriminates against these States by saying that other offshore areas are somehow more sensitive and more deserving of protection.

It took the National Academy of Sciences 3 years, and the President's OCS Task Force another year, just to conclude that the areas placed under moratoria needed further study. And the President's decision called for an additional 6-10 years of study to determine the environmental impacts on these States. How can the administration already have all the answers for New Jersey and the other unprotected States? The answer is, it cannot.

Obviously, the President does not believe that these States deserve protection. But the economies of these unprotected States rely heavily on their coastal resources. And spilled oil can have devastating effects on a State's commercial and recreational industries, not to mention the damage it can inflict on its marine and estuarine systems.

The waters off New Jersey are just as precious as those covered by the President's ban: Our beaches deserve equal treatment. Since the June 1990 decision, I have sent several letters to the President, and have met with the Director of the Minerals Management Service. In each instance, I have urged that New Jersey receive the same type of environmental reviews as those States which obtained moratoria. Unfortunately, the MMS is proposing to make available vast acreage off the eastern seaboard for oil and gas leasing. It's now up to the Congress to remove the prejudice and instill some justice into the OCS planning and leasing processes.

In the wake of the gulf war, the administration's National Energy Strategy proposed increasing our domestic production to offset our dependence on foreign oil. And OCS development was to play an important role in the administration's energy plan. Yet, even if we did develop all of the unleased portions of our OCS, it would provide us with less than 1 percent of world oil supplies. The Minerals Management Service has estimated that there is less than a month's worth of oil in lease sale 164.

These are meager benefits in the face of the potential economic and environmental risks posed to our vulnerable coastal States, and OCS development would do little to affect our reliance on the volatile world oil markets.

Increasing domestic oil production from our ocean waters is a short-term fix to our shortage of oil. The United States simply does not possess large enough reserves—on land or offshore—to satisfy this Nation's insatiable appetite for oil. The United States has the highest per capita energy consumption rate in the world. If we truly want to wean ourselves from foreign oil dependence, the answer lies in reducing our use of oil, and increasing our use of alternative fuels and renewable energy—not in increased domestic oil production from our ocean waters.

I commend the conference committee for its attention to this very important issue.

LAND ACQUISITION FOR WILDLIFE REFUGES AND PARKS

Mr. President, this legislation also contains funding for refuge land acquisition that is of special significance to my State. New Jersey is the most densely populated and urbanized State in the Nation, but New Jersey also has many beautiful natural areas that are home to adverse plant and animal life. The fact that New Jersey is so urbanized, makes the preservation of our remaining undeveloped areas that much more important.

The New Jersey coast is an area that feels the pressure of development very acutely. I'm very pleased that, at my request, this legislation contains $4.5 million to continue acquisition of critical properties at the E.B. Forsythe National Wildlife Refuge.

The Forsythe Refuge includes critical wintering habitat for black ducks and Atlantic brant, as well as habitat for the peregrine falcon, blue heron, and the piping plover.

Last year, I worked with the chairman to provide $4 million to enable the Fish and Wildlife Service to continue acquisition at the Forsythe Refuge. Recently, the Fish and Wildlife Service obtained title to the properties with money Congress appropriated last year. I'm very pleased that acquisition has begun, but more funding is needed to continue this very important project.

This money will provide a shot in the arm for conservation efforts at the Reedy Creek unit, and the Port Republic/Chestnut Neck area of the Forsythe Refuge.

In 1990, the Senate passed my legislation to establish in law the Wallkill National Wildlife Refuge, and later Congress appropriated funds to begin acquisition there. Recently, I had the privilege to join with others in the dedication of the Wallkill Refuge. This year, I would like to commend the committee for its inclusion of $1.5 million to continue land acquisition at the Wallkill Refuge.

The Wallkill River and its adjacent lands comprise one of the last high-quality waterfowl concentration areas in northwestern New Jersey, and is home to a diversity of wildlife, including many State-listed endangered species. These acquisitions are another important step in the conservation of ecologically significant land in New Jersey.

Mr. President, I would also like to point out that, at my request, this legislation contains $750,000 for land acquisition at the Great Swamp National Wildlife Refuge. This refuge, located 25 miles west of New York City, is under heavy development pressure. The acquisition of land provided for in the bill will prevent encroachment from residential development that is rapidy destroying valuable habitat, degrading water quality, and threatening the ecological integrity of the swamp.

This legislation also provides $3.5 million for land acquisition at the Cape May National Wildlife Refuge. The Cape May refuge is divided into two sections, the Delaware Bay Division and the Cedar Swamp Division, and includes land considered among the Atlantic flyway's most important staging and wintering areas during spring and fall bird migration. The refuge also contains habitats important for various plant species being considered for Federal threatened or endangered listing.

I also want to thank the chairman for his help in having $1.5 million included in the legislation for continuing land acquisition within the Pinelands National Reserve.

Created by Congress in 1978, the Pinelands marked the first application of the National Reserve concept. The Pinelands Reserve is comprised of 1.1 million acres of land that spans seven counties, and is characterized by low, dense forests of pine and oak, cedar and hardwood swamps, bogs, marshes and pitch pine lowlands. The reserve contains 12,000 acres of pigmy forest which is made up of dwarf pine and oak smaller than 11 feet in height. Also, the reserve houses 850 species of plants and 350 species of animals including rare species such as the Pine Barrens tree frog.

Three major rivers run through the reserve. Funding for land acquisition in this area will be matched by New Jersey State funds making a minimum of $3.0 million available to preserve this unique area.

Overall, this legislation contains nearly $12 million for land acquisition in New Jersey's parks and refuges, and I'm extremely pleased that we are taking important steps to protect and preserve these environmental treasures and open spaces for ourselves and for our children.

NEW YORK-NEW JERSEY HIGHLANDS

Mr. President, this legislation contains an important project relating to the New York-New Jersey Highlands region. This bi-State region consists of 1.1 million acres and serves as the backyard to the Nation's largest metropolitan area—1 in 12 Americans live within a 1- to-2-hour drive of the highlands.

The 1990 Farm bill authorized the Secretary of Agriculture, using the resources of the U.S. Forest Service, to conduct a study of the New York-New Jersey Highlands Region. To accomplish the study, Congress appropriated $250,000 to examine land use patterns and to outline alternative strategies to protect the long-term integrity of lands within the region. That study was recently released by the agency.

The final study discusses the immediate need to protect certain threatened tracts of land which are critical to protecting the quality of the region's water supply. There are 10 major reservoirs and more than a dozen smaller impoundments located in the highlands which, according to the Forest Service, supplies drinking water for over 3.8 million people in New York and New Jersey. Water quality cannot be compromised; it is an essential link to protecting public health and the economic well-being of the region.

The analysis that the Forest Service study provides is a good first step. Now it is essential that efforts be made in this bi-State region to develop an accurate understanding among the varied interest groups of the impacts of development on the region's economy and environment, and to develop actual conservation and development goals.

Included at my request in this legislation is $3 million, under the Forest Legacy Program, to assist in preservation, on a willing seller basis, of Sterling Forest or other critical properties in the New York-New Jersey Highlands. I am especially pleased that language was included, at my request, which makes New Jersey eligible for the first time to participate in the Forest Legacy Program.

The Forest Legacy Program is important to highly urbanized States like New Jersey which do not share in the Federal funds allocated for National Forests. I would like to commend my colleague, Senator LEAHY, for his efforts in developing and for being a champion of the Forest Legacy Program.

Sterling Forest consists of 19,500 acres of forested ridges and valleys, lakes, streams and wetlands. The 2,000 acres of the Forest which lie in New Jersey is in the process of being acquired by Passaic County, The remaining 17,500 acres of the forest are located in Orange County, NY. According to the Forest Service, Sterling Forest provides critical protection of the watershed which provides over 2 million people in New Jersey with clean drinking water. I am glad that this legislation makes available funding, through the Forest Legacy program, to help protect some of the important resources in the Highlands region.

GATEWAY NATIONAL RECREATION AREA

Mr. President, I also want to point out that this legislation contains $9.25

million to improve the beach centers and wastewater treatment system at Gateway National Recreation Area's Sandy Hook unit.

Sandy Hook continues to be an especially important recreation spot for residents of highly urbanized areas of New Jersey. Gateway quickly became one of the nation's most popular national parks, and each year millions of people travel to New Jersey to take advantage of Sandy Hook's acres of barrier beaches, bays, lighthouse and historical forts.

With the funding that I requested, the Park Service can begin working on the beach centers and wastewater treatment facilities which are in dire need of upgrading to keep them safe and clean for Sandy Hook's numerous visitors.

AMERICAN LABOR MUSEUM

I am very pleased that the committee included $140,000 to correct structural deficiencies at the American Labor Museum in Haledon, NJ. In 1974, the American Labor Museum was placed on the National and State Registers of Historic Places. In 1983, the Labor Museum was designated a National Historic Landmark and in 1986, the museum was the subject of a National Park Service report which evaluated the endangered status of the Landmark. The funding sought under this year's Interior bill would be used to rectify some of the most pressing structural deficiencies of the site as outlined in the National Park Service's own report.

Mr. President, this project has a personal significance to me. My father worked at the Paterson silk mills and the American Labor Museum earned its designation as a National Historic Landmark for its critical role during the Paterson Silk Strike of 1913.

The building was the home of Italian immigrant silk workers, Peitro and Maria Botto. The Botto's opened their home as a meeting place for fellow striking silk workers who were banned from Paterson by hostile authorities. The strike is considered a milestone in the Nation's history because of the effort to reform the American workplace. This strike attracted nationwide publicity which was instrumental in gaining momentum for the adoption of Federal child labor and minimum wage laws.

The National Park Service had this to say in its 1986 "National Historic Landmark Condition Assessment Report: "A watershed in American labor history, the strike marked the emergence of non-English speaking immigrants as the major labor force in the Northeast. The nationwide publicity this strike engendered was instrumental in the development of the American social conscience and the adoption of Federal child labor and minimum wage laws. The weekly meetings held . . . at the Botto House were important in maintaining worker solidarity."

Today, the Botto's house is owned and operated by the American Labor Museum, a nonprofit organization devoted to advancing public understanding of work, workers and the labor movement in the United States. The National AFL-CIO has encouraged unions and others to support the Labor Museum's activities.

If the museum is to be successful in its important mission, structural renovations are sorely needed. I hope my colleagues will join me in endorsing this legislation which provides a small, but important, investment of Federal dollars to improve this threatened National Historic Landmark which serves as a tribute to the National Labor movement.

Mr. President, I would again like to commend the distinguished chairman for his outstanding work on this bill and for his cooperation, assistance, and attention to the needs of the State of New Jersey. I would also like to commend the chairman's chief clerk, Sue Masica, for her very helpful and competent assistance. I also would like to thank Rusty Mathews for his assistance.

I urge my colleagues to support this conference agreement.

LOAN GUARANTEE ASSISTANCE TO ISRAEL

Mr. DODD. Mr. President, almost two decades ago, with the passage of the Jackson-Vanik amendment to the 1974 Trade Act, our Nation made a commitment to support the principle of free emigration. This dream was partially realized just a few years ago, when the Soviet Union opened its doors to permit the emigration of Jews to Israel.

Today, with the passage of this appropriations bill, we take one more step toward fulfilling this solemn pledge. The bill before us today provides up to $10 billion of loan guarantee assistance to help Israel with the enormous task of absorbing the newest settlers to its land. I strongly urge my colleagues to support this vital initiative.

I would remind my colleagues that this is a task we could just as easily have accomplished some time ago. In fact, it was just 1 year ago this month that the President told a nationwide television audience he would withhold loan guarantee assistance to Israel until certain political conditions were met. The President made that statement in spite of the fact that more than 400,000 refugees had already flooded the land of Israel—and half a million more were expected to arrive by 1996.

What the President was saying, in effect, was that the same rules permitting loan guarantees to Iraq without conditions, the same rules permitting loan guarantees to Algeria without conditions, and the same rules permitting loan guarantees to El Salvador without conditions, somehow weren't good enough for Israel. That logic was wrong a year ago and it is wrong today.

Nonetheless, Mr. President, the delay in this legislation does not diminish in any way the urgent need these loan guarantees will address. And it does not diminish in any way the critical role these loan guarantees will play in helping the absorption of refugees in Israel. These loan guarantees are absolutely essential if Israel is to complete its remarkable mission of humanity.

Mr. President, the way these loan guarantees will work deserves some explanation. This is not a cash grant, nor is it a loan. Under this program, the United States will simply offer to underwrite up to $10 billion of private, commercial loans to Israel. These loans will be underwritten at a rate of $2 billion every year for a period of 5 years.

Mr. President, I think two additional comments are in order about his measure. First of all, I would note that under the legislation before us today Israel will provide the entire portion of the set-aside required under United States law to support these guarantees. Therefore, as long as these loan guarantees are repaid—and Israel has never defaulted on a loan in its 44-year history—there will be absolutely no cost whatsoever to the United States taxpayer.

I would also like to point out, Mr. President, that once the first year's portion of guarantees have been extended, the legislation provides the President with broad authority to determine the terms and conditions under which the rest of the guarantees are to be issued. I want to express my very strong hope that the President will use this authority in a fair and responsible manner.

Mr. President, almost 2 years ago, in January 1991, Israel stood by the side of the United States and the Desert Storm coalition during the Persian Gulf war. The fortitude and resolve of the Israeli people did not come without a price. Indeed, the Scud attacks on Israel left a terrible scar on the psyche of that nation.

Today, with the legislation before this body, we have a means to repay that moral debt. Our obligation is clear: to approve this vital legislation without delay. I urge my colleagues to support this very important measure.

ORDER FOR ROLLCALL VOTE ON RESOLUTION OF RATIFICATION

Mr. DOLE. Mr. President, as I understand, we do not have the yeas and nays on the resolution of ratification tomorrow. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Now, there are yeas and nays on all four matters tomorrow morning and the votes will start at 10:40?

The PRESIDING OFFICER. The Senator is correct.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that I may be able to proceed for 5 minutes as in morning business.

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

BEAUTIFUL PEACHAM, VT

Mr. JEFFORDS. Mr. President, I cannot resist the opportunity to bring something to my colleagues' attention that occurred recently.

Mr. President, Virginians might never see, Peacham, but for its tree.

If mimicry is the highest form of flattery, where should we place outright theft?

Oh, I suppose that is too harsh a term, but it was with pride and amusement that I learned from the Associated Press yesterday that the Commonwealth of Virginia had purloined a picture of Peacham, VT, for promotional purposes.

It comes as no surprise, really. While the trees of Virginia are well-meaning, they simply cannot match the brilliance of fall foliage in Vermont.

In fact, the town of Peacham and those that surround it are having their fall foliage festival this week, which I recommend highly. Peacham is featured on October 1, so there is still time to get there from here. While there, you might even ask direction's to Marion Clough's house so you could take a photo of the now-famous tree for your own State.

I hope that the Virginia tourism office, which has received some 12,000 inquiries from this brochure, will uphold the tradition of honor that Virginia is so famous for and direct interested parties to the beautiful Northeast Kingdom of Vermont.

And I hope that the Washington Post, which ran a story on this subject today, will realize that Peacham is not near the White Mountains in any way, save perhaps as the crow flies.

Peacham's heart, soul, and taxes belong to the Green Mountain State, and no town is more proud of its heritage than this beautiful community founded in 1776.

East Peacham is a fine little community. The views from East Hill are spectacular, and it is home to some special people.

One of them, Mrs. Thelma White, spent a few years in a futile attempt to beat an education into my legislative director's head, but did help instill in him and hundreds of other children and adults an appreciation for the natural world around them.

She and the dozens of other East Peacham residents are generous and loving people and will probably demand no payment. In fact, you might say "Vermont is for Lovers"!

Yes, I know it must be embarrassing for Virginia for us to have discovered this hopefully inadvertent situation, wherein they took and put on the front cover of their fall invitation to tourists a picture of beautiful Peacham, VT.

But if you really want to see Peacham, come to Vermont. If you do not know how to get there, give my office a call, and we will gladly give you the way. Thank you very much, Mr. President.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislation clerk proceeded to call the roll.

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

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

NEIGHBORHOOD SCHOOLS IMPROVEMENT ACT—CONFERENCE REPORT

Mr. MITCHELL. Mr. President, I submit a report of the committee of conference on S. 2, the education bill, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2) to promote the achievement of national education goals, to measure progress toward such goals, to develop national education standards and voluntary assessments in accordance with such standards and to encourage the comprehensive improvement of America's neighborhood public schools to improve student achievement, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 25, 1992.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send to the desk a cloture motion on the conference report on S. 2, the education bill, and I ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the conference report accompanying S. 2, the education bill:

Paul Simon, Herb Kohl, Jim Sasser, John Breaux, Christopher Dodd, Harry Reid, Charles S. Robb, Daniel K. Akaka, Tom Daschle, Harris Wofford, Dale Bumpers, Richard Bryan, John F. Kerry, Max Baucus, David Pryor, Jay Rockefeller.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the conference report be returned to its previous status at the desk.

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

OMNIBUS CRIME CONTROL ACT—CONFERENCE REPORT

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the Chair lay before the Senate the conference report on H.R. 3371, the omnibus crime control bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3371) to control and prevent crime, having met after full and free conference, have agreed to recommend and do recommend to their respective houses this report, signed by a majority of the conferees.

The Senate resumed consideration of the conference report.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send to the desk a cloture motion on the conference report to accompany H.R. 3371 and I ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the conference report to accompany H.R. 3371, the omnibus crime control bill:

Kent Conrad, Herb Kohl, George Mitchell, David Pryor, Joe Biden, Wyche Fowler, Jeff Bingaman, Al Gore, Tom Daschle, Tim Wirth, Jim Sasser, Richard Bryan, Edward M. Kennedy, John F. Kerry, Daniel Moynihan, Christopher Dodd.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the conference report be returned to its previous status at the desk.

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

THE NATIONAL INSTITUTES OF HEALTH REVITALIZATION AMENDMENTS OF 1992

Mr. MITCHELL. I now ask unanimous consent that the Senate proceed to the consideration of Calendar Item

No. 665, S. 2899, the National Institutes of Health reauthorization bill.

The PRESIDING OFFICER. Is there objection?

Mr. JEFFORDS. I object.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Mr. MITCHELL. I now move to proceed to Calendar Order No. 665, S. 2899, and I send to the desk a cloture motion on the motion to proceed and ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to S. 2899, a bill to revise and extend programs of the National Institutes of Health:

Paul Simon, Harry Reid, Frank Lautenberg, George Mitchell, Carl Levin, Jim Sasser, Joe Biden, Daniel K. Inouye, Alan Cranston, Tom Harkin, Edward M. Kennedy, Howard Metzenbaum, John F. Kerry, Paul Wellstone, Jay Rockefeller, and Brock Adams.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the mandatory quorum as required under rule XXII be waived in relation to this cloture motion.

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

Mr. MITCHELL. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. MITCHELL. Mr. President, I thank my colleagues.

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

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

MORNING BUSINESS

MOST-FAVORED-NATION STATUS FOR SERBIA AND MONTENEGRO

Mr. DANFORTH. Mr. President, the Senate is about to vote on legislation which would have the effect of terminating most-favored-nation status for Serbia and Montenegro. I take the floor now to state that, were there a rollcall vote, and there will not be, on this legislation, I would vote in the negative. I am not asking for a rollcall vote because there is absolutely no doubt in my mind how the vote would turn out. But I want to say to the Senate that, in my judgment, the method of expressing displeasure at other countries, by withdrawing most-favored-nation status, is a very serious mistake. Unfortunately, it is a method that has become commonplace in the Senate.

I can remember a number of years ago attempting to retain most-favored-nation status when it was brought into question with respect to Romania. It was a very difficult fight because the then-Government of Romania was so reprehensible. But we succeeded in making the argument and successfully warding off challenges on the floor of the Senate, because most Senators at that time believed that international trade was a good in and of itself, and that most-favored-nation status should not be used to make a general statement about the good or the ill of the recipient country.

Now we are faced with a couple of examples of efforts to withdraw most-favored-nation status—one with respect to the People's Republic of China, and now in this legislation on Serbia and Montenegro.

Mr. President, I would simply note that it is very hard to stop this trend once it gets a head of steam. There are all kinds of countries that now have most-favored-nation status. It would be difficult, I think, in the future for Senators to take the position that we should not withdraw most-favored-nation status in the case of, for example, Iraq, which has it, or Iran, which has it, or Libya, which has it, and the list could go on and on.

For many years there has been a controversy that generally has involved the Congress on one side and the executive branch on the other side. The executive branch historically has attempted to use international trade as a bargaining chip for foreign policy concerns. Trade has been relegated to secondary or even tertiary status at times by the executive branch. Historically it has been Congress that has tried to elevate international trade, and even goad various administrations into taking trade more seriously.

Now, it seems to me, it is Congress that, almost as a matter of course, is reaching for trade as the first tool for the purpose of accomplishing foreign policy objectives.

Most-favored-nation status, once withdrawn, is very difficult to reinstate. When the government of Serbia and Montenegro changes its policies, hopefully it is not at all clear that it will be quickly reinstated. But, regardless of that, I simply want to express the very strong reservations of one Senator as to what I consider to be a very, very mistaken trend that Congress has embarked on, and to express my opposition to this legislation.

TRIBUTE TO SHERIFF JOHN PHIPPS

Mr. DECONCINI. Mr. President, I rise today to pay tribute to one of Arizona's finest lawmen, a longtime friend, Yuma County Sheriff John Phipps, who is retiring at the end of this year.

Sheriff Phipps began his career with the Yuma County Sheriff's Department on February 2, 1963. He was first elected Sheriff in 1981, and has built an outstanding reputation among his colleagues. He has participated in a number of law enforcement organizations, including the Arizona Law Enforcement Officers Advisory Board, the Arizona Western College Law Enforcement Advisory Board, past president of the Arizona Police Chiefs, County Attorneys and Sheriff's Association, past president of the Southwest Border Alliance and the Select Council on Progressive Enforcement in Arizona.

As Sheriff of Yuma County, John Phipps has had the difficult task of dealing with the increasingly dangerous threat of illegal narcotics and crime associated with the drug trade. Yuma County, situated within 50 miles of the United States/Mexico border, and adjacent to California, is located in the middle of one of the premiere drug trafficking routes in the Southwest. Each year, record amounts of illegal drugs, from marijuana to cocaine, are confiscated in Yuma County. Sheriff Phipps has done an outstanding job in improving the cooperation among the different law enforcement jurisdictions. He has been an invaluable resource to me on the drug interdiction issue. He was always willing to come forward to testify before congressional committees to share his observations and recommendations. His input and expertise will be sorely missed. Sheriff Phipps has been a good friend. He and his wife, Donna, raised two fine children, Kim and Jason. I wish them many happy years of retirement.

TRIBUTE TO JOHN C. CORELLA, 1992 ARIZONA MINORITY SMALL BUSINESS PERSON OF THE YEAR

Mr. DECONCINI. Mr. President, I would like to recognize the extraordinary accomplishments of John C. Corella, president of Corella Electric. Mr. Corella has been named 1992 Arizona Minority Small Business Person of the Year by the Phoenix District Office of the U.S. Small Business Administration. This achievement is underscored by his being named Regional Minority Small Business Person of the Year for 1992.

John C. Corella grew up in a ghetto in Phoenix, AZ, known as the Golden Gate Barrio. His life was not easy, but with the encouragement of his father he pursued an education in electrical engineering. During the 7 years he was employed at an electrical and mechanical engineering firm, John gained the

kind of reputation that allowed him to start his own company with contracts in hand.

Starting a business is not easy, even when one is as talented as John. However, he was determined to build a business and work for himself. John formed Corella Electric in 1976. As with many small businesses, he was unable to secure a line of credit from the bank for start-up costs. He covered these costs by borrowing $250.00 on his personal Mastercard. He had only one employee besides himself and worked out of an old truck. He finished his first year with revenues of $75,000. Today he has a line of credit of $1 million with Arizona banks and has 50 employees.

Corella Electric is a model business with exemplary hiring practices. The company is 29 percent minority, has hired four former prison inmates and over 20 veterans. Another 20 of the part-time and full-time employees were hired through the Minority Business Development Agency hiring services. Corella has even taken on a special case. He employs one elderly, EMH person. This gentleman is a ward of the State of Arizona. By having this job, he has been able to gain a sense of self-worth and the feeling of accomplishment.

John believes strongly in giving back to the community. He contributes to numerous charities. He has donated money and labor for the construction of several churches in Phoenix. As an active participant in the Coors Hispanic Student Service Program at Arizona State University, his company provides internships for Hispanic students attending ASU. In addition, John donates money to a scholarship fund for Murphy Elementary School. Scholarships are awarded to eighth graders and the fund acts as an incentive for students to stay in school.

One of John's most important contributions is his annual speech to graduating classes. John believes in the "Three T's to Success—Talent, Timing and Temperance." Through his presentation, John hopes to instill in graduating classes the desire to succeed by reminding them that our country is one of boundless opportunities.

I know my colleagues will join me in congratulating John C. Corella on his many accomplishments and his deep commitment to providing the less fortunate in our society with opportunity and hope for a better life. We in Arizona are very proud of John Corella.

TRIBUTE TO ARMY GEN. JAMES A. VAN FLEET

Mr. GRAHAM. Today at Arlington National Cemetery, an outstanding American soldier was laid to rest: Gen. James A. Van Fleet of the U.S. Army.

We mourn his passing and salute his leadership during war and peace, at home and abroad, in the classroom and on the battlefield. General Van Fleet, who fought in four wars, had celebrated his 100th birthday on March 19.

After a rich and full life, the general died September 23, at his beloved ranch in Polk County, FL.

Mr. President, General Van Fleet personified the highest ideals of our military: patriotism, courage, fitness and long service to his Nation. The Van Fleet military career spanned 42 years throughout the globe.

Raised in Bartow, FL, young Jamie—as his mother called him—was a versatile athlete. His first trip away from Bartow was an overnight stay in St. Petersburg with his hometown basketball team.

At the U.S. Military Academy at West Point, Cadet Van Fleet was part of the Army football team that played Knute Rockne and Notre Dame. Van Fleet was a running back on West Point's undefeated team in his senior year, 1915. His class at West Point included would-be generals Dwight D. Eisenhower and Omar N. Bradley.

During World War I, Van Fleet served as captain of a machine-gun unit in France, where he was wounded just days before the war ended.

After the First World War, Van Fleet helped lead the Reserve Officer Training Corps. While he has commandant of cadets at the University of Florida at Gainesville, Van Fleet also served as head football coach in 1923 and 1924.

In World War II, Van Fleet led one of the landings of Allied troops at Normandy in 1944. Twice wounded in Europe, Van Fleet was awarded the Purple Heart and many other medals.

President Truman sent General Van Fleet to Greece in 1948, where he directed operations against rebel guerrillas and helped train the Greek army.

General Van Fleet commanded the 8th Army in Korea and became field commander of the U.N. Forces. He retired from the military in 1953.

Not forgetting his service to their nations, Greeks and Koreans attended General Van Fleet's funeral today at Arlington National Cemetery.

Likewise, we will not forget General Van Fleet's role in defending America during this century. As we pay tribute to his memory, we renew our commitment to the ideals that guided his long and productive life.

BANKING REGULATORY REFORM

Mr. WALLOP. Mr. President, while some Government oversight of the banking industry is needed, certain regulations and paperwork requirements are adversely affecting the ability of our Nation's banks to provide credit. I believe it is essential that steps be taken to overturn unnecessary banking regulations this year. One possible legislative instrument is the upcoming conference report for S. 3031, the housing reauthorization bill.

Unwarranted Federal banking rules not related to the safety and soundness of banks require valuable resources to be squandered. A recent American Bankers Association survey estimates that $10.7 billion is spent annually to comply with banking regulations. This cost represents 12 percent of banks' total operating expenses and 59 percent of net income in 1991. Costs far exceed any perceived benefits, and the ability of financial institutions to serve communities in Wyoming and other States is undermined.

Community banks are being choked, and the economic infrastructures of rural America are being damaged. FDIC Chairman Bill Taylor confirmed the impact upon America's 2,000 small town banks having 10 or fewer employees when he said:

> Clearly, community banks simply cannot contend with the paperwork blizzard coming out of Washington. Much of this paperwork is designed to deal with abuses by large, urban-oriented banks that simply hire more staff and increase fees to offset increased costs. Small, rural banks do not have this option, and their communities cannot afford it.

Standards imposing the same regulations on $20 million banks as $200 billion banks will inevitably drive the $20 million banks out of business. Economies in Wyoming and many other areas depend on the ability of well-managed local banks to have the appropriate latitude to serve their customers.

I agree with Bill Ruegamer from Commerce BancShares in Sheridan, WY. In a letter sent this past July he said:

> Malcolm, did you realize that to obtain a federal housing assistance mortgage the borrower or lender must fill out, sign, initial, read, and/or file 43 documents? The cost-benefit of all this type of regulatory compliance needs to be analyzed, and by someone other than the bureaucrats that supervise and enforce them.

Regulatory costs related to a single mortgage loan in small as well as large urban banks range from $200 to $1,000. Roughly two thirds of the total costs of originating home mortgage loans must now be designated for regulatory compliance. If you are a borrower, you are likely to sit in front of your banker an extra 45 minutes to fill out and provide information for forms required by the Federal Government.

Mr. President, bankers and consumers are forced to spend too much time and too many resources trying to stay in compliance with Federal regulations. As a result, hometown bankers do not have adequate time to work closely with their communities. Washington should finally realize that the only way small banks can survive is when bankers can utilize their time and resources to serve folks in the areas they do business in a responsible manner. Excessive bureaucratic red-tape only serves to hinder the important relationships which must exist be-

tween local businesses, consumers, and banks.

Federal mandates are not wanted or needed on the main streets of rural America. Every time Congress enacts additional regulations, consumers end up footing the bill, either from lost services or higher prices. It is time for regulatory reform.

Clearly, certain banking regulations are needed to ensure the integrity of the banking industry, but far too many regulations hinder economic growth. In order to pass along the advantages of low interest rates, bankers cannot be further strangled by wasted hours and millions of dollars required to comply with Federal mandates. Regulatory corrections in the banking industry are important, and I plan to continue pushing for banks to be given appropriate latitude to serve hometown customers in a safe and sound manner.

Tomorrow I plan to introduce legislation to help get the Government off the backs of Americans. Included in the package will be a series of amendments to improve the Regulatory Flexibility Act by providing for agencies to analyze the impact of interpretative rules thus closing a large loophole as interpretative rules are now exempt. Opportunities will also be included for judicial review of rulemaking to ensure real enforcement authority and for the inclusion of the indirect effects and costs of regulation. I am also planning to introduce a bill to protect whistleblowers in small and large businesses who are scared to complain or fight regulators for fear of becoming targets of unsympathetic Federal bureaucrats. I also plan to introduce a resolution asking Senate committees to analyze and report on the impact of legislation on employment and international competitiveness.

To illustrate just a few of many ridiculous regulations, some of my colleagues and I today announced the Red Tape Award. At a press conference this morning featuring a 3-foot high replica of the Statue of Liberty bound and gagged in redtape, we announced that the first recipient was the Occupational Safety and Health Administration [OSHA] for its overzealous enforcement of the hazard communication standard. This absurd regulation requires employers to fill out lengthy forms called material safety data sheets [MSDS's] for hazardous materials in the workplace such as sand, gravel, dishwashing liquid, water, oxygen, and white out. Our group is soliciting nominations for future awards, and over the coming months, it is possible for the Fed, SEC, or yes, even Congress, to be nominated for adopting certain senseless banking regulation(s).

Regulators beware. Americans should no longer be subjected to the irrational whims of Congress or executive agency bureaucrats. If a regulation is not necessary for the safety and soundness of our financial institutions, it should not be imposed. If a needless Federal mandate is identified, it should be overturned.

START

Mr. MOYNIHAN. The singular fact of the START Treaty is that it was negotiated with one state, the Union of Soviet Socialist Republics, and is now submitted to the Senate as a treaty with four different States: Russia, Belarus, Ukraine, and Kazakhstan.

We are told by the Department of State that somewhere in the eighth or ninth year of the 9-year negotiations it began to occur to our negotiators that something like this might happen.

We are further told that a Protocol agreed to in Lisbon in May of this year resolves any difficulties presented by this somewhat awkward development.

We are assured that the treaty with its awesome subject matter fully anticipates all questions of sufficiency and compliance that might arise in the future.

Did not nine years go into making the treaty? But at no point in our hearings did any State Department representative so much as speculate how it was that our negotiators failed utterly to anticipate the extraordinary fact that the U.S.S.R. was going to break up even as the negotiations proceeded.

I was a member of the Senate Observer Group to the negotiations. Ambassador Max M. Kampelman will testify that in meetings in Geneva in the mid-1980's I raised this specific possibility. Starting in 1979 I repeatedly argued in print, and on the Senate floor, that the Soviet Union was on the verge of dissolution. Ambassador Kampelman could hear this argument, even if he did not necessarily agree with it. I do not presume to talk for him in this matter. But to the best of my knowledge he is the only United States official involved with the negotiations or providing intelligence to our negotiators who could even hear the argument.

Surely, it is fair to ask that, If we missed this extraordinary, central, defining event . . . what else did we miss?

I raise the question for the simple reason that the official Government position is that we didn't miss anything. Even the collapse of the Soviet Union. I would suggest accordingly that the Senate ought to approach this treaty with even more than normal caution.

Nothing like this has ever happened in the diplomatic history of the United States. It is very simply an extraordinary development.

The only thing more extraordinary is that the Department of State does not seem to think that anything unusual has happened at all. The treaty was negotiated with one State. It is now to be adhered to by four. One of these, as one gathers, Kazakhstan, has ratified it. None of the other three has done. But we are told that we ought to do so, and with dispatch.

We are dealing here with the fact that the United States Government, with its fabled intelligence systems, failed altogether to foresee the collapse of the Soviet system. Somehow the same mental block—or blockage—now makes it seemingly impossible for the same Government, with its same not quite so fabled intelligence systems, to understand that they missed it.

It is, of course, a large question, one that historians will work at for centuries. How could something this huge come about so unexpectedly? In a notable paper, "Anticipations of the Failure of Communism," presented to an academic meeting this summer, Seymour Martin Lipset sets forth the large proposition:

> The basis question which social scientists have to deal with in reacting to the collapse of Communism in the Soviet Union is why they, and it must be admitted, other nonacademic experts such as the intelligence agencies of the great Western powers, did not anticipate that this would happen, or even that it could occur. The evidence is fairly clear that the world was taken by surprise by the transformations which emerged under Gorbachev and even more by the outlawing of the Communist party after the coup against him. There was, of course, a failure to anticipate that the eastern European Communist regimes would give up power.
>
> These events, both in the Russian empire and in the Soviet Union itself, seemingly challenged a fundamental assumption of Marxism as well as various generalizations made by non Marxists. The Marxist one is that no ruling class gives up power without being forced out, most typically by a revolution. The non Marxist assumption was that the unique all controlling, all encompassing, totalitarian systems in the Communist world were basically stable, that they could not be overthrown, that they would not give up as right-wing authoritarian systems did in Spain, Greece, Portugal, Argentina Brazil, Chile, etc. Jeane Kirkpatrick's differentiation between non Communist dictatorships, which were inherently unstable and could be overthrown, and Communist totalitarianism, which held absolute power and would never yield, seemed valid. The fact is, as we now well know, that the analysis was wrong. Communism could and did collapse, much more quickly and totally than anyone thought possible.
>
> The basic problem with the analyses of the Soviet Union, both academic and non academic, is that they were fraught with ideology and politics. Both the Left and the Right made judgments about the Soviet system which derived from their political beliefs. The Right believed that the Soviet Union was an "evil empire," that it was an oppressive totalitarian regime ready to use all resources under its control to retain and even to extend its power. Given its strength, including complete domination of means of communication, of propaganda, and education, and the willingness to spend considerable funds on repressive institutions, the military and the secret police in particular,

plus the apparatus and ideological commitment of the Communist Party, there seemed no way the system could be overthrown from within. The Right was certain that the system was exploitive, that it violated the logic of economics and of human nature, that there was considerable opposition to the regime, but few thought this might produce a breakdown. The Right also believed that the system was militarily efficient, that morale in the armed services was reasonably high since they were treated well, and that therefore the Soviets were a serious threat.

The Left differed in its assumptions or beliefs about the nature of Soviet society. At one extreme, the various wings of the Communist movement agreed that the system was a good one, a progressive one that was leading to improvements in productivity and the standard of living of the population and that the people supported Communism. The non Communist Left varied considerably in its judgments, from assessments which were close to those of the Communists to much more critical ones, and in some cases evaluations which were not far from those of the Right. Basically, the various parts of the Left saw the Communist world as on their side, as representing some form of socialism, as efforts to create a more egalitarian and ultimately freer social system. Many felt that this effort was distorted, was corrupted, but the Soviet system was regarded essentially as part of their world, as on the Left. In interpreting the reasons for the Cold War, the Left put much more of the responsibility on the west. They did not believe that there was a Soviet military threat. But again regardless of feelings about the nature of the system, the Left agreed with the Right that the Soviet regime would not be overthrown and that any consideration of its breaking down from within was a near impossibility.

There were, of course, a number of American analysts who were on to the Soviet decline. Dr. Lipset mentions Murray Feshbach, a distinguished scholar and Federal civil servant. Also, the hugely talented Nicholas Eberstadt, who once helped me teach the course "Social Science and Social Policy" at Harvard University. Then there is Randall Collins, now professor of sociology at the University of California, Riverside.

Awareness that the nationality question, ethnic tension, would undermine the system, is at the heart of the analysis by * * * Randall Collins. In a paper he wrote in 1980, but had difficulty in publishing in academic journals until it appeared in his own book of essays in 1986, Collins wrote that the Soviet Union "had already reached its limit * * * and was entering a period of * * * decline * * * with the likelihood of extensive decline becoming very high before the 21st century." He concluded that the country was overextended economically, militarily, and politically, that it would not be able to control "the Baltic, the Ukraine, the Caucasus and the Central Asian Moslem territories." These would follow on the "breakdown of the central power of the Russian state." As a Weberian, he emphasized legitimacy, and suggested that the Soviet Union had major legitimacy problems, since the failures of the system had produced a loss of faith in Marxism, in Communist ideology. The privileged no longer had faith.

Note Lipset's observation that Professor Collins had difficulty publishing. I have recently heard from him on this subject, and would share his comments with the Senate.

As I mentioned to Marty Lipset, the original paper was given at Yale and Columbia in Spring 1980, including an audience of Soviet specialists. I hadn't developed the theory for the purpose of treating the US/USSR arms race, but since I had the theory, and the issue of that year's campaign was the "window of vulnerability", I plugged current data into the theory and was surprised with the result. No one attempted to countermand the data or the theory, but the result was regarded as beyond the range of believability.

The mind-set of both right and left seemed to be against recognizing any possibility of Russian vulnerability. The right was galvanized by Simmelian solidarity against their enemy; the left was mobilized around the theme of "Mutual Assured Destruction" and didn't want to hear any non-altruistic end to the arms race. "You sound like the Joint Chiefs of Staff" was the comment of one peace activist. The editors of *Science* thought my piece was sufficiently off the wall that they declined to send it out for review. Hence it ended up in my [1986] collection of Weber scholarship.

Lipset goes on to suggest that, in contrast with the general blockage, President Reagan, from the "Right" and this Senator, from the "Left" did foresee the Soviet breakup.

* * * Daniel Patrick Moynihan, in a series of prescient statements, made from the late seventies on, gave even more emphasis to the terrible weakness of the Soviet Union. Asked to predict what would happen in the 1980s, he stated in 1979 that the Soviet system "could blow up." He pointed to the economic down turn, the "*rise* in mortality rates, the nationality strains." In a speech in the Senate in January 1980, Moynihan noted: "The indices of economic stagnation and even decline are extraordinary. The indices of social disorder—social pathology is not too strong a term—are even more so. The defining event of the decade might well be the breakup of the Soviet Empire." In 1984, he pointed to the absence of legitimacy, "that the Soviet idea is spent * * * it summons no loyalty." Again in that year, he commented, "the Soviet Union is weak and getting weaker," and in October 1984, before Gorbachev took office, Moynihan proclaimed: "The Cold War is over, the West won. * * * The Soviet Union * * * has collapsed. As a society it just doesn't work. Nobody believes in it anymore." Moynihan differed from Reagan in drawing policy implications. His strategy "for dealing with the Soviets is to wait them out." They will collapse.

It is not without a measure of embarrassment that I cite Lipset. It is not the sort of thing one inflects on colleagues. I do so, frankly, for lack of an alternative citation. It seems to me important to establish—much as a person might do in an experiment in mechanical engineering—that it was possible to foresee the break up of the Soviet Union. Our Government did not, and just as importantly, could not hear any argument otherwise. No one in Geneva at the START talks—the exception being Ambassador Kampelman, who was not a career officer—could, as I have said, even hear this. No one ever once said to me, for example, "Senator, I see what you are saying. Senator, you are wrong." Our negotiators just could not grasp the concept of a Soviet collapse, up until and even after it actually occurred.

There are, of course, exceptions. One hugely honorable exception, is Adm. Stansfield Turner, who has written in Foreign Affairs magazine that—

We should not gloss over the enormity of [the] failure to forecast the magnitude of the Soviet crisis. * * * I never heard a suggestion from the CIA, or the intelligence arms of the departments of defense or state, that numerous Soviets recognized a growing, systematic economic problem.

The CIA points to Director Gates' speech on May 19, 1992 to the Foreign Policy Association in New York as a refutation of the charge that it missed the Soviet collapse. Yet in that very speech the DCI concedes that it was "only in early 1989" that our intelligence community began "to think that the entire edifice might well collapse." This is not when the Agency decided that it would collapse. This is when it began to think that it might. As the Berlin wall was already coming down.

If anyone in the intelligence community had any clearer idea that the START Treaty should be crafted as a multilateral treaty they failed to share this information with our negotiators. During the committee's June 25, 1992, hearing I asked Ambassadors Brooks and Lehman "when did you, as negotiators, first contemplate the possibility that you would be signing a treaty with four countries and not one?" Note that, again, I was not asking when they decided that this was a certainty; merely, when did they first begin to think that it was a possibility; a scenario to be considered, even if thought to be unlikely. The answers were as startling as they were admirably candid.

Ambassador LEHMAN: Well, if you mean informal speculation it probably began about 2 years ago [i.e. June 1990]. In terms of would this actually have come to pass, I think at the time of the Moscow coup [August 1991] people began to realize that some of the themes we were hearing around the Soviet Union might begin moving very quickly.

Senator MOYNIHAN: Two years ago you began to think it might be possible; one year ago it became very real?

Ambassador LEHMAN: I think it became quite obvious that we had to step up to the issue with the dissolution of the Soviet Union in December of last year.

Senator MOYNIHAN: About December of last year, you had to begin to deal with the proposition of the dissolution of the Soviet Union. Could I ask Ambassador Brooks * * * [w]as there any collective memory of anybody on the Senate observers group suggesting to you that by 1992 you would indeed be negotiating with four governments and not one?

Ambassador BROOKS: Senator, I certainly do not remember that. I think very few of us on our end of the street predicted that * * *.

There was no question that ultimately the communist system in the former Soviet Union would fail. That when it did, [it] would move immediately to the separation

into 15 states is something that I do not recall discussing.

Admiral Turner wrote of "revisionist rumblings" that "the CIA did in fact see the Soviet collapse emerging after all." This testimony—along with the ultimate conclusion of DCI Gates' conclusion that it was only in 1989 that the CIA even began to consider that a Soviet collapse might happen—surely is proof that Admiral Turner is correct when he writes: "On this one, the corporate view missed by a mile."

Now this "enormous" error—to use Admiral Turner's term—has direct consequences for the START Treaty. An enormous, complex treaty crafted as a bilateral agreement comes to us with a bundle of protocols and side letters and presented to the Senate as a multilateral treaty. As the State Department concedes "START was negotiated as a straightforward bilateral arrangement; virtually all the rights and obligations being reciprocal undertakings between the United States and the former Soviet Union." (Memorandum of the Department of State dated September 17, 1992, p. 18.) How will its terms be interpreted by states which did not exist when it was negotiated and who perforce did not participate in its drafting?

This question brings me to the second point I raised during consideration of the treaty in the Foreign Relations Committee. The administration has told the Senate that the side letters we have received from Belarus, Kazakhstan, and Ukraine "have the same force and effect as the provisions of the START Treaty, and that the United States will consider actions inconsistent therewith to be equivalent under international law to actions inconsistent with the START Treaty."

This is a matter of enormous import. What exactly does the administration mean? How does the administration interpret the obligations of international law? How can the Senate be sure that these side letters are binding?

On the very eve of completion of the Committee's report on the treaty—more than two months after I requested answers to these questions—the Department of State has submitted a reply on these issues. On certain basic issues I have no quarrel with the memorandum. It is reassuring to hear from the administration that "international law constitutes a part of the law of the United States" under the Constitution as well as under "decades of case law, much of which has been handed down by the Supreme Court." The Department correctly notes that "the drafters of the Constitution perceived a close and mutually reinforcing relationship between U.S. law and international law. The memorandum also specifically states that "customary international law is indeed part of U.S. law."

It is in this context that I would ask Senators to indulge my sometimes tedious insistence that international law matters. It matters a very great deal here. We are about to stake our national security on the proposition that four successor States to the Soviet Union will abide by an agreement negotiated with a now vanished State in accordance with customary practice under international law. We are asked to understand that letters of agreement constitute binding law.

Hence the concern we may feel when, as has been the case so often in the recent past, the Reagan and now Bush administrations treat compliance with international obligations of this kind as being somehow optional where we are concerned. Mine harbors in Nicaragua? Why not? So much for a treaty of friendship and navigation. Kidnap foreign nationals? Had it coming to them. Which in the case of Dr. Alvarez-Machain is evidently the case. But surely there were other routes the United States might have pursued to avenge the death of a DEA agent. Without putting in jeopardy principles on which we must rely in other matters of transcendent importance.

The administration has, for instance, advanced the disturbing proposition that the President may violate customary international law. See testimony of Attorney General William Barr, "FBI Authority to Seize Suspects Abroad," hearing before the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary, November 8, 1989, p. 11 ("The President has the authority to depart from customary international law * * *."). The Department's memorandum fails utterly to reconcile this argument with its statement that customary international law "is indeed part of U.S. law." Can the President be free to violate customary international law, and yet be obligated by the Constitution to faithfully execute it as part of the law of the land? And if free to violate customary international law, why not treaties? More to the point considering the START Treaty, if the President of the United States may violate customary international law, is not the President of Ukraine free to do so? The President of Belarus?

What international law principles are relevant to the START Treaty? For one, the principle that a treaty is "to be interpreted in good faith in accordance with the ordinary meaning to be given to its terms in their context and in the light of its object and purpose." (Third restatement of the Foreign Relations Law of the United States, section 325(1).) In the Alvarez-Machain case the administration also advanced the proposition that abducting a Mexican citizen to stand trial in the United States is consistent with the comprehensive extradition treaty between the United States and Mexico. The Department's memorandum makes no effort to explain how this abduction can be reconciled with the obligation to interpret a treaty in good faith in light of its object and purpose. No government—and certainly no Mexican Government—would have agreed to an extradition treaty if it was understood that the United States Government considered any right of extradition subject to an overriding privilege of abduction. The object and purpose of the extradition treaty was manifestly to provide an alternative to abductions which would respect the sovereignty of both states.

Nothing in the Department memorandum explains how the invasion of Panama can be reconciled with the United States pledge that the canal treaties would not be used as an excuse to change the form or character or composition of the Government of Panama. Nor does the memorandum reconcile the mining of Nicaraguan harbors with the Treaty of Friendship, Commerce, and Navigation between the United States and Nicaragua. Can it be possible that placing explosive mines in Nicaragua's harbors can be thought in good faith to be consistent with the object and purpose of a treaty on friendship and navigation? Is this the kind of good faith implementation that the United States expects from Russia?

Does the United States expect Belarus to adhere to its side letter with the same fidelity with which the United States fulfilled its treaty commitment not to withdraw from the compulsory jurisdiction of the International Court of Justice without 6 months' notice? One would hope that we will hold them to a rather higher standard, because when the United States learned that Nicaragua was about to take us to the Court we withdrew effective immediately.

Do these things matter? Few Americans will shed tears for Alvarez-Machain. Nor yet for General Noriega. Although the Panamanian civilians killed in order to effect his abduction are a different matter. Americans were generally indifferent to mines placed in the waters of a Communist beachhead that was, they were told, just 2 days' drive from Harlingen, TX.

Barry Goldwater understood, and put it in writing:

> [M]ine the harbors in Nicaragua? This is an act violating international law. It is an act of war. For the life of me, I don't see how we are going to explain it.

One should recall, however, that great legal principles are often established on the basis of far more trivial facts than these. One of the leading Supreme Court decisions confirming the power of the Federal Government to regulate interstate commerce began with the seizure of rotten eggs.

The unfortunate fact for the Senate to ponder as it considers whether to give its consent to the ratification of the START Treaty is that we have gone a long way of late toward estab-

lishing the legal principle that highly suspect interpretations of treaties are acceptable. We are presented with side letters and protocols with Ukraine, Belarus, and Kazakhstan which purport to bind them as well. Do they? How exactly? When administration lawyers tell the Senate that our treaty partners are bound under international law, do they mean they are bound the same way and to the same extent that we were bound by our extradition treaty with Mexico? When they assert that Ukraine is bound by a promise made in a letter, do they mean it is bound the same way we were bound by our promise not to change the character or composition of the Government of Panama? Our friendship and navigation treaty with Nicaragua?

I do not believe that the memorandum supplied by the Department of State resolves these profound issues.

I put these questions without rancor. The treaty will be ratified. I will vote for it. But surely in the years ahead the Department of State will want to acquire a greater vigilance in the matter of executive branch adherence to the letter and spirit of international law. To the extent, if needs be, of raising a certain amount of hell with other departments and agencies in the Federal Government. After all, we are betting a good deal of our national security on the willingness of other, newer and untested governments to abide by these same principles.

HIGHWAY WEIGH-IN

Mr. PRESSLER. Mr. President, last week my home State of South Dakota received the honorable distinction of having the second best highway system in the country. South Dakotans take pride in the State's high quality transportation infrastructure. The South Dakota highway system is an integral part of intrastate and interstate commerce.

Truck cargo travels across the Nation's highways and bridges daily as an important part of our vast commercial network. When freight in excess of road weight limitations travels on this country's highways, stress is put on the roads, creating premature wear and tear. Problems associated with overweight containers on the Nation's highways include: excessive pavement wear; bridge stress; and risks to safety caused by reduced truck braking capacity, overstressed tires, and uneven weight distribution or high center of gravity.

Because I am concerned about the premature deterioration of the country's highways and motorist safety, I asked to become an original cosponsor of Senator EXON's intermodal safe container transportation legislation. This bill, which is patterned after Representative BENTLEY's bill, H.R. 3598, places the responsibility for verifying the weights of intermodal freight in excess of 10,000 pounds on the party that fails to forward the actual gross cargo weight and reasonable description of the contents of a loaded container or trailer to a subsequent carrier transporting the container or trailer in intermodal transportation. Under this legislation, each carrier in the intermodal transportation chain would be responsible for forwarding weight and cargo information to the next carrier in the chain. This would ensure that the motor carriers would have the information necessary to determine whether a load would violate any vehicle weight law before the shipment moves on the highways.

Mr. President, this legislation would help to ensure that our highways remain safe and well-maintained. Every American motorist potentially faces serious injury or death because so many of the containers on our highways are heavily loaded. The Intermodal Safe Containers Act could be a life saver.

THE START TREATY

Mr. CRAIG. Mr. President, I want to reflect my concern as it relates to the START Treaty and several other points that I think have been mentioned in the last several days here as we debated this issue, certainly those that cause me to stand in opposition to START.

There is no doubt that it was a historic event when our President, George Bush and former Soviet Union President, Mikhail Gorbachev, signed this new Strategic Arms Reduction Treaty that we call START. That of course was signed in Moscow July 31, 1991.

However, since the end of July 1991, there have been many other historic events which have caused significant changes in the international situation that all of us I think reflect on today. Gorbachev's stature as head of the Soviet Union was totally destroyed in August 1991 with a coup attempt and, in fact, Gorbachev was immediately transcended in his efforts by a democratically elected Russian Republic President that we have recognized for his tremendous leadership in the world, Boris Yeltsin. Moreover, while there is a new, more democratic leadership structure emerging in the former Soviet Union, there is also a buildup of nuclear arms that is accelerating dangerously despite the signed START Treaty in July.

Thus, while the cold war may be over, the former Soviet Union still has the world's largest nuclear arsenal, and that is something neither this body nor the rest of the world can deny. And the arms race continues to run at an intensified speed that most of us thought was over with some months ago.

Moreover, one bullet could bring back the old hard-line Soviet Communist regime. It is a very fragile environment that the Soviets and those republics now reside in, and one that we must watch on a daily basis or, alternatively, civil wars could break out in the former republics, dramatically changing the politics of the region even in the future.

Those have to be considerations that we must stand ready to be aware of, and stand ready in a posture of strength.

Already there are eight civil wars going on inside the former Soviet Republics. Indeed, there are even civil wars going on inside four nuclear armed republics which are signatory to the START Treaty. I would submit that this situation warrants, if not requires, some renegotiation of that treaty itself. And I think that is the position that several of us in this body hold. It is one that we have to take into consideration.

Mr. President, there are other compelling factors which require a complete renegotiation.

For example:

First, contrary to common sense and international law, the START negotiations were not completed when START was signed at the end of July 1991. Instead, START negotiations secretly continued with the Soviets throughout August and September 1991 on conforming the wording of the treaty. In fact, the United States and the Soviets still continued to negotiate the crucial START verification protocol until as late as October 1991.

Second, the abortive August 19, 1991, Soviet coup attempt by the Communist hardliners with whom we negotiated START for 9 years has discredited the treaty itself. The United States made simply too many unnecessary START concessions to these now discredited hardliners. Moreover, President Bush has recently again reaffirmed his judgment that these same hardliners led by Gorbachev negotiated the 1987 Intermediate-Range Nuclear Forces Treaty in bad faith, and have probably violated the INF Treaty by maintaining undeclared, covert SS-23 missiles banned by the INF Treaty in Eastern Europe.

Third, the swift dissolution of the old Communist Central Government and Communist Party in the aftermath of the coup's failure calls the future viability of START itself into question.

Fourth, the accelerated breakup of the Soviet Union after the failure of the attempted coup into independent self-avowed nuclear-free republics clearly requires significant changes in START.

Fifth, President Bush's recent announcement of American unilateral strategic disarmament measures that go well beyond START provisions requires that the treaty be completely renegotiated.

Sixth, the Soviet strategic buildup has not stopped with the signing of

START, and in fact several ongoing and new Soviet strategic programs are already violating START, thereby requiring its renegotiation.

And seventh, President Bush is still conducting continued additional negotiations with the Russians in Moscow, Washington, and New York on issues stemming from his unilateral disarmament speeches, which are directly related to the proposed START Treaty, the May 23, 1992, Lisbon signature protocol to START, and to the June 17, 1992, joint understanding for a deep-cuts/de-MIRVing START II Treaty, which is yet to be completed.

These seven key events have significantly changed the very basis for START, especially in its current unfinished status, and all require that START be completely renegotiated.

PRESIDENT BUSH'S UNILATERAL DISARMAMENT PLAN

On September 27, 1991, President Bush made a speech outlining a new American strategic posture. Some elements of the new American strategic posture are laudable. Most important is the President's decision to withdraw and eliminate all American tactical nuclear weapons on the ground in Europe, because they have no targets. Moreover, all American strategic missiles, bombers, and submarines should be put under one command. These aspects of the President's speech are sound, and I praise President Bush for his wisdom on these decisions.

However, President Bush also announced the following five American unilateral disarmament measures, all of which have a direct impact upon the provisions of START:

First, the President has ordered the immediate deactivation and the accelerated dismantling of 450 Minuteman II ICBM's, instead of phased dismantling over 7 years as required under START.

Second, the President has ordered the cancellation of both the U.S. rail-mobile and road-mobile new ICBM programs, both of which were deliberately negotiated to be allowed in START.

Third, the President has proposed allowing only one new type ICBM carrying a single warhead under START, when START allows an unlimited number of new type ICBM's carrying up to 10 warheads each. This is a significant change in START's terms.

Fourth, the President has ordered the unilateral deactivation of all U.S. nuclear armed submarine-launched cruise missiles, when up to 800 nuclear armed SLCM's are allowed for the United States in a protocol to START.

Fifth, the President has ordered the unilateral cancellation of the new U.S. short-range attack missile for the new B-2 bomber, and the immediate removal of all U.S. strategic bombers from alert status, completely undercutting the entire rationale for the new B-2, which the Joint Chiefs of Staff have said was essential to deploy in order to make START acceptable to them.

I am concerned about the effects these unilateral actions will have if START is ratified. It could be argued that for the United States to unilaterally disarm in the face of the ongoing Soviet arms control violations, we are not only excusing current treaty violations, but we are actually encouraging future violations.

CONTINUED SOVIET STRATEGIC BUILDUP

In contrast to President's Bush's unilateral disarmament plans, what have the Soviet leaders Gorbachev and Yeltsin been doing in their strategic programs? According to press reports and recent testimony, here is what is happening in the former Soviet Union, which leads me to desire the renegotiation of START:

First, Yeltsin reportedly has resumed road-mobile field dispersal of their SS-35 ICBM's, and is starting the construction of yet another new SS-25 deployment base in Byelorussia.

Second, Yeltsin reportedly is about to flight-test for the first time a new follow-on to the SS-25—probably the so-called Fat Boy missile—which will probably carry three warheads, thereby violating START warhead counting rules.

Third, Yeltsin reportedly has resumed rail-mobile field dispersal of their SS-24 ICBM's, and the Soviets are about to flight-test a new follow-on to the SS-24.

Fourth, Yeltsin reportedly is building yet another new class of ballistic missile submarines, and the Soviets are about to flight-test several new submarine-launched ballistic missiles.

Fifth, Yeltsin reportedly is producing two new air-launched cruise missiles for their bomber forces.

Sixth, the Soviets reportedly are flight-testing a new maneuvering reentry vehicle [MARV] package for their SS-18 ICBM designed to defeat the American SDI, and they even have, according to the CIA, an even newer so-called follow-on to the SS-18 about to be flight-tested.

Seventh, President Bush has reaffirmed his finding that Gorbachev negotiated the INF Treaty in bad faith, and President Bush recently has announced that Gorbachev "probably violated the INF Treaty by maintaining covert SS-23 missiles in Eastern Europe which were banned by the INF Treaty."

And, eighth, for the fourth year in a row, Yeltsin has reneged on his promise to completely dismantle the illegal Krasnoyarsk radar, which Gorbachev previously pledged was supposed to be dismantled before we signed START, and the illegal Krasnoyarsk radar is still standing.

In short, despite signing START in July 1991, the former Soviet Republics are continuing their strategic buildup unchanged, and are continuing their arms control violations. While the United States has decided to unilaterally scrap a significant portion of our strategic weapons, the Soviets continue building hundreds of new ICBM's, SLBM's, and bombers every year, even under Gorbachev and Yeltsin.

According to recently released, declassified, Defense Department intelligence data, last year the Soviets built over 125 ICBM's, over 40 intercontinental bombers, and over 65 SLBM's. In contrast, last year the United States produced only 14 ICBM's, zero bombers and 82 SLBM's.

The Defense Department stated recently that:

> The SS-18, SS-24, and SS-25 * * * ICBMs and the SS-N-20 and SS-N-23 * * * SLBM's remain in production * * * with improved versions of some ICBM and SLBM systems in development * * * the Soviet modernization program includes five new ballistic missiles in development; the United States has none.

The Defense Department added that:

> Furthermore, the United States has terminated its production of new SSBN's at 18, reduced the planned number of the B-2 bomber, advanced cruise missile, and short-range attack missile II, and eliminated plans to deploy either the Peacekeeper on rail or a roadmobile small ICBM.

In retrospect, START was signed in July 1991 a month too soon. During the first half of 1991, the same Soviet hardliners who staged the abortive coup walked back and reneged on previously agreed START provisions which were much more favorable to the United States. Now that the hardliners have been thrown out of office in disgrace and arrested, the United States should completely reopen the START negotiations in order to restore the previously agreed provisions that were more equitable.

This proposed complete renegotiation of START in the context of the June 17, 1992, joint understanding on a START Treaty on deep cuts and the elimination of all ICBM MIRV's, could benefit both sides. Such renegotiation of START should require faster reductions on both sides to eliminate nuclear weapons from seceding republics, and it could result in lower and more stabilizing equal levels of nuclear arms on both sides.

FIVE GOOD REASONS TO COMPLETELY RENEGOTIATE START

There are at least five good reasons why START should be renegotiated.

1. START IS NOT FINISHED

First, as I have noted, it is an astonishing fact that START was still under negotiation for 4 months after its signature, and that this unprecedented ongoing negotiation of an already signed treaty must now be expanded. Indeed, the Bush administration recognizes this fact by initiating and continuing START II Treaty negotiations even before START I is ratified. The continued negotiation of START after signature means that the treaty is still

unfinished, providing the perfect opportunity for START to be completely renegotiated in the context of START II. Indeed, START I has already been completely transcended by START II. Moreover, the START I Treaty was not published or made public, until late November, 1991, yet more than 3½ months elapsed since it was signed on July 31, 1991, by Presidents Bush and Gorbachev.

In significant contrast, the 1972 SALT I Treaty and interim agreement, the 1979 SALT II Treaty, the 1974 TTBT, the 1976 PNET, the 1987 INF Treaty, and the 1990 CFE Treaty were all made public in the United States immediately after their signature by the President of the United States.

The reason that START was not made public for so long was quite simple. Arms control experts inside the executive branch have advised me that START was still being negotiated and many important details of START's actual provisions, especially in the crucial area of verification procedures, reportedly still remained to be finalized. Many experts have pointed out that in Arms Control Treaty negotiations with the Soviets, "the devil is in the details." It seems impossible that something as important as a signed Strategic Arms Reduction Treaty was still under negotiation even after its signature, but this is the unprecedented case in regard to the START Treaty.

The fact that START was still under negotiation after signature proves that it is a signed but still unfinished treaty, and it provides the perfect opportunity to completely renegotiate it. In fact, the President has proposed opening negotiations in Moscow and in Washington soon on strategic issues already contained in the still-uncompleted START Treaty. Indeed, since June 17, 1992, active negotiations have been underway on START II.

In sum, this unprecedented continued negotiation of an already signed but still unfinished START Treaty provides the ideal opportunity for the complete renegotiation of START I, to be codified in a new START II Treaty. But several other factors also support the need to completely renegotiate START.

2. THE SOVIET UNION HAS CHANGED ITS STRUCTURE AND NAME

There is no Soviet Union anymore to be a party to the START Treaty. While this continued negotiation of START was still underway during August through November, 1991, the name of the "Union of Soviet Socialist Republics," which is specified in the title of the START Treaty and throughout the treaty, was changed to the "Union of Sovereign States" and then to the "Commonwealth of Independent States."

But the START Treaty is between the United States and the now defunct Union of Soviet Socialist Republics. Thus not only does the name of one START signatory need to be changed in the title of the START Treaty and throughout the treaty, but President Gorbachev's Title as President of the new country must also be changed to now-Russian President Yeltsin. The post-signature negotiations on START did not address the need to change the structure of START to reflect the changes in the former Soviet Union. In fact, this problem was not addressed until the May 23, 1992, Lisbon protocol.

And indeed, is there really a new central Russian state? If so, is Yeltsin really head of this State? And, for how long? The future of the so-called Commonwealth of Independent States is very tenuous at this time.

To make these changes in the name of one signatory state and title of its head of state should have required at the very least a new heads of State signing ceremony for START, and thus a new summit meeting. In taking that action, it would be easy to incorporate the new American disarmament plans into START, and gain codification of at least some Soviet reciprocity, as well as gaining on concessions made to Soviet hardliners.

3. SOVIET NUCLEAR COMMAND AND CONTROL STRUCTURE HAS CHANGED, REQUIRING CHANGES IN START

There is now no clear, centralized command and control of Soviet nuclear weapons. With the dissolution of the old Union of Soviet Socialist Republics into 15 newly self-declared and recognized independent States, the status and control of the nuclear missiles, bombers, and warheads in the new nation of the Commonwealth of Independent States is not clear.

For example, are the significant numbers of missiles, bombers, and warheads previously covered by START that were permanently located in the now newly Independent States of Russia, the Ukraine, Kazakstan, and Byelorussia now covered under START? Do the newly Independent States have governments which now control the weapons covered under START? Will START and the new, revised union treaty still under negotiation address and resolve these issues?

Moreover, what is the new structure of any residual, central Government of the new "Commonwealth of Independent States," and does this new central government have a new structure for controlling START weapons? What happened to the Subcommittee of the Politburo—the Defense Council—which previously controlled Soviet nuclear weapons through the Military-Industrial Commission or VPK and the general staff of the Soviets Armed Forces acting as a kind of Stavka or Supreme High Command? What is the new central nuclear weapons command structure? How effective is this new central control structure, and how long will it last? Will the new union treaty resolve these issues and establish even newer structures for nuclear weapons command and control?

Thus start must be renegotiated in order to address these important issues.

4. U.S. START CONCESSIONS TO DISCREDITED HARDLINERS MUST BE TAKEN BACK

The START Treaty was signed prematurely, and with a now totally discredited hardline Communist regime. START was negotiated with Soviet hardliners in the Ministry of Defense and Ministry of Foreign Affairs, such as the now fired hardline officials, General Moiseyev, General Yazov, and Foreign Minister Bessmertnyk. During the last 9 months of the negotiations, the United States made many important concessions in the START negotiations with these now discredited hardliners.

But all three of these hardliners, as well as others such as Military-Industrial Commission [VPK] Chairman Beklanov and KGB Chairman Kryuchkov, whose equally hardline son was a key Soviet START delegate during the final negotiations, have been dismissed from office in disgrace. Indeed, most are now in prison, awaiting trial. How can the United States have any confidence that a START treaty negotiated with these disgraced hardliners will be complied with precisely? Thus the United States should try to get a better deal when it completely renegotiates START with the current leadership in the CIS.

5. START HAS FATAL FLAWS WHICH MUST BE CORRECTED BY RENEGOTIATION

START has at least 10 fatal flaws which must be corrected upon complete renegotiation.

Here are some of the most important examples of START's 10 fatal flaws:

First, START completely legalizes two Soviet heavy ICBM's which the Soviets have finally admitted violated SALT I and SALT II. I will explain this problem in more detail in an attached annex.

Second, START is fundamentally unequal and inconsistent with the equality requirement of the Jackson amendment to SALT I. This inequality results because the warhead down loading provisions and the allowance of large numbers of nondeployed missiles give the Soviets the potential to legally have over twice as many warheads as the United States.

Third, START will allow significant Soviet advantages in covert forces, which also will not be counted.

Fourth, START is destabilizing, because it will increase the Soviet first strike advantage, and allow the further modernization of Soviet heavy and super-extra-heavy ICBMs.

Fifth, START will not be effectively verifiable, even with the completion of the greatly scaled-down verification provisions still under negotiation.

In sum, the United States should completely renegotiate START in

order to correct all of these significant deficiencies. The continued negotiation of START provides the ideal opportunity to improve START, making it an equitable and stabilizing arms control treaty.

Finally, the following analysis is a discussion of some newly unclassified data from the START Treaty still under negotiation. The discussion is a case study of the heavy ICBM issues in SALT I, SALT II and START. This discussion proves from Soviet-provided START data that two Soviet missiles were heavy missiles that violated SALT I and SALT II, and also that START will legalize these two previously illegal Soviet heavy ICBM's.

SOVIET VIOLATIONS OF SALT I AND SALT II WITH TWO HEAVY ICBMS ARE CONFIRMED BY NEW SOVIET-PROVIDED START DATA, BUT START WILL NOW LEGALIZE THESE PREVIOUSLY ILLEGAL HEAVY MISSILES

Throughout the 1969–91 period of strategic nuclear arms control negotiations between the United States and the former Soviet Union, the United States has tried to restrict Soviet heavy missiles. One of the most important objectives of the United States has been to prohibit Soviet intercontinental ballistic missiles [ICBM's] which were heavy, from replacing Soviet light ICBM's. The United States has also tried to prevent the Soviets from modernizing their ICBM's by developing and deploying new type heavy ICBM's. Both of these key American objectives have aimed at preventing the Soviet Union from increasing its heavy ICBM first strike threat.

But the Soviets used deception during SALT I negotiations to deploy illegal heavy ICBM's to replace light ICBM's in violation of the SALT I agreements. The Soviets have also used deception in SALT II in order to illegally develop and deploy a new type heavy ICBM.

For a cumulative total of almost 20 years, in diplomatic channels the Soviets have falsely denied that two of their ICBM's were heavy, and were illegally replacing their light ICBM's in violation of SALT I and SALT II.

Fortunately, now unclassified Soviet-provided data in the recent START Treaty finally confirms these past Soviet heavy ICBM deceptions and violations of SALT I and SALT II. Eleven cases of Soviet deception and violations related to this data are now confirmed.

But unfortunately, START will fully legalize two previously illegal Soviet heavy ICBM's and several other previously illegal missiles. Thus Soviet deceptions and violations on heavy ICBM's in SALT I and SALT II have finally triumphed in the proposed START Treaty.

SOVIET SALT I HEAVY ICBM DECEPTION AND VIOLATION

In the SALT I interim agreement signed in May, 1972, the Soviets agreed to a key provision prohibiting heavy ICBM's from replacing light ICBM's. But there was no agreed definition if a heavy ICBM.

Soon after signing SALT I, the Soviets began long-range flight testing and deployment of a heavy ICBM—their SS–19—to replace their light SS–11 ICBM. The Soviet heavy SS–19 thus defeated the object and purpose of SALT I.

According to now declassified, but once extremely sensitive communications intelligence intercepts, Soviet leader Brezhnev himself in May 1972, secretly regarded their SS–19 ICBM to be a heavy ICBM. Moreover, this evidence explicitly shows that Brezhnev wanted to keep the heavy SS–19 ICBM secret from the United States until after SALT I was signed, because Brezhnev stated that the planned to illegally deploy this heavy missile to replace Soviet light SS–11 ICBM's on a large scale.

In order to induce the United States to agree to such a prohibition on heavy ICBM deployment without a definition of a heavy ICBM, the Soviets engaged in negotiating deception. The Soviet negotiators falsely assured the United States several times that an agreed definition of a heavy ICBM was not necessary, because they falsely claimed that they had not intention to deploy heavy ICBM's to replace light ICBM's. Soviet negotiators actually even told United States negotiators that the United States could trust the Soviets not to replace light ICBM's with heavy ICBM's.

But their later large scale deployment of SS–19 heavy ICBM's to replace their SS–11 light ICBM's proved that they not only defeated the object and purpose of SALT I; it also proved that they fraudulently induced the United States to sign SALT I by falsely claiming that they did not intend such replacement. The large scale Soviet deployment of heavy SS–19 ICBM's increased the Soviet first strike threat by a factor of five. Other evidence indicates that throughout the 1970's the Soviet leaders continued to secretly believe that their SS–19 ICBM was a heavy ICBM. Indeed, recent Soviet-supplied START data has now confirmed that this sensitive intelligence accurately revealed that the SS–19 was a heavy ICBM.

In sum, the Soviets not only negotiated deceptively to deploy their heavy SS–19 ICBM, but the also violated SALT I with this deployment. Moreover, ever since 1972, in diplomatic channels the Soviets have continuously and falsely denied that their heavy SS–19 ICBM was a heavy ICBM.

This experience in SALT I taught the United States that any effort in SALT II to constrain heavy ICBM's from replacing light ICBM's and also to constrain heavy ICBM modernization, must be accompanied by an agreed definition of a heavy ICBM.

SOVIET SALT II HEAVY ICBM DECEPTION AND VIOLATIONS

In the SALT II Treaty signed in 1979, the United States once again succeeded in gaining Soviet agreement to the key provisions that heavy ICBM's could not replace light ICBM's. Moreover, the United States also succeeded in gaining Soviet agreement to prohibit development and deployment of new type heavy ICBM's. But having learned our lesson from SALT I, we also tried to secure Soviet agreement to a definition of a heavy ICBM, which was crucial to making these prohibitions on heavy ICBM's into effective constraints.

The United States therefore put forward a definition of a heavy ICBM that was based upon the United States Intelligence estimate in 1979 of the launch weight of the Soviet SS–19 heavy ICBM. U.S. Intelligence estimated then in an unclassified assessment that the SS–19 had a launch weight of 90,000 kilograms. The United States thus proposed that in SALT II, any ICBM on either side with a launch weight greater than 90,000 kilograms would be classed as a heavy ICBM.

SALT II thus again prohibited any heavy ICBM's from replacing light ICBM's, and in addition it went on to prohibit new types of ICBM's that were heavy. Only one new type ICBM was to be allowed to be developed and deployed on each side, and it had to be light—with a launch weight less than 90,000 kilograms.

The Soviet Union did not respond to this SALT II launch weight definition of a heavy ICBM proposed by the United States, but the United States avowed that it interpreted the Soviet silence on this definition to be assent.

Thus the United States signed SALT II in 1979 believing that there was at least a tacitly agreed launch weight definition of a heavy ICBM, and that the Soviet Union had agreed not to deploy heavy ICBM's with launch weight greater than 90,000 kilograms to replace light ICBM's, and had agreed not to develop, test, and deploy any new type heavy ICBM's with launch weight greater than 90,000 kilograms.

In 1982, the Soviets suddenly began flight testing two new types of ICBM's, the SS–24 and the SS–25.

But the SS–25 ICBM turned out to be a prohibited second new type light ICBM, and it was illegal for several reasons—it had about 10 times more than the allowed 5-percent increase in throw weight, its telemetry was fully encrypted—encoded—illegally, and it violated the prohibition on the proportion of throw weight used by the single warhead.

Moreover, the SS–24 also turned out to be illegal, because its electronic telemetry signals were fully encrypted in violation of SALT II prohibitions against such encryption. But there was another aspect of the new SS–24 that we have long suspected—it too has

turned out to be another illegal heavy ICBM. Its launch weight has turned out to be heavier than 90,000 kilograms.

Moreover, during the 1979–86 period with both the United States and the Soviet Union claimed a joint political obligation to comply with the unratified SALT II Treaty, the Soviets continued to replace light SS–11's with heavy SS–19 ICBM's, which now were the threshold between heavy and light ICBM's.

SOVIET START DATA CONFIRMS EARLIER DECEPTION AND VIOLATIONS ON HEAVY ICBM'S, WHILE LEGALIZING THE SS–19 AND SS–24 HEAVY ICBM'S

The United States and the Soviet Union signed the START Treaty on July 31, 1991. Since then, the former Soviet Union changed its name to the "Commonwealth of Independent States," and changed the structure of legal and political control of strategic nuclear weapons, complicating the legal status and the ratification prospects of START.

Like SALT I and SALT II before it, START's article V again tries to prohibit heavy ICBM's from replacing light ICBM's. START's article V also prohibits the development, testing, and deployment of new type heavy ICBM's. The START Treaty also finally contains a fully agreed definition of a heavy ICBM.

As an integral, legal part of the START Treaty, in the START memorandum of understanding [MOU] on data, the Soviets were obliged to provide date on the characteristics and numbers of their missiles and bombers. But throughout the 1982–91 START negotiations, the Soviets were very reluctant to provide this data, because they repeatedly stated that to provide this data would entail admitting their heavy ICBM deceptions and violations in SALT I and SALT II.

Nevertheless, just before START was signed on July 31, 1991, the Soviets finally revealed the launch weights of their SS–19 and SS–24 ICBM's. And the Soviet reluctance to provide this data was well founded—their MOU data provided under the START Treaty did, in fact, confirm several Soviet deceptions and violations of SALT I and SALT II.

In the unclassified START MOU on data, the Soviets finally revealed that the unclassified launch weight of their SS–19 ICBM was 105,600 kilograms, as compared to the 1979 United States Intelligence estimate in the SALT II definition of a heavy ICBM as any ICBM with a launch weight greater than 90,000 kilograms.

Moreover, the unclassified START definition of a heavy ICBM is any ICBM with a launch weight greater than 105,600 kilograms, that is, any ICBM with launch weight heavier than the SS–19.

Finally, the Soviets also revealed that the unclassified launch weight of their SS–24 new type ICBM was 104,500 kilograms, as compared to the 90,000 kilogram launch weight which defined a heavy ICBM under SALT II

The Soviets thus finally revealed that the launcher weight of the SS–19 indicates that the SS–19 was a heavy ICBM which defeated the object and purpose of SALT I. Moreover, the finally revealed launch weight of the SS–19 violated the United States-proposed and tacitly agreed definition in SALT II for heavy ICBM's. Further, the finally revealed launch weight of the Soviet SS–24 shows that it, too, was an illegal new type heavy ICBM under the terms of SALT II.

In sum, the newly revealed Soviet-provided START data confirms the following eleven significant facts:

First, the Soviet SS–19 was heavy ICBM which illegally replaced the light SS–11 ICBM's on a large scale, defeating the object and purpose of SALT I, and therefore violating SALT I.

Second, the Soviets engaged in fraud or negotiating deception in SALT I, by falsely claiming that they did not intend to replace light ICBM's with their heavy SS–19 ICBM's.

Third, the repeated Soviet denials for almost 20 years in diplomatic channels that their SS–19 was a heavy ICBM were false.

Fourth, the Soviet SS–19 was a heavy ICBM which also violated the United States-proposed SALT II definition of a heavy ICBM.

Fifth, the Soviets engaged in fraud or negotiating deception in SALT II, by allowing the United States to believe that their nonresponse to the United States-proposed heavy ICBM launch weight definition constituted their tacit agreement with this definition.

Sixth, the Soviet SS–19 was a heavy ICBM which violated the SALT II prohibition on heavy ICBM's from replacing light ICBM's.

Seventh, the Soviet SS–24 was a new type heavy ICBM which violated the SALT II prohibition on new type heavy ICBM's.

Eighth, the Soviets also engaged in fraud or negotiating deception in the case of their heavy new type SS–24 ICBM, which was under advanced development in 1979 when they signed the SALT II Treaty containing prohibitions against it.

Ninth, the repeated Soviet denials in diplomatic channels that their SS–19 was a heavy ICBM in violation of SALT II were false.

Tenth, the repeated Soviet denials in diplomatic channels that their SS–24 was a new type heavy ICBM prohibited by SALT II were also false.

Eleventh, the Soviets have engaged in fraud yet again in START, because they induced the United States to sign a START Treaty with a definition of a heavy ICBM that proves that both the Soviet SS–19 and SS–24 ICBM's violated both SALT I and SALT II. But now the Soviet SS–19 and SS–24 heavy ICBM's are fully legal under START, incorrectly and fraudulently defined as light ICBM's. This continued Soviet negotiating deception on heavy ICBM's suggests that the Soviets will once again violate attempts in START to constrain heavy ICBM replacement and modernization, by developing even newer heavy ICBM's. And yet again, the Soviets will continue to deny the facts in diplomatic channels.

Finally, it must be noted that the U.S. Peacekeeper or MX ICBM deployed in 1986 is a clearly legal light ICBM in terms of both SALT II and START, because it was deliberately designed to have a launch weight of 88,000 kilograms, which is less than the 90,000 kilogram 1979 U.S. Intelligence estimate of the SS–19's launch weight.

In sum, START confirms that the Soviet SS–19 and SS–24 heavy ICBM's violated SALT I and SALT II, while fully legalizing these two previously illegal heavy ICBM's under START. Moreover, START will also fully legalize several other Soviet missiles confirmed to be illegal, such as the SS–25 ICBM and the SS–16 covert mobile ICBM.

Russian President Yeltsin was correct in June 1991 when he stated that the leaders of the then Soviet Union had repeatedly lied and deceived the United States on arms control data over many years.

ANALYSIS OF START TREATY PROVISIONS REVEALS SIGNIFICANT SS–25 MOBILE ICBM "RETIREMENT" LOOPHOLE AND TWO POTENTIAL NEW START VIOLATIONS RELATED TO THE "FOLLOW-ON" TO THE SS–25

Summary: The START Treaty explicitly omits any requirement for each side to destroy a single strategic ballistic missile, with one exception pertaining to some mobile missiles. START also does not require either side to destroy a single nuclear warhead. The START Treaty also allows each side to produce and retain an unlimited number of strategic ballistic missiles and missile stages, and to produce and retain an unlimited number of nuclear warheads.

The START Treaty only "reduces" missile launch silos, submarine missile launch tubes, and heavy bombers which are launch platforms for air-launched cruise missiles and nuclear bombs. START thus requires only the destruction of these excess missile launchers above START ceilings—only silos, submarine tubes, and bombers will be destroyed under START.

No missiles themselves are required to be destroyed under START with one exception—some "non-deployed missiles" for mobile ICBM launchers are the only missiles specified for destruction in START.

But even in this unique case requiring some "non-deployed" mobile missile destruction, the former Soviets have secured U.S. agreement to an explicit exemption from START's required destruction of these mobile missiles. The former Soviets can easily and simply declare that their approximately 594 currently existing and allowed mobile, single warhead, SS–25 missiles and launchers are "retired." This "retirement" would completely exempt all SS–25's from destruction.

This exemption constitutes a significant loophole in the Treaty.

Moreover, if the former Soviets decide to take advantage of this loophole, which would

be easy and relatively inexpensive to exploit, it would allow them to legally have more than 1,192 single warhead missiles for mobile ICBM launchers. There is evidence that the former Soviets intend to exploit this loophole shortly after the START Treaty enters into force. Thus by "retiring" their SS-25 force of mobile ICBMs and by replacing it with the probable "new type" mobile ICBM nick-named "Fat Boy," the former Soviets could have over 1,192 mobile ICBMs and still fully comply with START.

The Administration has failed to notify the Senate about the existence and status of the "Fat Boy." In addition, the failure of the former Soviets to notify the U.S. that more than 20 "Fat Boy" prototypes have exited from its production facility, and their failure to discuss the "Fat Boy" in the START Joint Commission on Implementation and Compliance may also constitute two serious new violations of START's requirements on notification and discussion of new type mobile ICBMs.

A. The START Treaty explicitly allows each side an unlimited number of "non-deployed missiles" for ICBM silos and SLBM launchers.

Thus an unlimited number of missiles for ICBM silos and SLBM submarines are allowed.

B. But START does contain a limit on the number of mobile missiles that the former Soviets can have.

Article IV of the START Treaty states in part:

"(a) Each Party shall limit the aggregate number of non-deployed ICBM for mobile launchers of ICBMs to no more than 250."

This provision means that the former Soviets cannot legally have more than 250 "non-deployed missiles" for launchers of mobile ICBMs. The former Soviets would have to "eliminate" or destroy any "non-deployed missiles" for mobile ICBM launchers above the limit of 250.

But according to the START MOU on Data on page 151 of the START Treaty, the former Soviets only declared 60 "non-deployed missiles" for mobile ICBM launchers, and hence they have the "head-room" or the opportunity to legally build "non-deployed missiles" for mobile ICBM launchers.

Thus because of this "head-room," even now the START limit on 250 "non-deployed missiles" for mobile ICBM would not require the former Soviets to destroy a single "non-deployed missiles" for a mobile ICBM launcher, and instead of requiring the destruction of "non-deployed" mobile ICBMs, START allows 190 more to be legally produced.

C. The ICBM Treaty does not require the destruction of any missiles, with one exception—only missiles for mobile ICBM launchers are required to be destroyed in one general circumstance.

Article VII .2 of the ICBM Treaty states in part that:

"2. ICBMs for mobile launchers of ICBMs . . . shall be subject to the limitations provided for in this Treaty until they have been eliminated . . ."

This is the only general requirement in the START Treaty to destroy a ballistic missile. Notice that missiles for mobile ICBM launchers are the only missiles mentioned in START for elimination.

The Administration's "article by article" analysis of the letters associated with the START "signature protocol" states succinctly:

"START requires the destruction of silo launchers; it does not require the destruction of ballistic missiles, except as necessary to remain within numerical limits on non-deployed mobile ICBMs."

D. The only specific missile that START requires to be destroyed is a mobile missile.

The START Treaty Protocol on Conversion and Elimination states in part I. That:

"Elimination of ICBMs for mobile launchers of ICBMs . . . [shall entail that] . . . the stages shall be destroyed by explosive demolition or burned . . ."

This is the only specific missile destruction procedure mentioned in the START Treaty whatsoever. Notice again that missiles for mobile ICBM launchers are the only missiles mentioned in START with specific procedures for elimination and destruction.

The Administration's own "article by article" START analysis states:

"Note that the [250] limit in this [Article IV.] subparagraph [(a)] is the only provision in the Treaty which actually requires destruction of any ballistic missile . . ."

The Administration's own "article by article" analysis of START also states:

"The absence of specific elimination procedures is appropriate since there are no limits on the numbers of ICBMs for silo launchers or on SLBMs and thus no requirement ever to eliminate such ICBMs or SLBMs and thus no requirement ever to eliminate such ICBMs or SLBMs by any means."

E. START contains a specific exemption for the only requirement for missile destruction—some mobile missiles destruction.

The Thirty-seventh Agreed Statement of START states that:

"The Parties agree that—

"(a) The limitations provided for in subparagraph I (a) of Article IV of the Treaty [i.e. the limitation on no more than 250 "non-deployed missiles" for mobile ICBM launchers] shall not apply to ICBMs of retired types of ICBMs for mobile launchers of ICBMs to each of which one warhead was attributed . . .

"(f) Procedures contained in the conversion or Elimination Protocol for the elimination or removal from accountability of ICBMs for mobile launchers of ICBMs shall not apply to ICBMs of retired types of ICBMs for mobile launchers of ICBMs to each of which one warhead was attributed . . ."

The former Soviet SS-25 single warhead mobile ICBM is the only single warhead mobile ICBM that was deployed on either side at the time of the signature of the START Treaty on July 31, 1991. So this provision in effect applies only to the SS-25.

The Administration's own "article by article" analysis of START states:

"Subparagraph (a) of the Thirty-seventh Agreed Statement provides that the limitations of [Article IV.] subparagraph 1(a) do not apply to retired mobile ICBMs attributed with only one warhead . . . Since the SS-25 is the only single-reentry vehicle mobile ICBM that was deployed at the time of the signature of the Treaty, this provision applies in effect, only to it . . . Since retired mobile ICBMs attributed with only one warhead are not subject to the 250/125 limits, the Thirty-seventh Agreed Statement also exempts them from the elimination procedures in the Conversion or Elimination Protocol."

This Administration analysis thus confirms that there is in fact a major loophole in the START Treaty regarding the allowed retirement of the SS-25.

In fact, the above analysis strongly suggests that no ballistic missiles will be destroyed under START, because the only ballistic missile that might potentially have to be eventually destroyed is the SS-25. But as noted the former Soviets can actually build 190 more SS-25s before would come up against the 250 limit on "non-deployed missiles" for mobile ICBMs. Moreover, in the likely event that the SS-25 will be declared "retired" after entry into force, even the SS-25 will not have to be destroyed, because it is specifically exempted from destruction if it is declared "retired." Thus this exemption means that there is actually an incentive for the former Soviets to declare the SS-25 to be "retired."

In sum the SS-25 is the only ballistic missile that might potentially have to be destroyed under START, but the former Soviets can build up to 190 more SS-25s before they might have to destroy any, and in the likely event that the SS-25 will be declared "retired," no SS-25s at all will probably have to be destroyed because of the "retirement" exemption.

The exemption permits the former Soviets to declare approximately all 350 of their currently deployed SS-25 single warhead ICBMs and mobile launchers, together with their 56 declared "non-deployed missiles" for the SS-25, together with the 190 more "non-deployed missiles" for SS-25 mobile launchers that they are still allowed to build, to be "retired."

The allowed "retirement" of these 596 SS-25 mobile ICBMs would mean that they would be completely outside of START and all START ceilings. Their locations and movements would have to be reported under START provisions, and the approximately 350 mobile truck launchers would have to be marginally modified so that they could not launch SS-25s. But then even these 350 trucks could be used as support vehicles for another, new mobile ICBM program. Moreover, they could keep 20 "test launchers" for the "retired" mobile SS-25. Finally, under Paragraph 10(b) of Article V, they would have to stop producing the SS-25, although this production stoppage is unverifiable, due to the fact that SS-25 stages can be produced at several facilities, and can be assembled at several other facilities.

In sum, simply by "retiring" the mobile SS-25, the former Soviets could avoid having to destroy a single mobile missile, and they could easily gain an extra 596 missiles completely uncounted in START.

F. START then also allows the former Soviets to build an entirely new force of over 596 mobile missiles to replace the force of 596 "retired" SS-25s.

The Definitions Annex of the START Treaty states in definition number 69, that:

"The term 'new type' means, for ICBMs or SLBMs, a type of ICBM or SLBM, the technical characteristics of which differ from those of an ICBM or SLBM, respectively, of each type declared previously in at least one of the following respects:

(d) length of either the assembled missile without front section length of the first stage, by ten percent or more;

(f) throw-weight, by an increase of 21 percent or more, in conjunction with a change in the length of the first stage by five percent or more . . ."

This definition means that the new "Fat Boy" missile, over 90 of which have reportedly already exited without U.S. inspection from the Votkinsk Perimeter-Portal Continuous Monitoring facility, can probably qualify as a "new type" single warhead, mobile ICBM.

Reportedly, several new garages which are 25 percent shorter than SS-25 garages are being built for the "Fat Boy" at an ICBM test range where mobile ICBMs are tested.

The correspondence of the "Fat Boy's" length being 25 percent shorter that the SS-25's length, and the new garages' lengths being 25 percent shorter than the SS-25's garages means that the new garages are probably intended to house the "Fat Boy," which in turn is probably a prototype "new type" mobile missile being prepared for flight-testing. This suggests that the former Soviets intend to exploit the SS-25, "retirement" loophole after START's entry into force, by testing and producing a "new type," single warhead mobile missile to replace the soon-to-be-retired SS-25s.

Thus the "Fat Boy" will probably differ in length from the SS-25 by about 25 percent, more than enough to qualify it as a "new type." Moreover, the thickness of "Fat Boy's" stages suggest that it will carry more solid propellant and will therefore have over 21 percent more throw-weight than the SS-25, also qualifying it as a "new type."

G. The "Fat Boy" mobile "new type" ICBM must be a single warhead ICBM, and it must be properly notified and agreed to as an allowable "new type" mobile ICBM in the START Joint Compliance and Inspection Commission.

Article V. Paragraph 4. of START states:

"Each Party undertakes not to deploy on a mobile launcher of ICBMs an ICBM of a type that was not specified as a type of ICBM for mobile launchers of ICBMs in accordance with paragraph (2) of Section VII. of the Protocol on Notifications Relating to this Treaty . . . unless it is an ICBM to which no more than one warhead is attributed and the Parties have agreed within the framework of the Joint Compliance and Inspection Commission to permit deployment of such ICBMs on mobile launchers of ICBMs . . ."

This means that the "Fat Boy" must be a single warhead mobile ICBM, and that it must be properly notified and agreed to as an allowable "new type" mobile ICBM in the Joint Commission on Implementation and Compliance.

But the Senate has not been informed by the Administration of even the existence of the "Fat Boy," nor has the Senate been informed of its status and characteristics, nor informed of the garage construction activities at the mobile missile test range. Nor has the Administration notified the Senate that the former Soviets have met these notification and discussion requirements for the "Fat Boy."

H. The former Soviets may already have committed two new major violations of START by failing to notify the U.S. about the "Fat Boy."

Section VII. of the Protocol on Notifications states:

"Each Party shall provide the other Party, pursuant to subparagraph 3(g) of Article VIII. of the Treaty [on notifications concerning strategic offensive arms of new types and new kinds] the following notifications concerning strategic offensive arms of new types and new kinds:

"(2) notification, no later than five days after the first flight test of a prototype ICBM of a particular type from a mobile launcher of ICBMs, or after the eighth flight test of a prototype ICBM of the same type from a fixed launcher of ICBMs, or *after the exit of the twentieth prototype ICBM of the same type from a production facility*, whichever is earlier, of whether ICBMs of that type shall be considered ICBMs for mobile launchers of ICBMs."

The fact that over 90 "Fat Boy" probable "new type," single warhead, mobile ICBMs have already reportedly exited from their missile production facility at the Votkinsk PPCM site without U.S. inspection and without former Soviet notification or discussion in the JCIC under the above language suggests that two new violations of the START Treaty may already have occurred. These two new violations would be in addition to the former Soviet flight test with full encryption of the SS-19 last December, which the Administration has already conceded was inconsistent with START obligations.

I. Conclusion: Major START loophole and two new START violations confirmed.

The former Soviets could produce, test, and deploy at least another 596 "Fat Boy" single warhead mobile ICBMs, to completely replace their "retired" SS-25 force of 596 missiles. All they would need to do is have a "new type" or even a "converted" mobile launcher, which must merely be "distinguishable" from the current SS-25 mobile launcher. Because the former Soviets have the freedom to compose their START force structure within the START limit of 1,100 attributable warheads for mobile ICBMs any way they wish, they could legally have many more than 596 "Fat Boy" mobile ICBMs.

Thus by "retiring" their SS-25 force, the former Soviets could have well over 1,192 single warhead mobile ICBMs and still be fully complying with START.

TRIBUTE TO SENATOR ALAN CRANSTON

Mr. KENNEDY. Mr. President, I join in paying tribute this morning to a remarkable statesman, Senator, and friend. Throughout his brilliant career in the Senate, he has been an outstanding colleague and a symbol of America's highest ideals—Senator ALAN CRANSTON.

ALAN CRANSTON is one of the most distinguished public servants in the Senate's history. He has won more votes in a single election than anyone—in any century—in the U.S. Congress. He is the only Californian ever to be elected four times to the Senate. And he is the only Senator to be elected his party's whip seven times.

In addition to his important public service achievements, Senator CRANSTON has compiled a remarkable and diversified personal record. Foreign correspondent, playwright, author, businessman, artist, and athlete, his achievements are incomparable. No other Senator can boast of having been sued by Adolf Hitler, or of having set a world record in track and field.

Since election to the Senate in 1969, Senator CRANSTON has authored major legislation promoting world peace, nuclear arms control, respect for civil and human rights, health and welfare for all Americans, protection of the environment, and improved education for the Nation's children. Many of us were proud to work closely with him on all of these issues.

In 1974, he sponsored an amendment that was passed by the Senate calling for the termination of United States military assistance in Vietnam. He subsequently fought successfully to abolish the draft and establish the All Volunteer Force. As chairman of the Senate Veterans' Committee, he later authored laws providing benefits essential to the success of that force.

Senator CRANSTON was a leader in Senate consideration of the historic SALT II and START treaties. He brought the nuclear freeze resolution up for its first vote in the Senate. And he was an original sponsor of the landmark Nuclear Nonproliferation Act.

This past November, Senators CRANSTON and PELL introduced legislation designed to help dispose of Soviet nuclear warheads. The concept behind this legislation was subsequently adopted by President Bush and has been lauded as the "biggest swords-into-plowshares agreement of the post-cold war era."

Senator CRANSTON has also been a leader in developing greater international respect for human rights. In 1975, he authored legislation barring United States military assistance to persistent violators of these basic rights. His leadership on human rights later led to the reduction of United States aid to the Marcos regime in the Philippines. He also led efforts to provide the United States airlift rescue of Ethiopian Jews and to increase refugee aid to Israel.

As a principal leader in the antiapartheid struggle, Senator CRANSTON was one of the principal authors and floor managers of the Antiapartheid Act, which imposed United States sanctions against South Africa and helped hasten the demise of the apartheid system.

For over two decades, Senator CRANSTON and I have worked together on civil rights issues affecting all Americans—ranging from voting rights issues to the protection of women and the disabled from discrimination in the workplace. He had a key role in ending the 1975 filibuster against the Voting Rights Act. And we admire his years of leadership in promoting the well-being of American families, and the protection of abused, neglected, and needy children.

In 1972, he authored the provision of the Equal Employment Opportunity Act to protect Federal employees against job discrimination. He also sponsored title VII provisions requiring Federal agencies to take affirmative steps to make equal job opportunities available to women. Later, he helped enact the 1978 pregnancy antidiscrimination law, prohibiting discrimination against pregnant employees.

Senator CRANSTON was the author of all Senate legislation enacted to strengthen and expand the title X Family Planning Program between 1971 and 1980. He helped lead the battle for the proposed equal rights amendment to the constitution and he led the floor fight in 1978 to extend the period for its ratification. He has been one of the

staunchest and most effective supporters of freedom of choice for women.

ALAN CRANSTON is also a defender of new Americans—the refugees and the immigrants who add so much to our national life and culture. Whether it is refugees from Central America, farmworkers seeking rights, or families building new lives in our Nation. ALAN CRANSTON was always there, standing up for fairness, compassion, and justice.

His leadership is legendary. His many accomplishments will be recorded in the annals of Senate history. But what we, his Senate colleagues, will miss most as he retires from the Senate is his friendship and idealism, which have been an example of excellence in public service to us all.

DIRECTING SENATE LEGAL COUNSEL TO REPRESENT SUBPOENAED MEMBERS

Mr. CRANSTON. Mr. President, on behalf of the majority leader and the distinguished Republican leader, Mr. DOLE, I send to the desk a resolution to direct the Senate Legal Counsel to represent Members who have received subpoenas in a case pending in the Superior Court of the State of Connecticut, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 354) to direct the Senate Legal Counsel to provide representation and to authorize testimony in the case of State of Connecticut versus Juanita Martin.

Mr. MITCHELL. Mr. President, last year, an individual wrote to Senator DODD and Senator LIEBERMAN to protest what she considered the unfair eviction of her neighbors, who had refused to pay Federal income taxes. In connection with subsequent protests of her neighbors' eviction, the individual was arrested for trespassing and other violations of law and the State of Connecticut has brought charges against her.

Senator LIEBERMAN, Senator DODD, and a number of other public officials have been subpoenaed by the defendant, over her appointed counsel's protest, to appear at her criminal trial on Thursday, October 1, 1992, and to produce documents. The following resolution would direct the Senate Legal Counsel to represent Senator LIEBERMAN and Senator DODD in this matter.

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

The resolution (S. Res. 354) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 354

Whereas in the case of *State of Connecticut* v. *Juanita Martin*, pending in the Superior Court of the State of Connecticut, in Enfield, Connecticut, subpoenas for testimony and documents have been issued to Senator Christopher J. Dodd and Senator Joseph I. Lieberman;

Whereas pursuant to section 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members and employees of the Senate with respect to requests for testimony made to, or subpoenas issued to, them in their official capacity;

Whereas by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas when it appears that evidence under the control or in the possession of the Senate is needed for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved That the Senate Legal Counsel is authorized to represent Senator Dodd and Senator Lieberman, and any other Member or employee who is subpoenaed to testify or to produce documents in the case of State of Connecticut v. Juanita Martin.

SEC. 2. That employees of the Senate are authorized to testify in this case, should the need arise.

Mr. CRANSTON. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Senate proceed to executive session and that the Committee on Commerce, Science, and Transportation be discharged of the following nomination:

Barry M. Goldwater, Sr., to be a member of the Board of Directors of the Communications Satellite Corporation;

I further ask unanimous consent that the Senate proceed to immediate consideration, and that the nominee be confirmed, that any statements appear in the RECORD as if read, that the motion to reconsider be laid upon the table, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

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

The nomination considered and confirmed is as follows:

Barry M. Goldwater, Sr., of Arizona, to be a member of the Board of Directors of the Communications Satellite Corporation until the date of the annual meeting of the Corporation in 1995.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

INCOME TAX CONVENTION WITH BARBADOS

Mr. CRANSTON. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the protocol amending the 1984 Income Tax Convention with Barbados [Treaty Document No. 102–41], transmitted to the Senate today by the President; and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President of the United States is as follows:

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Protocol Amending the Convention Between the United States of America and Barbados for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed on December 31, 1984, which protocol was signed at Washington on December 18, 1991. I also transmit for the information of the Senate the Report of the Department of State.

In addition, I transmit herewith, for the information of the Senate, Understandings Regarding the Scope of the Limitation on Benefits Article in the U.S.-Barbados Protocol. Although not submitted for the advice and consent of the Senate to ratification, this document is relevant to the consideration of the protocol by the Senate.

The protocol amends the 1984 income tax convention with Barbados, which has been in force since February 28, 1986, to modify certain provisions of the convention.

I recommend that the Senate give early and favorable consideration to the protocol and give its advice and consent to ratification.

GEORGE BUSH.

THE WHITE HOUSE, *September 30, 1992.*

HAWAII TROPICAL FOREST RECOVERY ACT

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 2679, the Hawaii Tropical Forest Recovery Act and that the Senate then proceed to its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2679) to promote the recovery of the Hawaii Tropical forests, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3352

Purpose: To provide a substitute amendment

Mr. CRANSTON. Mr. President, on behalf of Senators AKAKA, INOUYE, Leahy and LUGAR, I send to the desk a substitute amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California (Mr. CRANSTON), for Mr. AKAKA, for himself, Mr. INOUYE, Mr. LEAHY, and Mr. LUGAR, proposes an amendment numbered 3352.

Mr. CRANSTON. 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:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hawaii Tropical Forest Recovery Act".

SEC. 2. HAWAII TROPICAL FOREST RECOVERY.

(a) IN GENERAL.—The International Forestry Cooperation Act of 1990 (16 U.S.C. 4501 et seq.) is amended—

(1) by redesignating sections 605, 606, and 607 as sections 609, 610, and 611, respectively; and

(2) by inserting after section 604 the following new sections:

"SEC. 605. INSTITUTE OF PACIFIC ISLANDS FORESTRY.

"(a) EXPANSION.—The Secretary shall expand the capabilities of and construct additional facilities, as funds are appropriated for the expansion and construction, at—

"(1) the Institute of Pacific Islands Forestry; and

"(2) tropical forests in the State of Hawaii.

"(b) TROPICAL FORESTRY PLAN.—

"(1) IN GENERAL.—Not later than 1 year after the date of receipt by the Secretary of the action plan required by section 5(b) of the Hawaii Tropical Forest Recovery Act, the Secretary shall prepare and submit to the Committee on Agriculture and the Committee on Interior and Insular Affairs of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and to the Committees on Appropriations of the House of Representatives and Senate, a tropical forestry plan to expand the capabilities of and construct additional facilities under subsection (a).

"(2) ELEMENTS.—The plan shall provide for—

"(A) the establishment of a model center for research, demonstration, education, training, and outreach activities suitable for transferring scientific, technical, managerial, and administrative assistance to governmental and non-governmental organizations seeking to address problems associated with tropical forests within and outside the United States;

"(B) the acquisition or construction of facilities for research, classroom instruction, and housing near an experimental tropical forest in the State of Hawaii;

"(C) the acquisition or construction of facilities for the study and recovery of endangered tropical wildlife, fish, and plant species and the restoration of their habitats;

"(D) the study of biological control of non-native species that degrade or destroy native forest ecosystems;

"(E) achieving a better understanding of global climate change and the significance of achieving a reduction of greenhouse gases through research associated with the unique atmospheric conditions found in Hawaii and the Pacific Ocean;

"(F) a review of the extent to which existing Federal forestry programs can be utilized to achieve the purposes of the plan; and

"(G) the establishment of experimental tropical forests in the State of Hawaii as authorized by section 606.

"(3) CAPABILITY.—In preparing elements of the plan that address paragraph (2)(F), the Secretary shall identify the capability of the plan—

"(A) to promote a greater understanding of tropical forest ecosystem processes, conservation biology, and biodiversity management;

"(B) to demonstrate the various benefits of maintaining a tropical forest reserve system;

"(C) to promote sound watershed and forest management;

"(D) to develop compatible land uses adjacent to protected natural areas; and

"(E) to develop new methods of reclaiming and restoring degraded lands.

"SEC. 606. HAWAII EXPERIMENTAL TROPICAL FOREST.

"(a) DEFINITIONS.—As used in this section:

"(1) FOREST.—The term 'Forest' means the Hawaii Experimental Tropical Forest.

"(2) GOVERNOR.—The term 'Governor' means the Governor of Hawaii.

"(3) LANDS.—The term 'lands' means lands, waters, and interests in lands and waters.

"(4) STATE.—The term 'State' means the State of Hawaii.

"(b) ESTABLISHMENT AND MANAGEMENT.—At the request of the Governor, the Secretary shall establish and administer within the State a Hawaii Experimental Tropical Forest. The Forest shall be managed as—

"(1) a model of quality tropical forest management where harvesting on a sustainable yield basis can be demonstrated in balance with natural resource conservation;

"(2) a site for research on tropical forestry, conservation biology, and natural resource management; and

"(3) a center for demonstration, education, training, and outreach on tropical forestry, conservation biology, and natural resources research and management.

"(c) DELINEATION OF THE LOCATION OF THE FOREST.—

"(1) IDENTIFICATION OF LANDS.—The Governor and the Secretary shall identify one or more suitable sites for the Forest in lands within the State. The identification of each site shall be based on scientific, ecological, administrative, and such other factors as the Governor and Secretary consider to be necessary or desirable to achieve the purposes of this section. Each site identified pursuant to the preceding sentence shall be of sufficient size and located so that the site can be effectively managed for Forest purposes.

"(2) EXTERIOR BOUNDARIES.—The exterior boundaries of the Forest, including the boundaries of all sites identified for Forest purposes, shall be delineated on an official map. The map shall be available for public inspection in the office of the Administrator of the Division of Forestry and Wildlife of the Department of Land and Natural Resources of the State. The Governor and the Secretary may from time to time, by mutual agreement, amend the official map to modify the boundaries of the Forest.

"(d) AUTHORITIES OF THE SECRETARY.—

"(1) IN GENERAL.—To carry out the purposes of this section, the Secretary is authorized—

"(A) to administer the Forest in cooperation with the Governor and affected State agencies;

"(B) to make grants and enter into contracts and cooperative agreements with the Federal Government, the government of the State, local governments, corporations, nonprofit organizations and individuals;

"(C) to exercise existing authority with respect to cooperative forestry and research for Forest purposes; and

"(D) to issue necessary rules and regulations or apply existing rules and regulations applicable to areas administered by the Forest Service that are necessary or desirable to administer the Forest—

"(i) for the purposes described in subsection (b);

"(ii) to protect persons within the Forest; and

"(iii) to preserve and protect the resources in the Forest.

"(2) LAND ACQUISITION.—The authority in section 4 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1643) shall be available to the Secretary to carry out this section.

"(3) STATUTORY CONSTRUCTION.—Nothing in this section is intended to affect the jurisdiction of the State, both civil and criminal, over any person within the Forest by reason of the establishment of the Forest under this section, except in the case of a penalty for an offense against the United States.

"SEC. 607. ANNUAL REPORT ON INSTITUTES OF TROPICAL FORESTRY.

"The Secretary shall make annual reports to Congress on the progress, needs, and long-range plans of the Institutes of Tropical Forestry in meeting the requirements of section 2407 of the Global Climate Change Prevention Act of 1990 (7 U.S.C. 6706). Such reports shall be submitted by the Secretary pursuant to section 8(c) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1606(c)).

"SEC. 608. DEFINITIONS.

"As used in this title (unless the context otherwise requires):

"(1) INSTITUTES OF TROPICAL FORESTRY.—The term 'Institutes of Tropical Forestry' means the Institute of Tropical Forestry in Puerto Rico and the Institute of Pacific Islands Forestry established under section 2407 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6706).

"(2) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(3) STATE.—The term 'State' means each of the 50 States, Guam, American Samoa, the Republic of Palau (until the Compact of Free Association enters into effect), Puerto Rico, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.".

(b) CONFORMING AMENDMENTS.—

(1) Section 602(b) of the International Forestry Cooperation Act of 1990 (16 U.S.C. 4501(b)) is amended by striking "(hereinafter referred to in this title as the Secretary)".

(2) The heading of section 604 of such Act (16 U.S.C. 4503) is amended to read as follows:

"SEC. 604. INSTITUTE OF TROPICAL FORESTRY IN PUERTO RICO.".

SEC. 3. TROPICAL FORESTRY RESEARCH AND ASSISTANCE.

(a) ASSISTANCE.—To promote sound management and conservation of tropical forests of the United States and to promote the development and transfer of technical, managerial, educational, and administrative skills

to managers of tropical forests within or outside the United States, the Secretary of Agriculture is authorized to provide assistance through the Forest Service to eligible entities in States with tropical forests to—

(1) develop, promote, and demonstrate sustainable harvesting of native woods and other forest products on a sustainable yield basis in balance with natural resource conservation;

(2) promote habitat preservation and species protection or recovery;

(3) protect indigenous plant and animal species and essential watersheds from non-native animals, plants, and pathogens;

(4) establish biological control agents for non-native species that threaten natural ecosystems;

(5) establish a monitoring system in tropical forests to identify baseline conditions and determine detrimental changes or improvements over time;

(6) detect and appraise stresses affecting tropical forests caused by insect infestations, diseases, pollution, fire, and non-native animal and plant species, and by the influence of people;

(7) determine the causes of changes that are detected through experimentation, intensive monitoring, and data collection at affected tropical forest sites; and

(8) engage in research, demonstration, education, training, and outreach that furthers the objectives of this subsection.

(b) FORM OF ASSISTANCE.—Assistance provided to eligible entities under this section may be in the form of grants, contracts, or cooperative agreements.

(c) DEFINITIONS.—As used in this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means a State forester or equivalent State official, State, political subdivision of a State, Federal agency, private organization, corporation, or other private person.

(2) STATE.—The term "State" means each of the 50 States, Guam, American Samoa, the Republic of Palau (until the Compact of Free Association enters into effect), Puerto Rico, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 4. HAWAII TROPICAL FOREST RECOVERY TASK FORCE.

(a) ESTABLISHMENT.—There is established the Hawaii Tropical Forest Recovery Task Force (hereafter in this section referred to as the "Task Force") to advise the Secretary of Agriculture with respect to tropical forests and related ecosystems in the State of Hawaii.

(b) ACTION PLAN.—Not later than 1 year after the date of the first meeting of the Task Force, the Task Force shall submit to the Committees, Secretaries, and Governor referred to in subsection (k) an action plan that contains findings and recommendations for rejuvenating Hawaii's tropical forests, including findings and recommendations on—

(1) methods of restoring the health of declining or degraded tropical forest land;

(2) compatible uses within tropical forests, particularly agroforestry and the cultivation of scarce or valuable hardwoods and other forest products in Hawaii's tropical forests;

(3) actions to encourage and accelerate the identification and classification of unidentified plant, animal, and microbe species;

(4) actions to—

(A) promote public awareness of tropical forest preservation;

(B) protect threatened and endangered species;

(C) improve forest management and planning; and

(D) promote public awareness of the harm caused by introduced species;

(5) the benefits of fencing or other management activities for the protection of Hawaii's native plants and animals from non-native species, including the identification and priorities for the areas where these activities are appropriate;

(6) traditional practices, uses, and needs of native Hawaiians in tropical forests;

(7) means of improving the health of tropical forests and related ecosystems in the State of Hawaii through programs administered by the Secretary of Agriculture and the Secretary of the Interior;

(8) the capability of existing Federal, State, and private forestry programs for rejuvenating Hawaii's tropical forests; and

(9) such other issues relating to tropical forests in Hawaii as the Task Force considers appropriate.

(c) COMPOSITION.—The Task Force shall be composed of 12 members, of whom—

(1) three members shall be appointed by the Secretary of Agriculture, two of whom shall be representatives of the Forest Service and the Soil Conservation Service, respectively;

(2) two members shall be appointed by the Secretary of the Interior as representatives of the United States Fish and Wildlife Service and the National Park Service, respectively;

(3) six members shall be appointed by the Governor of Hawaii, of whom—

(A) two members shall be private owners of tropical forest lands;

(B) two members shall be experts in the field of tropical forestry; and

(C) two members shall be representatives of Hawaii conservation organizations that have demonstrated expertise in the areas of tropical forest management, habitat preservation, and alien species control or have demonstrated effective advocacy in the areas; and

(4) one member shall be the Administrator of the Department of Land and Natural Resources, State of Hawaii, or the designated representative of the Administrator.

(d) INITIAL APPOINTMENTS.—Appointments under this section to the Task Force shall be made not later than 90 days after the date of enactment of this Act.

(e) CHAIRPERSON.—The Task Force shall select a Chairperson from among its members.

(f) VACANCIES.—A vacancy on the Task Force shall not affect its powers and shall be filled in the same manner as the original appointment.

(g) COMPENSATION.—

(1) IN GENERAL.—A member of the Task Force shall not receive compensation as a result of the performance of services for the Task Force.

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

(h) MEETINGS.—The Task Force shall meet not later than 180 days after the date of enactment of this Act and shall meet at the call of the Chairperson.

(i) VOTING.—The Task Force shall act and advise by majority vote.

(j) ASSISTANCE.—The Secretary of Agriculture and the Secretary of the Interior shall provide such assistance and support as are necessary to meet the objectives of the Task Force. The assistance shall include making Federal facilities, equipment, tools, and technical assistance available on such terms and conditions as the appropriate Secretary considers necessary.

(k) REPORT.—The action plan required under subsection (b) shall be submitted to—

(1) the Committees on Agriculture and Interior of the House of Representatives;

(2) the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate;

(3) the Secretary of Agriculture;

(4) the Secretary of the Interior; and

(5) the Governor of Hawaii.

(l) NONAPPLICABILITY OF CERTAIN PROVISIONS OF LAW.—Sections 7(d), 10(f), and 14 of the Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to the Task Force.

(m) TERMINATION.—The Task Force and authority to carry out this section shall terminate 180 days after submitting the report required by subsection (b).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out sections 3 and 4.

Mr. AKAKA. Mr. President, I rise today in support of the amendment in the nature of a substitute to S. 2679, the Hawaii Tropical Forest Recovery Act, a bill I introduced earlier this year. I want to thank Senators LEAHY and LUGAR, and their staff, Tom Tuchmann and Jeff Burnam, for their assistance and support in developing the legislation which we bring to the floor today.

This legislation, cosponsored by Senator INOUYE, has been crafted with valuable input from the State of Hawaii's Division of Forestry and Wildlife, Federal agencies—in particular the U.S. Forest Service—Hawaii environmental and conservation groups, biologists and researchers at the University of Hawaii, and the Hawaii Forest Industry Association.

Hawaii is the only State in the Nation where tropical forest are found. Prior to the arrival of humans, Hawaii's geographic isolation provided a unique environment for native species which evolved into interdependent life forms. Only two mammals were present and birds were the most common land animal. Rail forests, shrublands, grasslands, and more than 100 other distinct natural communities provided vast biological diversity.

Almost two-thirds of Hawaii's original forest cover has been lost since the arrival of man. This habitat decline has had severe impact on Hawaii's biologically diverse ecosystems. The last remnants of Hawaiian coastal plant communities are restricted to the most remote and arid shores. Ninety percent of the lowland plains once forested with sandalwood and other unique Hawaiian species have been destroyed. Nearly one-half of the rain forest are gone. Of the remaining 150 natural communities, 85 are considered critically endangered. Of the bird species native to Hawaii at the time of European contact, one-half are extinct, and forty percent of those that remain are threatened or endangered. Ninety-three

plant species have less than 100 surviving individuals, including 5 species with only one remaining individual.

Hawaii represents only two-tenths of one percent of the United States' land mass, but accounts for more than 70 percent of the Nation's recorded extinctions and more than one-quarter of its rare and endangered species. The loss of habitat is a primary cause for the decline of these species. It is time to stop this wave of extinction. The continued existence of these species and ecosystems is important to mankind, and immediate steps to restore these habitats are needed if they are to be saved.

The significance of biological diversity, such as that found in Hawaii, was underscored at the UN Conference on Environment and Development [UNCED] in Rio de Janeiro. On June 13, 1992, the United States, in concert with 181 other countries, adopted a set of Forest Principles. Principle 8f states:

National policies and/or legislation aimed at management, conservation, and sustainable development of forests should include the protection of ecologically viable representatives or unique examples of forests * * *

The Hawaii Tropical Forestry Recovery Act is an important step for the United States to take towards meeting this goal. It would institute an aggressive program to develop improved techniques of tropical forest recovery, rejuvenation, and management. Central to the recovery effort for Hawaii's forests is the need for research, demonstration, and focused action. The bill seeks to accomplish this through three means.

First, at the request of the Governor of the State of Hawaii, the Secretary of Agriculture would establish an experimental forest in Hawaii. The experimental forest would be a cooperative venture with the State of Hawaii. The State of Hawaii would provide the principal land base needed for the forest and the Federal emphasis would be on research and management of the research operations. Second, the Institute of Pacific Islands Forestry would expand its mission in tropical forestry research. Third, a task force and the Secretary of Agriculture would formulate action plans addressing strategies for restoring and rejuvenating Hawaii's tropical forests.

This legislation is desperately needed if the United States' only tropical forests are to be available for future generations to enjoy, and I urge my colleagues to support its enactment.

Mr. LEAHY. Mr. President, I rise today to join my distinguished colleagues from Hawaii, Senator AKAKA and Senator INOUYE, in support for their amendment in the nature of a substitute to S. 2679, the Hawaii Tropical Forest Recovery Act of 1992.

The Hawaiian delegation has worked hard with Senator LUGAR and myself to craft legislation to help protect the environmental and economic integrity of their State's forests.

This legislation will also dovetail nicely with the State and private forestry programs we authorized in the Forest Stewardship Act of 1990.

Together the research, planning, and resource management assistance programs now available to Hawaii will allow public and private organizations to meet the challenges which threaten to destroy their native forests.

I urge my colleagues to join me and Senators AKAKA, INOUYE, and LUGAR in supporting this bill's enactment.

I ask unanimous consent that a letter be printed in the RECORD.

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

Hon. PATRICK J. LEAHY,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR PAT: We would like to offer our views on the amendment in the nature of a substitute to S. 2679, a bill "To promote the recovery of Hawaii tropical forests, and for other purposes."

The Administration supports enactment of S. 2679 if the bill is amended as provided in the substitute which includes changes recommended by the United States Department of Agriculture.

The goals of S. 2679 complement the broader scope of the President's initiative, "Forests for the Future," which is designed to stimulate effective actions for global forest conservation and sustainable use. Moreover, as a signatory to the agreement on principles for forest management developed at the United Nations Conference on Environment and Development (UNCED), the Administration recognizes the special obligation of the United States to set a standard for management of tropical forests. Enactment of S. 2679 would provide another opportunity to demonstrate the effectiveness of State and Federal cooperation in addressing problems affecting tropical forest ecosystems.

Section 2 of S. 2679 would amend the International Forestry Cooperation act of 1990 (16 U.S.C. 4501 et seq.) by expanding the role of the Institute of Pacific Islands Forestry (IPIF) in acquiring and disseminating knowledge to address international and domestic tropical forest issues. This expansion would place IPIF on a par with the Institute of Tropical Forestry (ITF) in Puerto Rico. It would extend to the Pacific Islands and Southeast Asia the same level of research, technology transfer and assistance that is now provided by ITF to Central and South America. Additionally, this section provides for the establishment of the Hawaii Experimental Tropical Forest under the management of the Secretary of Agriculture. This experimental forest would serve as a center for long-term research and as a focal point for developing and transferring knowledge and expertise for management of tropical forests throughout the Pacific region.

Section 4 would reinforce the authorities of the Secretary as provided by the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) by highlighting State and Private Forestry Programs that provide technical, managerial, educational, and administrative skills to managers of tropical forests of the United States and the insular territories.

Section 5 would establish the Hawaii Tropical Forest Recovery Task Force to advise the Secretary of Agriculture with respect to tropical forests and related ecosystems in the State of Hawaii. The task force would be composed of 12 members including 3 appointed by the Secretary of Agriculture and 2 by the Secretary of Interior, and would develop a plan that contains findings and recommendations for rejuvenating Hawaii's tropical forests.

Sincerely,

EDWARD MADIGAN,
Secretary.

Mr. LUGAR. Mr. President, I am pleased to cosponsor this substitute amendment to S. 2679, the Hawaii Tropical Forest Recovery Act.

This bill will establish an experimental tropical forest in the State of Hawaii, using primarily State lands. Enactment of this bill will help foster research and the transfer of research findings to governments and organizations seeking to protect tropical forest both within and outside of the United States.

This bill complements President Bush's call at Rio for a doubling of worldwide tropical forestry assistance and furthers the forest principles which the United States succeeded in having adopted at the UNCED conference. I welcome the initiative which Senators AKAKA and INOUYE have taken in this regard.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the amendment in the nature of a substitute.

The amendment (No. 3352) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill, as amended.

The bill, as amended, was ordered to engrossed for a third reading, was read the third time, and passed.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

WILD BIRD CONSERVATION ACT OF 1992

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of H.R. 5013, the Wild Bird Conservation Act of 1992 and that the Senate then proceed to its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5013) to promote the conservation of wild exotic birds, to provide for the

Great Lakes Fish and Wildlife Tissue Bank, to reauthorize the Fish and Wildlife Conservation Act of 1980, to reauthorize the African Elephant Conservation Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENTS NOS. 3353, 3354 AND 3355

Mr. CRANSTON. Mr. President, I ask unanimous consent that it be in order for the Senate to consider en bloc three amendments, which I now send to the desk, and I ask that the amendments be agreed to en bloc and that the motion to reconsider be laid upon the table.

Mr. President, for the information of the Senate, I send these amendments on behalf of Senators BAUCUS and CHAFEE; Senators CHAFEE, WARNER, HELMS, and SANFORD; and Senator STEVENS.

I further ask unanimous consent that statements relating to these amendments appear in the RECORD at the appropriate place.

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

The amendments considered and agreed to, en bloc, are as follows:

AMENDMENT NO. 3353

Title III is amended by adding the following new section:

"SEC. . NATIONAL FISH AND WILDLIFE FOUNDATION.

"Beginning in fiscal year 1993 and hereafter, the National Fish and Wildlife Foundation may continue to draw down Federal funds when matching requirements have been met: *Provided*, That interest earned by the Foundation and its subgrantees on funds drawn down to date, but not immediately disbursed, shall be used to fund all activities as approved by the Board of Directors: *Provided further*, That the Foundation's subgrantees shall be exempt from the audit reporting and compliance requirements of OMB Circular A-133, for all grants of $100,000 or less. The Foundation shall amend its grant contracts to ensure that its subgrantees are advised and certify that they will comply with all applicable Federal laws and regulations imposed on individuals or organizations receiving Federal funds.".

Mr. BAUCUS. Mr. President, last year Senator CHAFEE and I joined our colleagues in the House in introducing legislation to conserve wild populations of parrots and other exotic birds, to provide humane treatment of these birds during capture and transport, and to improve the process of importing and quarantining these birds.

The United States is the world's largest consumer of wild-caught exotic birds. We bring into this country each year more than 500,000 parrots and other birds that are taken from the wild. International trade in many wild-caught, exotic bird species for use as pets has not been sustainable, and this trade, along with habitat destruction, is contributing to a significant decline in these species throughout the world. Consequently, the United States has a responsibility, as the largest market for exotic, wild-caught birds, to eliminate its imports of many of these birds.

Many nations have partially or totally restricted their exports of live indigenous bird species, but others, principally Argentina, Guinana, Senegal, Tanzania, and Indonesia, continue to supply large numbers of wild-caught birds for the international pet trade.

As early as 1976, the Parties to the Convention on International Trade in Endangered Species urged exporting countries to gradually restrict the collection of wild animals for the pet trade. They recommended that all member nations, including the United States, encourage the breeding of animals for this purpose, so that eventually pets would be limited to those species that can be bred in captivity.

Today, however, current international trade control mechanisms remain inadequate. They are not based on a review of U.S. trade data or on a review of the status of the species in the wild. In addition, many exporting nations lack sufficient resources to adequately assess the effects of trade on their wild bird populations. As a result, they are unable to determine whether their exports are detrimental to the species in the wild.

Encouraging the purchase of captive-bred exotic birds for the pet market instead of wild-caught birds, and facilitating domestic and foreign captive breeding will reduce the demand for wild-caught birds in the United States and relieve the pressure on wild populations of exporting countries.

Although some efforts have been successful in reducing mortality of birds during transport to and quarantine in the United States, import-associated mortality remains a serious concern.

Clearly, the effectiveness of current wildlife trade measures needs to be improved.

When Senator CHAFEE and I introduced S. 1218 and S. 1219 last year to make those improvements, I noted that they took different approaches toward achieving the goal of protecting exotic wild birds, and that we would work to resolve these differences.

Today, I am pleased to be able to tell my colleagues that we have successfully resolved these differences. We have worked with Representative STUDDS and others in the House and with environmental and humane organizations, bird breeders, and the pet industry to develop the compromise that is in title I of H.R. 5013, the Wild Bird Conservation Act of 1992.

I believe that the Wild Bird Conservation Act of 1992 is the most effective approach that this Nation could take to conserve wild birds in their native habitats and to ensure sustainable trade. I hope, therefore, that my colleagues will join Senator CHAFEE and me in supporting this legislation.

It is important that we enact this legislation in this Congress so that we place the United States at the forefront of international efforts to conserve the wild birds of this planet.

Mr. CHAFEE. Mr. President, the establishment of a national center for biological resources, is an important first step in our efforts to conserve our biological resources—before they become endangered or threatened. I commend Senator MOYNIHAN, the chairman of the Environment and Public Works Committee for his leadership on this issue.

Although we hear a great deal about the destruction of tropical rainforests and the resulting loss of biological diversity abroad, the disappearance of our own biological resources is not as well publicized. Yet, the loss of species and the natural communities they inhabit is a serious problem in this country, where over 728 species are listed as endangered or threatened and thousands more are candidates for listing under the Endangered Species Act.

One problem is that we lack an adequate inventory of our own biological resources. The Keystone Report on biological diversity concluded that only a small fraction of our public lands have been inventoried for biological diversity. In addition, the report found that existing inventories did not include large classes of species, such as invertebrates and nonvascular plants.

How can we conserve our biological resources if we do not know what they are and where they are located?

This amendment will create a national center which will collect and organize vital information on our biological resources and make this data available to the scientific community and the public, thereby acting as a clearinghouse of biological data.

The center will also provide assistance and grants for research regarding biological resources to experts both in and outside of government, including State natural heritage programs. The State heritage programs are computer inventories of biological and ecological features of particular States. Any national inventory should be coordinated with and make extensive use of the 50-State heritage programs' databases, procedures, and technology.

Knowledge regarding biological resources is of interest and value to more than just scientists. This is not a futile, academic exercise. For instance, more than 40 percent of all prescription drugs are derived from plants and other organisms. Yet, fewer than 3 percent of the world's known species have been examined for possible use as medicines. This data could also be used to develop and improve agricultural crops and in biotechnology research. Such knowledge will benefit all of us.

The adoption of this provision will help us reach our goal of better understanding our living resources before

they disappear. This is a case where little knowledge is truly a dangerous thing. Our goal is to expand knowledge—to improve our understanding of the world around us.

AMENDMENT NO. 3354

Amend Section 303 of H.R. 5013 (as passed by House) as follows:

On page 28 at the end of line 22 insert the following new paragraphs:

"(3) on the map referred to in subsection (b)(2)(A), the area: consisting of approximately 5221 acres and owned by the National Audubon Society as of September 28, 1992 (known as the "Audubon Sanctuary"), along with the associated aquatic habitat the Pine Island Bay and Goat Island Bay, shall be designated and depicted as NC-01, a unit of the Coastal Barrier Resources System by the Secretary in accordance with paragraph (5) of this subsection.

"(4) on the map referred to in subsection (b)(2)(C) areas designated as "otherwise protected areas" identified as "VA-60P" that are:

"(i) north of the north bank of Salt Ponds Inlet in Hampton, Virginia; and

"(ii) south of the line described in subsection (c) of this section, shall be designated and depicted on the map as VA-60, a unit of the Coastal Barrier Resources System by the Secretary in accordance with paragraph (5) of this subsection.

"(5) In designating the units in accordance with paragraphs (3) and (4) above, the Secretary is authorized to make any minor and technical modifications to the boundaries of such unit as may be necessary to correct existing clerical and typographical errors in the map. Provided further that the local government in which is located such unit may recommended any such corrections be considered by the Secretary.".

AMENDMENT NO. 3355

Insert at the appropriate place the following new section:

SEC. . WETLANDS MAPPING.

Section 401(a) of Public Law 99-645, the Emergency Wetlands Resources Act of 1986, (16 U.S.C. 3931(a)), as amended by Public Law 101-233 is further amended—

(1) in paragraph (3), by striking "as soon as practicable" and inserting in lieu thereof "by September 30, 2000";

(2) in paragraph (4), by striking ". And" at the end of the paragraph and inserting in lieu thereof a semicolon;

(3) in paragraph (5)(B), by striking the period and inserting in lieu thereof a semicolon;

(4) by adding the following new paragraphs at the end thereof:

"(6) produce, by September 30, 2004, a digital wetlands data base for the United States based on the final wetlands maps produced under this section; and

"(7) archive and make available for dissemination wetlands data and maps digitized under this section as such data and maps become available.".

Mr. STEVENS. Mr. President, I thank the chairman and ranking member for their final clearances of this amendment. It is a very constructive amendment in my judgment.

Basically, this amendment does three things. It requires wetlands inventories for Alaska to be completed by September 2000. It also gives authority to create a digital wetlands data base for wetlands inventories and maps and it requires the agencies to archive and make available the digitized information and maps.

Currently, wetlands inventories and maps for the south 48 States will be completed by 1998. However, current law requires the same type of inventory for Alaska to be completed only as soon as practicable. When all of the contiguous states have been mapped in 1998, only 35 percent of Alaska will have been mapped. My amendment requires the Alaska inventory to be completed by the year 2000.

Inventories and maps derived from inventories are greatly needed by Alaskans. My State has the most wetlands, 170 million acres, over 45 percent of Alaska's surface area. Complete wetlands maps are not available. Alaskans need these maps for planning purposes. We need them to minimize wetlands impact when we build schools, housing developments, highways and other transportation systems, and many other projects.

Maps produced under the Emergency Wetlands Resources Act of 1986 provide information on the location and characteristics of wetlands and the actual abundance and scarcity of wetlands in an area. Actual acreage statistics are derived from these mapping inventories.

My amendment also gives authority to the Secretary to digitize, archive, and distribute the inventory data contained in the wetlands maps. Digital data is data that can be used by community planners. It can be integrated into local land use plans much more easily in digital form.

With a digital data base, communities and property owners will know where important wetlands are. I think that the availability of digital wetlands information will help in developing a preclearance concept—where communities can pre-clear wetlands areas for development while protecting the most important and most scarce wetland areas.

Mr. President, I thank the chairman and ranking member for clearing this amendment. I think it complements my last amendment to the Emergency Wetlands Resources Act which required a 200-year wetlands loss report. That report was based on the best available information. My amendment now increases the usability of the information generally and sets a date for completing inventory information for Alaska.

Mr. CHAFEE. Mr. President, the passage of H.R. 5013 is crucial to the continued survival of many of the world's most beautiful and prized exotic bird species. Today many parrots, macaws and other popular bird species are in serious decline due in large measure to the pet trade.

The United States plays a major role in this trade as the world's largest importer of wild birds—importing an estimated 500,000 birds each year for the pet trade. And that is not counting the tens of thousands of birds that are smuggled illegally into this country each year. If this continues, many species will not survive in the wild much longer.

Fortunately, for the wild birds, responsible representatives of the pet trade conservation organizations, and humane groups, concerned about this problem have worked together to craft a solution. Last June, Senator BAUCUS and I introduced two bills, S. 1218 and S. 1219 to conserve wild birds.

Why two bills on the same subject with the same goal? Because at that time, despite the fact that all the major groups involved in this issue were in agreement that something needed to be done to address this serious problem, they did not agree on a specific approach. By introducing two bills, we hoped to encourage the groups to reach a compromise on this issue.

I am happy to report that H.R. 5013 represents a reasonable compromise approach that has been agreed to by most, if not all, the affected groups.

H.R. 5013 establishes an immediate import moratorium on 11 species. These species were identified as most at risk from trade at the last meeting of the Convention on International Trade in Endangered Species of Wild Flora and Fauna [CITES]—the treaty which governs international trade in wildlife. The import of any other species listed by CITES as seriously affected by the trade would, with limited exceptions be banned one year after the date of enactment of H.R. 5013.

Clearly, this does not mean that people must stop buying these birds for pets. These birds can and are being bred in captivity. In fact, I understand the captive bred birds make better pets than the wild-caught variety.

In a day when environmental issues are too often polarized between two extremes, this bill represents a compromise among a number of groups that are usually on different sides of most issues. In my view this is an accomplishment of great proportions due to the tireless work of a great many organizations since 1988—when the World Wildlife Fund first convened a working group on this problem.

I also want to pay tribute to Assistant Secretary Hayden of the Department of the Interior and the U.S. Fish and Wildlife Service for their assistance and leadership on this issue.

The passage of H.R. 5013 will greatly enhance the prospects of survival for a number of magnificent tropical and other bird species in the wild.

I would also like to mention one other provision of H.R. 5013 which is not related to wild birds. This provision corrects errors made in the mapping of "Otherwise Protected Areas" under the Coastal Barrier Resources Act.

Several areas located in North Carolina and Virginia that were privately owned and either partially or entirely developed were inadvertently mapped as areas owned and protected by Federal, State, or local government or a conservation organization, and therefore ineligible for Federal flood insurance. This provision, as amended, corrects these errors and designates the entirely undeveloped portion of the area in Virginia as a unit of the coastal barrier resources system.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill, as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

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

The motion to lay on the table was agreed to.

HEALTH CARE POLICY AND RESEARCH AMENDMENTS ACT

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5673, the Health Care Policy and Research Amendments Act just received from the House; that the bill be read for a third time and passed; that the motion to reconsider be laid upon the table; and that any statements thereon appear in the RECORD at the appropriate place as though read.

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

So the bill (H.R. 5673) was deemed read the third time and passed.

Mr. KENNEDY. Mr. President, I rise today to commend the prompt passage of H.R. 5673, a bill to reauthorize the Agency for Health Care Policy and Research. This legislation incorporates the provisions of the companion bill in the Senate, S. 3179. I commend Senator HATCH and Senator DURENBERGER for their input on this important legislation.

The two major goals of comprehensive health care reform are universal access to quality health care and cost containment. Much of the work of the Agency for Health Care Policy and Research seeks to achieve these goals by encouraging access to health care and promoting improvements in clinical practice, and the delivery of health care services.

Since its creation in 1989, the Agency for Health Care Policy and Research has made impressive progress in activities intended to enhance the quality, effectiveness, and efficiency of health care services. The reauthorization of the Agency will continue this important work, especially in the critical areas such as practice guidelines, technology assessment, outcomes research, and health services research.

Federal efforts in health care technology assessment have aroused significant controversy in recent years, and serious questions have been raised about the appropriate role for the Federal government. To its credit, the Agency has provided a public forum to discuss the risks and benefits of more centralized assessment of medical technology. While no consensus has emerged, several useful suggestions did result from these meetings and are represented in this legislation.

Mr. DURENBERGER. Mr. President, I rise today to support the passage of S. 3179, The Agency for Health Care Policy and Research Reauthorization Act of 1992. I join my distinguished colleagues on the Labor and Human Resources Committee, Mr. KENNEDY and Mr. HATCH, in cosponsoring this bill. S. 3179 is yet another example of the benefits of bipartisan cooperation and constructive deliberation.

Mr. President, Senator MITCHELL and I introduced legislation back in April 1989 to increase and improve patient outcomes assessment. During the reconciliation process that year, we worked closely with our colleagues to establish a new agency in HHS to accomplish the goals of outcomes research.

The agency is authorized under both the Public Health Service Act and the Social Security Act. Today, we are reauthorizing only the Public Health Service portion of AHCPR which expires at the end of fiscal year 1992. The authority of the agency under the Social Security Act will be reauthorized in 1994.

Consideration of this reauthorization has given us an opportunity to evaluate what the Agency has accomplished in its few short years of existence. We also have an opportunity to help the agency do an even better job.

Regardless of one's views about how to finance health care access, every reform proposal requires good information on the quality, appropriateness and effectiveness of medical interventions. We may disagree on how to finance health care reform, but we don't disagree on the fact that we need good information so we know what we are paying for.

AHCPR has begun to produce studies in support of its mandate. Its Office of the Forum for Quality and Effectiveness in Health Care has begun to issue clinical guidelines to assist practitioners. Its Office of Medical Effectiveness Research Program is the center pioneering in outcomes and effectiveness research.

I have been generally satisfied with AHCPR's progress, particularly in light of its comparatively small budget. What is emerging from AHCPR is topflight, widely disseminated information. In one area, however, AHCPR needs to be more attentive. The agency has favored guidelines and outcomes studies at the expense of technology assessment, particularly technologies that are emerging and not well understood.

I am particularly proud of a new provision we have included in this bill to support a Program of Innovative Assessments. This program will support the creation of technology assessment partnerships among Government agencies and between the public and private sectors. This program builds upon the premise that, as important as technology assessment is, it cannot be done by this small agency alone. Government can facilitate cooperation among many different factors so that the difficult job of clinical data gathering can be accomplished.

The Program of Innovative Assessments will allow AHCPR to join forces with academic medical centers, research institutions, public and private insurers, other Government agencies, and consortia to conduct innovative assessments. Although this is a modest program, I believe it is an important first step toward a better understanding of both new technologies and potentially outmoded technologies.

Mr. President, I applaud the distinguished chairman's leadership in reauthorizing this important agency. If we are really serious about value, we must have adequate information about our health care services. AHCPR has been given the monumental task to gather the information necessary to accomplish that goal.

DES EDUCATION AND RESEARCH AMENDMENTS OF 1992

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 692, S. 2837, a bill to provide for a program to carry out research on the drug DES.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2837) to amend the Public Health Service Act to provide for a program to carry out research on the drug diethylstilbestrol, to educate health professionals and the public on the drug, and to provide for certain longitudinal studies regarding individuals who have been exposed to the drug.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "DES Education and Research Amendments of 1992".

SEC. 2. ESTABLISHMENT OF PROGRAM REGARDING DES.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following new section:

"DES

"SEC. 403A. (a) ESTABLISHMENT OF PROGRAM.—The Director of NIH shall establish a program for the conduct and support of research and training, the dissemination of health information, and other programs with respect to the diagnosis and treatment of conditions associated with exposure to the drug diethylstilbestrol (hereafter in this section referred to as 'DES').

"(b) EDUCATION.—In carrying out subsection (a), the Director of NIH, after consultation with nonprofit private entities representing individuals who have been exposed to DES, shall conduct or support programs to educate health professionals and the public on the drug, including the importance of identifying and treating individuals who have been exposed to the drug.

"(c) STUDIES.—After consultation with the Office of Research on Women's Health, the Director of NIH, acting through the appropriate national research institutes, shall in carrying out subsection (a) conduct or support one or more longitudinal studies to determine the incidence of the following diseases or disorders in the indicated populations and the relationship of DES to the diseases or disorders:

"(1) In the case of women to whom (on or after January 1, 1938) DES was administered while the women were pregnant, the incidence of all diseases and disorders (including breast cancer, gynecological cancers, and impairments of the immune system, including autoimmune disease).

"(2) In the case of women exposed to DES in utero, the incidence of clear cell cancer (including recurrences), the long-term health effects of such cancer, and the effects of treatments for such cancer.

"(3) In the case of men and women exposed to DES in utero, the incidence of all diseases and disorders (including impairments of the reproductive and autoimmune systems).

"(4) In the case of children of men or women exposed to DES in utero, the incidence of all diseases and disorders.

"(d) EXPOSURE.—For purposes of this section, an individual shall be considered to have been exposed to DES in utero if, during the pregnancy that resulted in the birth of such individual, DES was (on or after January 1, 1938) administered to the biological mother of the individual.

"(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other authorization of appropriations available for the purpose of carrying out this section, there are authorized to be appropriated for such purpose such sums as may be necessary for each of the fiscal years 1993 through 1996.".

Mr. HARKIN. Mr. President. I am pleased that the Senate has unanimously approved this important health legislation. Our action, combined with actions taken last week in the fiscal year 1993 Labor, Health and Human Services, Education and related agencies appropriations bill will do much to help the up to 10 million Americans exposed to the drug diethylstilbestrol [DES].

As the Senate sponsor of S. 2837, I am especially pleased that we were able to move so promptly to final approval of the bill. I want to thank and commend Senator KENNEDY, the distinguished chairman of the Labor and Human Resources Committee, and his staff for their leadership and help in making this legislation possible. I also want to thank and commend Senator HATCH, the ranking Republican on the Labor and Human Resources Committee, and his excellent staff for their critical help in assuring passage of S. 2837. In addition, I want to pay tribute to the House sponsor of the companion to my legislation, H.R. 4178, Congresswoman LOUISE SLAUGHTER. Without her tireless and skillful efforts we would not be here tonight sending this legislation onto the President.

Mr. President, DES is a synthetic estrogen that was prescribed to approximately 5 million American women between 1941 and 1971 to prevent miscarriage. In the early 1950's, a clinical study showed that DES was ineffective in preventing miscarriage and use of the drug decreased. In 1971, following a report documenting a rare form of vaginal cancer in daughters of women who had taken DES during pregnancy, the FDA banned use of DES by pregnant women.

A number of studies have demonstrated that children born to women given DES during their pregnancy—often referred to as DES daughters or DES sons—have higher than normal rates of reproductive tract abnormalities associated with increased rates of ectopic pregnancy, miscarriage, premature labor and infertility. In addition, studies have found that DES daughters are at increased risk of a rare form of vaginal cancer and are possibly also at increased risk of cervical cancer. Other studies show that mothers who took DES are at nearly twice the risk of breast cancer. Finally, there is evidence that DES exposure may be linked to impairments of the autoimmune system.

Perhaps the most common concern that has been raised regarding the impact of DES exposure on the 5 million DES daughters and DES sons is infertility, but the extent of this is not yet fully clear. Longitudinal studies are needed to more fully understand the effects of DES exposure and the extent of those effects on exposed individuals.

Mr. President, despite the problems attributable to DES exposure, a large number of Americans who may be at risk to these problems are not aware of their potential risk. Therefore, many do not know about the preventive and precautionary steps that can and should be taken. For example, those women and men who may be infertile because of their DES exposure need appropriate medical evaluations and informed counseling to prevent multiple unnecessary examinations. In addition, many health professionals do not have up-to-date information about how to diagnose, counsel, and care for DES exposed individuals. A nationwide information campaign directed both to the public and to health professionals is therefore essential.

The legislation we are adopting tonight addresses these critical needs by authorizing such sums as may be necessary over the next 3 years to conduct and support development of a nationwide program to inform, educate and train health professionals and the general public in regard to the diagnosis and treatment of conditions associated with exposure to DES. It also requires the National Institutes of Health [NIH] to conduct one or more longitudinal studies to evaluate the extent and impact of relevant DES related health outcomes among DES women and their offspring.

Mr. President, the need for this legislation is clear. Exposure to DES is so common that the vast majority of Americans have a family member or a friend who has been exposed to this drug. In my home State of Iowa, it is estimated that over 114,000 women and men are at risk to the adverse health effects of DES. The letters I receive from DES women and DES daughters relate very troubling testimonials to the fear and the anguish faced by those exposed to this legally prescribed drug. Mrs. Cynthia Wanamaker of Des Moines writes that she was exposed to DES in utero 32 years ago. For her DES exposure has meant many agonizing years of infertility, a miscarriage, and an extremely difficult pregnancy that required constant monitoring and bed rest. She feels very fortunate to have a healthy 6-month-old child. Ms. Kristin Evenson of Iowa City wrote me that she has been through multiple medical examinations for what she was told was "a textbook case of DES-induced abnormality" which has resulted in several biopsies and cryosurgery which has left her "so scarred that pregnancy is only a slim theoretical possibility".

It is for people like this that this legislation is so important. We need to know more about how they can be helped. And they need to know the risks they may face and what steps they may take to protect their health.

Mr. President, I want to take this opportunity to commend the outstanding efforts on behalf of this legislation by DES Action, a grassroots organization, made up largely of DES-exposed women, that has taken the lead in pressing for more research and better professional and public education in this area. Without their efforts, this legislation would not have been possible. The DES Cancer Network has also worked hard to assure passage of the bill. Indeed, this bill is a testament to the ability of average Americans to bring an issue to the forefront and work to win its enactment.

Mr. President, I am pleased to note that the fiscal year 1993 Labor, Health, and Human Services appropriations bill approved by the Senate last week contains $1.5 million in additional funding to the National Cancer Institute to implement the legislation we are approv-

ing tonight. As chairman of the subcommittee responsible for that measure, I worked with others on the committee to assure that the necessary funding was included so that this legislation can and will be promptly carried out.

In conclusion, I again want to commend the Senate for its action. I know that the administration has indicated its willingness to go along with this bill and I hope that the President will act at the earliest date possible to give it final approval.

Mr. DODD. Mr. President, I want to express my strong support for the DES Education and Research Amendments of 1992 sponsored by my colleague from Iowa, Senator HARKIN. I am proud to be a cosponsor of this legislation.

Mr. President, from 1941 to 1971 the synthetic estrogen, DES, was prescribed to millions of women to prevent miscarriages. Unfortunately, instead of preventing miscarriages, studies indicate that the children born to women given DES during pregnancy have higher rates of reproductive abnormalities associated with increased rates of miscarriage and infertility. DES daughters are also at increased risk of a rare form of vaginal cancer and may also be at higher risk of cervical and breast cancer.

For the more than 10 million Americans and the estimated 120,000 individuals in Connecticut who have been exposed to DES, the pain is great. Mothers agonize over a decision they made 20 to 30 years ago and wonder if they will ever have grandchildren. DES daughters often suffer repeated miscarriages 5 or 6 months into pregnancy. DES sons are unable to get information on how DES affects men.

Mr. President, this legislation is long overdue. It has been over 20 years since the FDA banned the use of DES but there are still many unanswered questions. Clearly there are links between DES and reproductive system diseases, but we know little about how DES affects the endocrine, immune and cardiovascular systems. And, we know little about how DES will affect the exposed as they age. DES research—like research on many other women's health issues—has been inadequate. When the NIH reauthorization legislation was taken up on the Senate floor many of us criticized the lack of research on women's health at NIH. The lack of knowledge about DES is just one of the many outgrowths of our inattention to women's health. The lack of research on DES has left the public and the medical community uninformed and women have not received appropriate care.

While the legislation before us cannot undue all the damage, or remove all the uncertainty for those exposed, it is a step in the right direction. The legislation authorizes funds to educate the public and health professionals about DES. Education is critical because a large number of individuals who have been exposed to DES are not aware of their increased risk for various cancers. They are not aware of the necessity to take preventive steps to detect cancers early in order to prevent progression of the disease to advance stages. Because routine exams do not detect some of the rare cancers found in those exposed to DES, it is essential that health care workers and the exposed are aware of the risk associated with DES.

This legislation will also require the NIH to conduct or support research to determine the incidence of certain health problems among the women who took DES and their children and grandchildren. Clearly we need more research to fully understand the effects of DES exposure.

Again, I thank Senator HARKIN for sponsoring this legislation. The legislation is a step in the right direction, and I am pleased that we are now addressing some of the concerns of those exposed to DES.

The PRESIDING OFFICER (Mr. LEVIN). The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of the House companion, H.R. 4178; that the Senate proceed to its immediate consideration; that the bill be read a third time and passed; that the motion to reconsider be laid upon the table and that any statements thereon appear in the RECORD as though read.

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

So the bill (H.R. 4178) was deemed read the third time and passed.

Mr. CRANSTON. Mr. President, I ask unanimous consent that S. 2837 be indefinitely postponed.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 787, Thomas E. Harvey, to be a member of the Board of Directors of the United States Institute of Peace.

I further ask unanimous consent that the nominee be confirmed; that any statements appear in the RECORD as if read; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action and that the Senate return to legislative session.

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

The nomination considered and confirmed is as follows:

U.S. INSTITUTE OF PEACE

Thomas E. Harvey, of the District of Columbia, to be a member of the Board of Directors of the United States Institute of Peace for the remainder of the term expiring January 29, 1993.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

AMENDMENT NO. 3243, AS FURTHER MODIFIED

Mr. CRANSTON. Mr. President, as in executive session, I ask unanimous consent that amendment No. 3243, offered by the Senator from Virginia [Mr. WARNER], be further modified on page 2, line 19 striking the word "and".

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

The amendment (No. 3243), as modified, is as follows:

In the fifth condition to the resolution of ratification recommended by the Committee on Foreign Relations, strike all after "If" in the first sentence through the end of the condition, and insert in lieu thereof the following: ", by the date which is ten days before the date upon which the President of the United States proposes to exchange the instruments of ratification of the START Treaty, the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and the Ukraine have not made arrangements to implement the START Treaty's limits and restrictions or to allow functioning of the verification provisions of the Treaty equally and consistently throughout the territory of the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine, as agreed to in Article II of the May 23, 1992 Protocol, or have not worked out a basis to participate in the Joint Compliance and Inspection Commission, as agreed to in Article IV of the May 23, 1992 Protocol, then—

"(A) the President—

"(i) shall consult with the Senate regarding the effect on the Treaty of such developments; and

"(ii) shall seek on an urgent basis a meeting at the highest diplomatic levels to gain agreements on the completion of those arrangements,

"(B) the President shall take no action to allow the Treaty to enter into force until such consultation and such meeting have taken place".

WITHDRAWAL OF MOST-FAVORED-NATION STATUS

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further

consideration of H.R. 5258, a bill to provide for the withdrawal of most-favored-nation status from the Federal Republic of Yugoslavia and to provide for the restoration of such status if certain conditions are fulfilled and that the Senate proceed to its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5258) to provide for withdrawal of most-favored-nation status from the Federal Republic of Yugoslavia and to provide for the restoration of such status if certain conditions are fulfilled.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3356

(Purpose: To provide for the withdrawal of most favored nation status from Serbia and Montenegro and to provide for the restoration of such status if certain conditions are fulfilled)

Mr. CRANSTON. Mr. President, on behalf of Senator LAUTENBERG, I send a substitute 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 California [Mr. CRANSTON], for Mr. LAUTENBERG, proposes an amendment numbered 3356:

Strike all after the enacting clause and insert:

SECTION 1. WITHDRAWAL OF MOST FAVORED NATION STATUS FROM SERBIA AND MONTENEGRO.

(a) FINDINGS.—The Congress finds that Serbia or Montenegro are not complying with the provisions of the Final Act of the Conference on Security and Cooperation in Europe (also known as the "Helsinki Final Act"), particularly the provisions regarding human rights and humanitarian affairs and are not respecting minority rights in Kosovo and Vojvodina.

(b) WITHDRAWAL OF MFN STATUS.—Except as provided in subsection (c), nondiscriminatory treatment shall not apply with respect to any goods that—

(1) are the product of Serbia or Montenegro; and

(2) are entered into the customs territory of the United States on or after the 15th day after the date of the enactment of this Act.

(c) RESTORATION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding subsection (b), the President may restore nondiscriminatory treatment to goods that are the product of Serbia or Montenegro, as the case may be, 30 days after he certifies to the Congress that Serbia or Montenegro, as the case may be—

(1) has ceased its armed conflict with the other ethnic peoples of the region formerly comprising the Socialist Federal Republic of Yugoslavia;

(2) has agreed to respect the borders of the 6 republics that comprised the Socialist Federal Republic of Yugoslavia under the 1974 Yugoslav Constitution; and

(3) has ceased all support of Serbian forces inside Bosnia-Hercegovina.

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

The amendment (No. 3356) was agreed to.

Mr. LAUTENBERG. Mr. President, I am pleased the Senate is considering this legislation to revoke most-favored-nation status for Serbia and Montenegro. This legislation is nearly identical to S. 3221, which I, along with Senators MITCHELL, PELL, SASSER, RUDMAN, and JEFFORDS, introduced after we returned from a trip to Croatia in September. I appreciate the assistance that the chairman of the Finance Committee has provided in moving this bill through the Senate.

This legislation would revoke MFN for Serbia and Montenegro. It would allow the President to restore MFN once he certifies to the Congress that Serbia and Montenegro have stopped supporting armed conflict in the Balkans, including support for Serbian forces inside Bosnia-Hercegovina, and agreed to respect the borders of its neighbors.

It is intended to send the butchers in Serbia an important message: The killing must stop.

Mr. President, in September I participated in a bipartisan Senate delegation led by the Senate majority leader to Croatia. The delegation also included Senator PELL, chairman of the Senate Foreign Relations Committee, and Senators JEFFORDS, SASSER, and RUDMAN.

While in Croatia, we met with Bosnian and Croatian refugees outside of Zagreb, and viewed the devastated Croatian villages of Lipik and Pakrac. We also met with Bosnian President Izetbegovic, Serbian Prime Minister Panic, Croatian President Tudjman, U.N. officials, and others.

Mr. President, news reports of the bombardment of Sarajevo, televised images of Balkan atrocities, and descriptions of death camps did not fully prepare me for the horror of the situation we observed on the ground in Croatia. They could not.

There is literally no safe place to be a Moslem or Croat in Bosnia today. Terror, torture, detention, rape, destruction, and death are the common fate of Bosnian Moslems and Croats. No Croatian or Moslem man, woman, or child, no matter how young or innocent, is immune from catastrophe.

While Serb civilians in Bosnia-Hercegovina have also been victims of violence by Moslem, Croatian, and Bosnian Serb forces, the violence against the Serbs does not compare in any measure to what is being perpetrated against the Moslems and Croatians.

The horror of the lives of Moslems and Croats in Serbia is almost unimaginable to Americans. Children watch their parents being slaughtered before their eyes. Young women are raped, often leading them to become outcasts in Moslem societies, and then sometimes killed. Men are forced to fight to the death for the recreational entertainment of camp guards.

Countless thousands are starved, tortured, and then butchered simply because of their religion or ethnic origin. Others have seen their homes, their families, and their villages wiped out. Civilization as we know it has, for many Bosnians, simply ceased to exist.

Under the Bosnian Serbs' chilling policy of ethnic cleansing, artillery and snipers have been deliberately used against the civilian populations of the main Bosnian cities. Non-Serb populations have been ruthlessly expelled from large areas of Bosnia-Hercegovina. Systematic destruction of homes and razing of entire villages, looting of personal property, beatings, selective and random killings, massacres, torture, and starvation are the weapons that have been deliberately employed in this deadly and heinous campaign.

As described by the Senate Foreign Relations staff delegation report, civilian Moslem and Croatian women, children, and old men are routinely placed into detention camps after being forced out of villages and towns where they and their families have lived for centuries.

The conditions in these camps are shocking. Detainees have no toilets, and are often forced to relieve themselves in the same space where they sleep. Inadequate shelter, food, medical care, and sanitation are universal in these camps; rapes of young girls and women, beatings and killings also occur.

Non-Serb boys and men have been and continue to be held in prison camps throughout the Serb-controlled areas of Bosnia-Hercegovina. In the worst of these camps, prisoners have been systematically beaten and starved, and there is evidence of organized killings. These killings are often recreational and sadistic.

My personal experience in Croatia confirms many of these horrors. In the refugee camps we visited outside Zagreb, our Senate delegation spoke to women who wept so hard they could barely speak as they told of how their husbands had been taken away, how their homes had been burned, and how their relatives had been slaughtered.

One woman told us that she had watched her father and mother hacked to death with farm tools by her Serbian neighbors. Others told us about a 12-year-old child who was forced off a bus and publicly raped by Serbian guerrillas.

I am haunted by the people I met in Croatia, and by their fate. I cannot forget the terrible pain etched on their faces, or the unspeakable sadness in their eyes. I can still hear the sobs that wracked their bodies for the

unfathomable horrors that had befallen them, horrors they were powerless to stop, and which inflicted wounds that will never heal.

I cannot forget them. And I am glad that I cannot forget. Because their pain and suffering is a clarion call to all those who think of themselves as caring, compassionate, and moral people. We must act. And we must act now.

Our delegation concluded that there are many positive steps that the United States can and should take to help end the killing and improve the situation in Bosnia. The MFN legislation the Senate is considering today was one of the recommendations made by our delegation upon its return.

Other delegation recommendations include severing diplomatic relations with Serbia, significantly tightening sanctions against Serbia and Montenegro, and actively encouraging international, regional, and private monitoring of human rights abuses by all sides. We also recommended that the United Nations establish a legal process by which those guilty of war crimes can be held accountable and punished, and seek expanded worldwide assistance for international and private relief organizations.

Since the time of our visit, Mr. President, the record of horror has continued. Administration officials have begun to confirm the reports of atrocities committed by Serbian forces inside Bosnia-Hercegovina. In one of these reports, these officials now state that, according to credible witnesses, between 2,000 and 3,000 Moslem men, women, and children were murdered by Serb forces in a factory and farm near the town of Brcko.

Based on this report as well as several others, the administration now is pursuing a U.N. Security Council resolution authorizing international investigation of the crimes in preparation for a war crimes tribunal. This is a necessary and appropriate response to the horror that is unfolding before our eyes.

Mr. President, the legislation to prohibit Serbia and Montenegro from claiming MFN status is necessary because, although U.N. sanctions restrict all trade with Serbia and Montenegro, these nations have attempted to claim that they are entitled to the rights once granted to the Socialist Federal Republic of Yugoslavia, which included MFN status. We need to let Serbia and Montenegro know that we disagree, and that as long as the killing continues, the United States will continue to isolate them.

Thirty days before MFN can be granted to Serbia and Montenegro, the President must certify to Congress that Serbia and Montenegro have met specific conditions, allowing Congress time to review that certification and disagree.

Most important, Mr. President, passage of this legislation, along with implementation of the rest of the delegation's recommendations, will send a strong signal to Serbia and Montenegro that their vile campaign to systematically remove more than 2 million people from their homes on the basis of their ethnicity and religion will not be tolerated.

It will send a message to Serbia that thugs, bullies, and butchers can no longer operate with impunity on the international stage without paying a price for their actions. It will send a message to these outlaws that their killing must stop.

In Bosnia, the unthinkable has become commonplace. Serbia's aggression has devastated entire towns and displaced nearly 2 million refugees within the former Yugoslavia. It has also led to the untold personal misery and death of countless innocents. Terrible things happen to innocent people simply because they are not Serbs and because they are Moslems or Croats.

We cannot stand by while these unspeakable acts are perpetrated on innocents. If we do, then we will surely lose our humanity.

The Serbian sponsorship of the campaign to ethnically cleanse Bosnia-Hercegovina is a moral outrage to the civilized world. It is a stain on humanity. It brings to mind the ethnic genocide of the Holocaust. It is incumbent upon all civilized nations to express our outrage and to act.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass?

So the bill (H.R. 5258), as amended, was passed.

Mr. CRANSTON. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. CRANSTON. I send a title amendment to the desk.

The title was amended so as to read:

To provide for the withdrawal of most-favored-nation status from Serbia and Montenegro and to provide for the restoration of such status if certain conditions are fulfilled.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the following Senators as members of the Senate Delegation to the North Atlantic Assembly fall meeting during the second session of the 102d Congress, to be held in Bruges, Belgium, November 15–19, 1992:

The Senator from Rhode Island [Mr. CHAFEE];

The Senator from Wyoming [Mr. WALLOP];

The Senator from Mississippi [Mr. COCHRAN];

The Senator from Virginia [Mr. WARNER];

The Senator from Iowa [Mr. GRASSLEY];

The Senator from Alaska [Mr. MURKOWSKI]; and

The Senator from Montana [Mr. BURNS].

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the Committee on Foreign Relations.

(The nominations and treaty received today are printed at the end of the Senate proceedings.)

SANCTIONS RELATIVE TO THE GOVERNMENT OF HAITI—MESSAGE FROM THE PRESIDENT—PM 283

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

1. On October 4, 1991, in Executive Order No. 12775, I declared a national emergency to deal with the threat to the national security, foreign policy, and economy of the United States caused by events that had occurred in Haiti to disrupt the legitimate exercise of power by the democratically elected government of that country (56 FR 50641). In that order, I ordered the immediate blocking of all property and interests in property of the Government of Haiti (including the Banque de la Republique d'Haiti) then or thereafter located in the United States or within the possession or control of a U.S. person, including its overseas branches. I also prohibited any direct or indirect payments or transfers to the de facto regime in Haiti of funds or other financial or investment assets or credits by any U.S. person or any en-

tity organized under the laws of Haiti and owned or controlled by a U.S. person.

Subsequently, on October 28, 1991, I issued Executive Order No. 12779 adding trade sanctions against Haiti to the sanctions imposed on October 4, 1991 (56 FR 55975). Under this order, I prohibited exportation from the United States of goods, technology, and services, and importation into the United States of Haitian-origin goods and services, after November 5, 1991, with certain limited exceptions. The order exempts trade in publications and other informational materials from the import, export, and payments prohibitions, and permits the exportation to Haiti of donations to relieve human suffering as well as commercial sales of five food commodities: rice, beans, sugar, wheat flour, and cooking oil. In order to permit the return to the United States of goods being prepared for U.S. customers by Haiti's substantial "assembly sector," the order also permitted, through December 5, 1991, the importation into the United States of goods assembled or processed in Haiti that contained parts or materials previously exported to Haiti from the United States. On February 5, 1992, it was announced that this exception could be applied for on a case-by-case basis by U.S. persons wishing to resume a pre-embargo import/export relationship with the assembly sector in Haiti.

2. The declaration of the national emergency on October 4, 1991, was made pursuant to the authority vested in me as President by the Constitution and laws of the United States, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3 of the United States Code. I reported the emergency declaration to the Congress on October 4, 1991, pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)). The additional sanctions set forth in my order of October 28, 1991, were imposed pursuant to the authority vested in me by the Constitution and laws of the United States, including the statutes cited above, and implemented in the United States Resolution MRE/RES. 2/91, adopted by the Ad Hoc Meeting of Ministers of Foreign Affairs of the Organization of American States ("OAS") on October 8, 1991, which called on Member States to impose a trade embargo on Haiti and to freeze Government of Haiti assets. The present report is submitted pursuant to 50 U.S.C. 1641(c) and 1703(c), and discusses Administration actions and expenses directly related to the national emergency with respect to Haiti declared in Executive Order No. 12775, as implemented pursuant to that order and Executive Order No. 12779.

3. On March 31, 1992, the Office of Foreign Assets Control of the Department of the Treasury ("FAC"), after consultation with the Department of State and other Federal agencies, issued the Haitian Transactions Regulations ("HTR"), 31 C.F.R. Part 580 (57 FR 10820, March 31, 1992), to implement the prohibitions set forth in Executive Orders No. 12775 and No. 12779. Since my last report, there have been two amendments to the HTR.

On June 5, 1992, new section 580.211 was added (57 FR 23954, June 5, 1992) prohibiting vessels calling in Haiti on or after that date from entering the United States without authorization by FAC. This amendment is explained more fully in section 6 of this report. In addition, effective August 27, 1992, new section 580.516 (57 FR 39603, September 1, 1992) authorizes the exportation to Haiti of certain additional food items (corn and corn flour, milk (including powdered milk), and edible tallow), as well as the issuance of specific licenses permitting, on a case-by-case basis, exports of propane for noncommercial use. Copies of these amendments are attached to this report.

4. The ouster of Jean-Bertrand Aristide, the democratically elected President of Haiti, in an illegal coup by elements of the Haitian military on September 30, 1991, was immediately repudiated and vigorously condemned by the OAS. The convening on September 30, 1991, of an emergency meeting of the OAS Permanent Council to address this crisis reflected an important first use of a mechanism approved at the 1991 OAS General Assembly in Santiago, Chile, requiring the OAS to respond to a sudden or irregular interruption of the functioning of a democratic government anywhere in the Western Hemisphere. As an OAS Member State, the United States has participated actively in OAS diplomatic efforts to restore democracy in Haiti and has supported fully the OAS resolutions adopted in response to the crisis, including Resolution MRE/RES. 2/91 and MRE/RES. 3/92.

5. In the first year of the Haitian sanctions program, FAC has made extensive use of its authority to specifically license transactions with respect to Haiti in an effort to mitigate the effects of the sanctions on the legitimate Government of Haiti and on the livelihood of Haitian workers employed by Haiti's export assembly sector having established relationships with U.S. firms, and to ensure the availability of necessary medicines and medical supplies and the undisrupted flow of humanitarian donations to Haiti's poor. For example, specific licenses have been issued (1) permitting expenditures from blocked assets for the operations of the legitimate Government of Haiti, (2) permitting U.S. firms with pre-embargo relationships with product assembly operations in Haiti to resume those relationships in order to continue employment for their workers or, if they choose to withdraw from Haiti, to return to the United States assembly equipment, machinery, and parts and materials previously exported to Haiti, (3) permitting U.S. companies operating in Haiti to establish, under specified circumstances, interest-bearing blocked reserve accounts in commercial or investment banking institutions in the United States for deposit of amounts owed the *de facto* regime, (4) permitting the continued material support of U.S. and international religious, charitable, public health, and other humanitarian organizations and projects operating in Haiti, and (5) authorizing commercial sales of agricultural inputs such as fertilizer and foodcrop seeds.

6. The widespread supply of embargoed goods, particularly petroleum products, to Haiti by foreign-flag vessels led to the adoption on May 17, 1992, by the Ad Hoc Meeting of Ministers of Foreign Affairs of the OAS of Resolution MRE/RES. 3/92 urging, among other things, a port ban on vessels engaged in trade with Haiti in violation of the OAS embargo. There was broad consensus among OAS member representatives, as well as European permanent observer missions, on the importance of preventing oil shipments to Haiti. Vessels from some non-OAS Caribbean ports and European countries have been involved in trade, particularly oil supplies, that undermines the embargo.

In response to Resolution MRE/RES. 3/92, section 580.211 was added to the HTR on June 5, 1992, prohibiting vessels calling in Haiti on or after that date from entering the United States without FAC authorization. Vessels seeking such authorization must demonstrate that all calls in Haiti on or after June 5 were (1) for transactions exempted or excepted from the applicable prohibitions of the HTR, (2) specifically licensed by FAC, or authorized by an OAS Member State pursuant to Resolution MRE/RES. 3/92, or (3) made under a contract of voyage that was fully completed prior to the vessel's proposed entry into a U.S. port.

Strict enforcement of the new regulation has benefitted from the close coordination between FAC, the U.S. Embassy at Port-au-Prince, the U.S. Customs Service, the U.S. Navy, and the U.S. Coast Guard in monitoring vessel traffic to and from Haiti.

7. Since the issuance of Executive Order No. 12779, FAC has worked closely with the U.S. Customs Service to ensure both that prohibited imports and exports (including those in which the Government of Haiti has an interest) are identified and interdicted and that permitted imports and exports move to their intended destinations without undue delay. Violations and suspected

violations of the embargo are being investigated, and appropriate enforcement actions have been initiated.

Since my last report, penalties totalling more than $30,000 have been collected from U.S. banks for violations involving unlicensed transfers from blocked Government of Haiti accounts or the failure to block payments to the de facto regime. Additional penalties totaling nearly $175,000 have been proposed for other violations of the HTR, including penalties against the masters of vessels violating the new regulation, effective June 5, 1992, applicable to vessels calling in Haiti on or after that date.

8. The expenses incurred by the Federal Government in the 6-month period from April 4, 1992, through October 3, 1992, that are directly attributable to the authorities conferred by the declaration of a national emergency with respect to Haiti are estimated at $2.3 million, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in FAC, the U.S. Customs Service, and the Office of the General Counsel), the Department of State, the U.S. Coast Guard, and the Department of Commerce.

9. The assault on Haiti's democracy represented by the military's forced exile of President Aristide continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. The United States remains committed to a multilateral resolution of this crisis through its actions implementing the resolutions of the OAS with respect to Haiti. I shall continue to exercise the powers at my disposal to apply economic sanctions against Haiti as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

GEORGE BUSH.

THE WHITE HOUSE, *September 30, 1992.*

NATIONAL EMERGENCY WITH RESPECT TO HAITI—MESSAGE FROM THE PRESIDENT—PM 284

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Haitian emergency is to continue in effect beyond October 4, 1992, to the *Federal Register* for publication.

The crisis between the United States and Haiti that led to the declaration on October 4, 1991, of a national emergency has not been resolved. The assault on Haiti's democracy represented by the military's forced exile of President Aristide continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. The United States remains committed to a multilateral resolution of this crisis through its actions implementing the resolutions of the Organization of American States with respect to Haiti. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure to the *de facto* regime in Haiti.

GEORGE BUSH.

THE WHITE HOUSE, *September 30, 1992.*

VIOLENT CRIME CONTROL ACT OF 1992—MESSAGE FROM THE PRESIDENT—PM 285

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on the Judiciary:

To the Congress of the United States:

I am pleased to transmit for your immediate consideration and enactment the "Violent Crime Control Act of 1992." Also transmitted is a section-by-section analysis.

In a speech I delivered recently at the DeSales Catholic Church in Fox Park, Missouri, I outlined my crime agenda for the remainder of this Congress and for next year. I discussed several issues of particular concern to the families of this country such as carjacking, sexual and domestic assault, and gang violence. The enclosed legislative proposal addresses these critical problems.

As you know, I first proposed a comprehensive crime bill to the Congress on June 15, 1989. I again submitted a bill to the 102nd Congress on March 11, 1991. That bill, which has yet to be enacted, includes provisions for restoring and expanding the Federal death penalty, ending the abuse of habeas corpus, reforming the exclusionary rule, and establishing additional crimes and penalties involving the criminal use of firearms. The failure of the Congress to pass these pro-law enforcement proposals is particularly frustrating in light of the broad bipartisan support they enjoy.

I know that there is currently an effort being made to forge a genuine compromise that would include effective death penalty provisions and a version of habeas corpus reform that would be acceptable to me. It is my hope that the Congress will present me with such a compromise, one that is truly meaningful for Federal, State, and local law enforcement. This apparent willingness to work realistically on crime legislation provides the basis for me to call on this Congress to act quickly in its final days to pass the additional crime-fighting measures I am today proposing.

The bill I am transmitting today addresses several of the most significant current threats to public safety. It includes:

1. *New tools for fighting sexual violence* such as increased penalties, new rules of evidence and conduct for trial lawyers, expanded restitution for victims, and grants to State and local law enforcement.

2. *Anti-carjacking provisions* in the form of a new Federal crime, expanded use of law enforcement grants to the States, and a study of devices to prevent carjacking.

3. *Provisions for combating domestic violence* such as a new Federal offense covering spouse abuse, violations of protective orders, and stalking, and a comprehensive grant program to fight domestic violence and enforce child support obligations.

4. *Anti-gang amendments*, including a new RICO-type offense for street gang activities, a new offense for involving a minor in the commission of a violent crime, and broadened adult prosecution of violent juveniles.

5. *New laws for child support enforcement* that will give the Federal Government the ability to punish criminally "deadbeat dads" who leave a State in order to avoid child support or who are significantly late in the payment of child support obligations. The legislation will also assist the States in the enforcement of child support orders.

6. *Increased penalties for crimes against the elderly* that will punish and deter criminals from assaulting or defrauding senior citizens.

7. *New crimes and penalties for the criminal use of firearms* such as a mandatory 10-year sentence for using a semiautomatic firearm in the course of a violent or drug trafficking crime, and a mandatory 5-year sentence for possession of a gun by a dangerous felon.

As the 102nd Congress draws to a close, the Congress has an opportunity to pass legislation that will have a major impact on many of the most serious crime problems facing Americans. The public wants decisive action from government to combat the menacing presence of violent criminals. Let us address this unfinished agenda now.

GEORGE BUSH.

THE WHITE HOUSE, *September 30, 1992.*

MESSAGES FROM THE HOUSE

At 12:28 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 3195. An act to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the United States' involvement in World War II.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2431) to amend the Wild and Scenic Rivers Act by designating a segment of the Lower Merced River in California as a component of the National Wild and Scenic Rivers System; with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the following bills, each with amendment, in which it requests the concurrence of the Senate:

S. 1183. An act to reduce the restrictions on the lands conveyed by deed to the city of Kaysville, Utah, and for other purposes; and

S. 2572. An act to authorize an exchange of lands in the States of Arkansas and Idaho.

The message also announced that the House has passed the following bills, each with amendments, in which it requests the concurrence of the Senate:

S. 1439. An act to authorize and direct the Secretary of the Interior to convey certain lands in Livingston Parish, Louisiana; and

S. 2563. An act to provide for rehabilitation of historic structure within the Sandy Hook Unit of Gateway National Recreation Area in the State of New Jersey, and for other purposes.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5503) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4087. An act to authorize the adjustment of the boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest, and for other purposes;

H.R. 4489. An act to provide for a land exchange with the city of Tacoma, Washington;

H.R. 4590. An act to establish the Spring Mountains National Recreation Area in Nevada, and for other purposes;

H.R. 5119. An act to authorize the construction of the Cumberland Mountain Train in the States of Kentucky and Virginia, to study the establishment of the Cumberland National Recreation Area on the States of Kentucky and Virginia, and for other purposes;

H.R. 5122. An act relating to the settlement of the water rights claims of the Jicarilla Apache Tribe;

H.R. 5423. An act to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor;

H.R. 5938. An act to amend the Public Health Service Act to establish the authority for the regulation of mammography services and radiological equipment, and for other purposes;

H.R. 6018. An act to amend the Foreign Assistance Act of 1961 with respect to international narcotics control programs and activities, and for other purposes;

H.R. 6022. An act to amend the Fair Credit Reporting Act to require the inclusion in consumer reports of information provided to consumer reporting agencies regarding the failure of a consumer to pay overdue child support;

H.R. 6046. An act to make technical corrections in certain public laws;

H.R. 6048. An act to require the Federal depository institution regulatory agencies to take additional enforcement actions against depository institutions engaging on money laundering, and for other purposes; and

H.R. 6056. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1993, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 365. A concurrent resolution making corrections in the enrollment of H.R. 5503.

At 12:45 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 553. Joint resolution making continuing appropriations for fiscal year 1993, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 4:14 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1216. An act to provide for the adjustment of status under the Immigration and Nationality Act of certain nationals of the People's Republic of China unless conditions permit their return in safety to that foreign state;

S. 2344. An act to improve the provision of health care and other services to veterans by the Department of Veterans Affairs, and for other purposes;

H.R. 5058. An act to authorize appropriations for the American Folklife Center for fiscal year 1993;

H.R. 5399. An act to amend the United States Commission on Civil Rights Act of 1983 to provide an authorization of appropriations; and

H.J. Res. 553. Joint resolution making continuing appropriations for the fiscal year 1993, and for other purposes.

The enrolled bills and joint resolution were subsequently signed by the President pro tempore [Mr. BYRD].

At 6 p.m., a message from the House of Representatives announced that the House has passed the following bill, without amendment:

S. 3006. An act to provide for the expeditious disclosure of records relevant to the assassination of President John F. Kennedy.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2) to provide the achievement of national education goals, to measure progress toward such goals, to develop national educational standards and voluntary assessments in accordance with such standards and to encourage the comprehensive improvement of America's neighborhood public schools to improve student achievement; and that the House insists upon its amendment to the title of the bill.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 11) to amend the Internal Revenue Code of 1986 to provide tax incentives for the establishment of tax enterprise zones, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Ways and Means, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. PICKLE, Mr. RANGEL, Mr. STARK, Mr. ARCHER, Mr. VANDER JAGT, and Mr. CRANE; provided, that solely for consideration of sections 6211–6214 and 7101–7162 of the House bill, and sections 6211–6214, 7101–7177, and 7180–7181 of the Senate amendment, Mr. DOWNEY is appointed in lieu of Mr. STARK and Mr. SHAW is appointed in lieu of Mr. CRANE; that solely for consideration of sections 6201 and 7001–7014 of the House bill and sections 6201, 7001–7006, and 7178–7179 of the Senate amendment, Mr. JACOBS is appointed in lieu of Mr. STARK and Mr. BUNNING is appointed in lieu of Mr. CRANE; that solely for consideration of sections 2171–2185, 6220–6251, and titles XIV–XVI of the Senate amendment, Mr. GRADISON is appointed in lieu of Mr. CRANE; and that solely for consideration of title V of the House bill, and title V of the Senate amendment, Mr. SCHULZE is appointed in lieu of Mr. CRANE.

The message also announced that the House of Representatives having proceeded to reconsider the bill (H.R. 5318) regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives in which it originated, it was resolved that the bill do pass, two-thirds of the House of Representatives agreeing to pass the same.

The message further announced that pursuant to the authority granted on September 23, 1992, the Speaker makes the following modification in the appointment of conferees in the con-

ference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4016) entitled "An act to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to require the Federal Government, before termination of Federal activities on any real property owned by the Government, to identify real property where no hazardous substance was stored, released, or disposed of":

As an additional conferee from the Committee on Armed Services, for consideration of Senate amendments numbered 1 through 4, and modifications committed to conference: Mr. SAXTON.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 366. A concurrent resolution requesting the President to return the enrolled bill (H.R. 3379) with respect to the authorities of the Administrative Conference, and providing for its reenrollment with technical corrections.

ENROLLED BILLS SIGNED

At 7:31 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 5503. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 5679. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1993, and for other purposes; and

H.R. 6056. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1993, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4087. An act to authorize the adjustment of the boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest, and for other purposes; to the Committee on Energy and Natural Resources;

H.R. 4590. An act to establish the Spring Mountains National Recreation Area in Nevada, and for other purposes; to the Committee on Energy and Natural Resources;

H.R. 5119. An act to authorize the construction of the Cumberland Mountain Train in the States of Kentucky and Virginia, to study the establishment of the Cumberland National Recreation Area on the States of Kentucky and Virginia, and for other purposes; to the Committee on Energy and Natural Resources;

H.R. 5122. An act relating to the settlement of the water rights claims of the Jicarilla Apache Tribe; to the Select Committee on Indian Affairs;

H.R. 5423. An act to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor; to the Committee on Energy and Natural Resources;

H.R. 6018. An act to amend the Foreign Assistance Act of 1961 with respect to international narcotics control programs and activities, and for other purposes; to the Committee on Foreign Relations;

H.R. 6022. An act to amend the Fair Credit Reporting Act to require the inclusion in consumer reports of information provided to consumer reporting agencies regarding the failure of a consumer to pay overdue child support; to the Committee on Banking, Housing, and Urban Affairs; and

H.R. 6046. An act to make technical corrections in certain public laws; to the Committee on Energy and Natural Resources.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 365. A concurrent resolution making corrections in the enrollment of H.R. 5503; to the Committee on Appropriations.

ENROLLED BILLS SIGNED

The PRESIDENT pro tempore (Mr. BYRD) announced that on today, September 30, 1992, he had signed the following enrolled bills previously signed by the Speaker of the House:

H.R. 1435. An act to direct the Secretary of the Army to transfer jurisdiction over the Rocky Mountain Arsenal, Colorado, to the Secretary of the Interior;

H.R. 2967. An act to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a 1993 National Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes;

H.R. 5428. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1993, and for other purposes; and

H.R. 5630. An act to amend the Head Start Act to expand services provided by Head Start programs; to expand the authority of the Secretary of Health and Human Services to reduce the amount of matching funds required to be provided by participating Head Start agencies; to authorize the purchase of Head Start facilities; and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 30, 1992, he had presented to the President of the United States the following enrolled bills:

S. 1216. An act to provide for the adjustment of status under the Immigration and Nationality Act of certain nationals of the People's Republic of China unless conditions permit their return in safety to that foreign state; and

S. 2344. An act to improve the provision of health care and other services to veterans by the Department of Veterans Affairs, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1898. A bill to amend the Marine Mammal Protection Act of 1972 to provide for examination of the health of marine mammal populations and for effective coordinated response to strandings and catastrophic events involving marine mammals (Rept. No. 102-438).

S. 2297. A bill to enable the United States to maintain its leadership in land remote sensing by providing data continuity for the Landsat program, by establishing a new national land remote sensing policy, and for other purposes (Rept. No. 102-445).

S. 3150. A bill to amend the Federal Trade Commission Act to provide authorization of appropriations, and for other purposes (Rept. No. 102-446).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2527. A bill to restore Olympic National Park and the Elwha River ecosystem and fisheries in the State of Washington (Rept. No. 102-447).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. D'AMATO:

S. 3288. A bill to provide aircraft noise abatement loan guarantees, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL (for himself and Mr. KASTEN):

S. 3289. A bill to provide for assistance in the preservation of Taliesin in the State of Wisconsin, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GLENN (for himself, Mr. SIMON, Mr. WOFFORD, Mr. LEVIN, Mr. D'AMATO, Mr. KOHL, and Mr. METZENBAUM):

S. 3290. A bill to coordinate and promote Great Lakes activities, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRANSTON (for Mr. MITCHELL (for himself and Mr. DOLE)):

S. Res. 354. A resolution to direct the Senate Legal Counsel to provide representation and to authorize testimony in the case of State of Connecticut versus Juanita Martin; considered and agreed to.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO:

S. 3288. A bill to provide aircraft noise abatement loan guarantees, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AIRCRAFT NOISE ABATEMENT

• Mr. D'AMATO. Mr. President, I rise today to introduce legislation that will

provide loan guarantees for air carriers to modify their aircraft to reduce aircraft noise.

The modifications would expedite the conversion of the commercial airline fleet from stage 2 to stage 3 aircraft in advance of the deadlines established by the Airport Noise and Capacity Act of 1990. The modifications would be in the form of the installation of new engines on the aircraft, or noise attenuation devices on existing engines. Another option would be to finance the acquisition of aircraft which comply with stage 3 noise levels as a replacement for an aircraft which is not in compliance with these levels.

This legislation would provide rapid relief for the millions of persons residing near our Nation's airports who are suffering from a relentless barrage of sonic terror. By expediting the statutory implementation deadline of December 31, 1999 for stage 3 aircraft and offering the industry financial incentives, we will significantly improve the quality of life for all people affected by severe noise pollution.

The noise abatement legislation is a straightforward approach to assist air carriers that provide interstate, charter and intrastate transportation. The aircraft modification loans would apply to turbojet aircraft with a maximum weight in excess of 75,000 pounds and would be guaranteed by terms established by the Secretary of Transportation.

The replacement of noisy stage 2 aircraft or the retrofitting of the fleet with hush kits would provide necessary relief to the millions who are subject to this national environmental dilemma. The New York City metropolitan area suffers disproportionately from aircraft noise and receives about two-thirds of the Nation's noise pollution. Noise abatement in communities surrounding airports such as LaGuardia International Airport, JFK International Airport, and Newark International Airport must be increased and efforts to mitigate the suffering must be a priority. Moreover, the rapid growth of Stewart International Airport in Newburgh, NY, as well as smaller reliever airports both upstate and downstate have created noise concerns that also demand attention. It is essential that we solve this unconscionable situation, and alleviate excess aircraft noise. I urge my colleagues to support this important bill.

Mr. President, I ask unanimous consent that the text of this bill be entered into the CONGRESSIONAL RECORD.

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

S. 3288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. POLICY.

It is the policy of Congress that noise associated with the use of our Nation's airports must be reduced and efforts to mitigate noise must be continued. In furtherance of this policy, it is deemed necessary and desirable that provision be made to assist certain air carriers, charter air carriers and intrastate air carriers by providing governmental guarantees of loans to enable them on reasonable terms to modify aircraft operated by them to reduce aircraft noise.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term "aircraft modification loan" means any loan, or commitment in connection therewith, made to finance the modification of civil subsonic turbojet aircraft with a maximum weight of more than 75,000 lbs. (hereinafter referred to as the "Aircraft") to comply with the Stage 3 noise levels set forth in part 36 of title 14, Code of Federal Regulations as in effect on the date of the enactment of this Act, with such modification being either in the form of the installation of new engines on the Aircraft or noise attenuation devices in and on the existing engines, or to finance the acquisition, by lease or purchase, of an aircraft which complies with such Stage 3 noise level as a replacement for an aircraft which is not in compliance with such levels.

(2) The term "air carrier" means any air carrier holding a certificate of public convenience and necessity issued under section 401(d)(1) of the Federal Aviation Act of 1958 (49 U.S.C. 1371(d)(1)).

(3) The term "charter air carrier" has the meaning given such term in section 101(14) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(14)).

(4) The term "charter air transportation" has the meaning given such term in section 101(15) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(15)).

(5) The term "intrastate air carrier" means any citizen of the United States who undertakes, whether directly or indirectly or by a lease or any other arrangement, to engage primarily in intrastate air transportation (as such term is defined in section 101(26) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(26))).

(6) The term "Secretary" means the Secretary of Transportation.

SEC. 3. LOAN GUARANTEE.

The Secretary is authorized to guarantee any lender against loss of principal or interest on any aircraft modification loan made by such lender to any air carrier, any charter air carrier or any intrastate air carrier. Such guarantee shall be made in such form, on such terms and conditions, and pursuant to such regulations, as the Secretary deems necessary and which are not inconsistent with the provisions of this Act.

SEC. 4. CONDITIONS.

No guaranty shall be made under this Act—

(1) extending to more than the unpaid interest and 90 percent of the unpaid principal of any loan;

(2) on any loan or combination of loans for more than 90 percent of the price of the noise modification or acquisition of the Aircraft;

(3) on any loan whose terms permit full repayment more than 10 years after the date thereof;

(4) wherein the total face amount of such loan, and of any other loans to the same air carrier, charter air carrier, or intrastate air carrier or corporate predecessor of such air carrier, charter air carrier, or intrastate air carrier guaranteed and outstanding under the terms of this Act exceed $500,000,000; and

(5) unless the Secretary finds that the prospective earning power of the applicant air carrier, charter air carrier or intrastate carrier together with the character and value of the security pledged, furnish—

(A) reasonable assurances of the applicant's ability to repay the loan within the time fixed therefore; and

(B) reasonable protection to the United States.

SEC. 5. FEES.

The Secretary shall prescribe and collect from the lending institution a reasonable guaranty fee in connection with each loan guaranteed under this Act.

SEC. 6. ASSISTANCE.

(a) FEDERAL AGENCIES.—To permit him to make use of such expert advice and services as he may require in carrying out the provisions of this Act relating to loan guarantees, the Secretary may use available services and facilities of other agencies and instrumentalities of the Federal Government with their consent and on a reimbursable basis.

(b) AUTHORITY.—Departments and agencies of the Federal Government shall exercise their powers, duties, and functions in such manner as will assist in carrying out the objectives of this Act relating to loan guarantees.

(c) COMPTROLLER GENERAL OF THE UNITED STATES.—The Secretary shall make available to the Comptroller General of the United States such information with respect to the loan guaranty program under this Act as the Comptroller General may require to carry out his duties under the Budget and Accounting Act, 1921.

SEC. 7. FUNDING.

(a) RECEIPTS.—Receipts under this Act shall be credited to miscellaneous receipts of the Treasury.

(b) ADMINISTRATIVE EXPENSES.—Administrative expenses under this Act shall be paid from appropriations to the Department of Transportation for administrative expenses.

SEC. 8. TERMINATION OF GUARANTEES.

The authority of the Secretary to guarantee loans under section 3 of this Act shall terminate five years after the date of enactment of this section.•

By Mr. KOHL (for himself and Mr. KASTEN):

S. 3289. A bill to provide for assistance in the preservation of Taliesin in the State of Wisconsin, and for other purposes; to the Committee on Energy and Natural Resources.

TALIESIN PRESERVATION ACT

• Mr. KOHL. Mr. President, this year the Nation is celebrating the 125th anniversary of Frank Lloyd Wright's birth. I am please to observe this occasion by introducing legislation to ensure for future generations the continued existence of the embodiment of this great American artist's legacy, Taliesin in Spring Green, WI.

Two years ago I had the pleasure of making my first visit to Taliesin which, by the way, is Welsh for "shining brow." Taliesin consists of Mr. Wright's home, architectural school and studio, as well as the grounds on which these facilities are located. Everything in the complex—from the pattern of the driveways and rolling lines of the fields to the lighting, furnishings and collected objects inside—is a product of Mr. Wright's genius. The entire facility reflects his ability to create

designs which are consistent with the appearance of the surrounding environment and use technologies which are compatible with the long term preservation of that environment.

Frank Lloyd Wright's influence on architecture in this century is unquestioned. And that influence will surely continue for centuries yet to come, not only because the forms he created are so timeless, but because his ideas remain so vibrant.

While his ideas and theories and contributions are timeless, the physical work he produced is not. When I visited Taliesin, I could see all too clearly that, after 81 years, there are dangerous and disturbing signs of physical deterioration. In response to the need for restoration and preservation, the Taliesin Preservation Commission has been created to develop and implement programs to preserve Taliesin and provide an environment where an international audience can learn more about the work, ideas, and accomplishments of Frank Lloyd Wright. Substantial financial commitments have been made by the State of Wisconsin and through the commission's ongoing private fundraising efforts to undertake and complete this comprehensive plan.

The legislation I am introducing today will provide, on a matching basis, the additional technical and financial assistance required for Taliesin's restoration, preservation and protection. It will assure that this legacy of Frank Lloyd Wright will be preserved for the continuing public benefit of visitors and scholars from around the world, while ensuring the continuation of the private ownership and management of this preeminent site. I believe these dual goals can be best achieved through designation and recognition of Taliesin as an affiliated area of the National Park Service.

Frank Lloyd Wright was truly an American artist. Examples of his legacy can be seen throughout the Nation. Citizens of Wisconsin, Illinois, Michigan, New York, New Hampshire, Virginia, Iowa, California, Pennsylvania, Florida, Arizona, Oklahoma, and Alabama have buildings in their States which were both designed by Frank Lloyd Wright and are open to the public. I urge my colleagues to join me in cosponsorship of this legislation to aid in the preservation of Taliesin, the nation's preeminent example of the work of this exceptional American artist.•

• Mr. KASTEN. Mr. President, Frank Lloyd Wright is one of the most outstanding, if not the greatest architect of the 20 century. The year 1992 marks the 125th anniversary of his birth. This great designer single-handedly changed the way we look at architecture today.

Unfortunately, his own home near Spring Green, WI is suffering the effects of time. It is for this reason that my colleague from Wisconsin and I are introducing legislation in the Senate today. For those of you not familiar with some of Frank Lloyd Wright's work, I would like to share a brief history with you.

Frank Lloyd Wright was born in Richland Center, WI in 1869. His father was a preacher and musician, his mother a teacher. Mr. Wright was a student at the University of Wisconsin for a short time, but left to become an apprentice to Louis Sullivan in Chicago.

In 1893 he opened his own practice in Oak Park, IL. By the time he left Oak Park in 1911 his organic style of architecture had gained world-wide recognition.

From Oak Park he returned to his boyhood home of southwest Wisconsin. It was there that he began work on Taliesin which would become his primary home and office for the remainder of his life.

Literally Taliesin translates from Welsh as shining brow, which describes the way the main house sits on the brow of a hill. Taliesin is situated on 600 acres of beautiful rolling hills in southwest Wisconsin, just a few miles from Spring Green.

The structure is not just a home though. It is a national historic landmark as of 1976, and it is also the summer residence of the Frank Lloyd Wright School of Architecture. Along with the main building there is Midway Farm and the Hillside Home School. This area was used by Wright and his wife to create the fellowship program where students are apprenticed and learn the style of Frank Lloyd Wright.

Wright lived and worked at Taliesin for the majority of his life. It was central to his life and has been called a Frank Lloyd Wright autobiography in wood and stone. He evolved as an architect there and it is visible through the changes that he made. Wright has an organic style that complemented and enhanced the environment around it. His style broke the box of traditional architecture offered.

The original Taliesin building burned in 1911 and there was another fire in 1915. Taliesin III was built in 1925. The structures at Taliesin are on their original sites and display original workmanship that evokes the essence of Frank Lloyd Wright's ideas and techniques.

There are several other buildings on the Taliesin property that are extremely valuable as well. The school that Wright built for students contained a drafting room, dormitories, a dining hall, workshops, and plans for music and theater buildings.

Also on the Taliesin property is a windmill called Romeo and Juliet. This was built for Wright's aunts, and pulled water up for decades as well as creating a modern abstract design.

The Midway farm served to provide students and residents with food during their stay. Later it was converted to storage and living areas, and is still used for dormitories today.

Wright built Tan-y-deri, Welsh for under the oaks, as a home for his sister and brother-in-law in 1907. Wright tried out some of his early innovations in this little known place.

Unity Chapel is just adjacent to Taliesin, and is the sight of Frank Lloyd Wright's grave. It was built in 1886, one of the first buildings that Wright had a hand in creating. He died in 1959.

Taliesin is abound with natural resources as well. A dammed creek runs through the property and creates two small ponds before it drains into the nearby Wisconsin River. There are open fields and stands of second-growth deciduous forests that support numerous forms of wildlife.

There are also many recreational resources including, camping, canoeing, skiing, and fishing. All of these have been carefully monitored so as not to interfere with the biodiversity that is present in the area.

The Frank Lloyd Wright Fellowship is a nonprofit organization that has carried on Wright's work and ideals since his death. They still use the Taliesin site every summer. The foundation just cannot keep up with the repairs during the short summers.

Currently, Taliesin is only open to the public on a very limited basis. There could be many creative uses for this sanctuary either academically or for other pursuits. Providing controlled opening of this historical site to the public would also be an excellent way to preserve the genius of Frank Lloyd Wright.

Wisconsin Governor Tommy Thompson signed an executive order in 1988 to assess the restoration and preservation of this historic site. From this order the Taliesin Preservation Commission was created in 1990. Their responsibility is to preserve Taliesin for future generations, develop necessary funding to meet these goals, and provide an environment where an international audience can learn more about the work, ideas and accomplishments of Frank Lloyd Wright.

To accomplish these goals the commission has planned for the restoration of Taliesin, and the construction of a visitors center that would educate people about Frank Lloyd Wright's life and work. The funding for this project is coming from many sources. Public fundraising, private donations, and government help are the main ways of budget enhancement.

Without the genius of Frank Lloyd Wright, American architecture would not have the natural flair it does today. He is a man who has awed and inspired many, and his work will continue to do so for generations. The restoration that is needed on his home will provide millions of people with insight to a great man and his work.

This legislation will make Taliesin an affiliate unit of the National Park

Service. It authorizes technical and financial assistance on a matching basis. This legislation assures we will get the maximum return on our federal dollar.

Taliesin is one of the most important architectural sites in the Nation. It is imperative that we act to protect this gem for the use and enjoyment of future generations.●

By Mr. GLENN (for himself, Mr. SIMON, Mr. WOFFORD, Mr. LEVIN, Mr. D'AMATO, Mr. KOHL, and Mr. METZENBAUM):

S. 3290. A bill to coordinate and promote Great Lakes activities, and for other purposes; to the Committee on Environment and Public Works.

GREAT LAKES FEDERAL EFFECTIVENESS ACT

● Mr. GLENN. Mr. President, I rise today to introduce the Great Lakes Federal Effectiveness Act of 1992, with my colleagues Senators SIMON, WOFFORD, LEVIN, D'AMATO, KOHL, and METZENBAUM. This legislation, introduced within the House of Representatives earlier this summer by Congressmen NOWAK, DAVIS, and HERTEL, represents an important step forward in the Federal Government's approach to environmental research in the Great Lakes Basin.

Mr. President, we as a society are finally learning a lesson that native American cultures have understood for centuries: that nature is a complex system composed of highly interdependent parts, and it cannot be fully understood—or successfully managed—unless all of its parts are considered together. This ecosystem perspective on the natural environment, if incorporated into our Federal environmental policies, promises to fundamentally alter our current approach toward environmental management—for the better. Instead of addressing air, water, soil, and wildlife resource activities as isolated subsets of the environment, we will finally begin to take the first steps toward accounting for cross-media transfers of pollutants in our environmental protection and restoration efforts. An experiment in this ecosystem approach to environmental management is already underway within the Great Lakes Basin. As part of this experiment, the Environmental Protection Agency is geographically targeting—that is, better integrating—its media-specific programs, and directing them toward a common set of overall environmental objectives.

I believe this movement toward ecosystem management is a positive trend that must be nurtured and fully supported. In these days of zero base budgets, we do not have a lot of extra money to squander on ineffective or inefficient environmental management strategies. We can no longer afford to have a scattershot approach to environmental remediation activities. An ecosystem perspective in Federal environmental programs promises to yield a better understanding, and therefore a more effective means of managing, the complex environmental problems that still plague the Great Lakes and other aquatic ecosystems nationwide.

Efforts to better integrate environmental protection programs must be based upon an equally well-integrated foundation of scientific knowledge. The House Merchant Marine and Fisheries Committee hearings on Great Lakes environmental research this spring, revealed an impressive number of agencies and research programs directed at various aspects of the Great Lakes environment. Every one of these programs is crucial, and many more are needed, to successfully anticipate the impacts of human activities on the basin, and accurately identify and implement effective and affordable restoration measures. Yet, with the level of specialization that we have achieved in environmental research conducted within the Great Lakes Basin, a concerted effort will be required to achieve adequate communciation and coordination among research initiatives to avoid unnecessary duplication of efforts, turf battles between sister agencies, and most of all, to be able to "see the forest for the trees."

I would like to pause here to credit the Federal research managers in the Great Lakes region for anticipating this need and already acting upon it. The Federal research managers in the basin initiated their own effort to better coordinate their research activities through integrating their research programs through the International Joint Commission's Council of Great Lakes Research Managers and the Environmental Protection Agency's 5-year planning process. The Council of Great Lakes Research Managers is composed of Federal, State, academic, and private-sector officials from the United States and Canada, who are involved in research on the Great Lakes. The council maintains a Great Lakes Research Inventory that lists and describes environmental research projects being conducted by both countries in order to better inform the basin's research community of the current and future research projects within the basin. The IJC's Council also attempts to jointly define research priorities for the Basin that also address salient policy questions.

This effort promises to yield a more efficient and cost-effective Federal research presence within the Great Lakes Basin. Yet, until clear authorization for these activities are created in law, continued Federal Agency involvement will remain uncertain. Providing this mandate—to assure continued Federal agency participation in this innovative effort to coordinate research among agencies and across disciplines in the Great Lakes Basin—is the fundamental purpose of the Great Lakes Federal Effectiveness Act of 1992.

The Great Lakes Federal Effectiveness Act establishes a council to coordinate U.S. Federal Great Lakes ecosystem research, to prepare a report on those activities, to identify topics for workshops, to make recommendations on uniform monitoring data and data management, and to disseminate the findings of such research efforts. The council will be composed of representatives from the Environmental Protection Agency, the Fish and Wildlife Service, and the National Oceanic and Atmospheric Administration, among others. The council established by this act differs from the Great Lakes Research Office established by the 1987 amendments to the Clean Water Act since there are no "bricks and mortar" or cross agency funds authorized in this legislation. Instead, each agency participates in a Council which has a rotating chairmanship, and to the greatest extent possible channels its own research funds, in accordance with a mutually determined Great Lakes research agenda.

Mr. President, by requiring Federal agencies to coordinate their research activities in the Great Lakes Basin and to avail themselves of the International Joint Commission's Council of Great Lakes Research Managers, this legislation promises to improve the value and relevance of research findings produced by Federal agencies working in the Great Lakes Basin. It will help us to stretch our limited research monies, and help us to better tap the intellectual resources within the academic scientific community, the private sector, and in Canada. I urge my colleagues in the Senate to endorse this legislation and work toward its timely enactment.●

ADDITIONAL COSPONSORS

S. 25

At the request of Mr. CRANSTON, the name of the Senator from North Dakota [Mrs. BURDICK] was added as a cosponsor of S. 25, a bill to protect the reproductive rights of women, and for other purposes.

S. 846

At the request of Mr. PRYOR, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 846, a bill to amend title XIX of the Social Security Act to establish Federal standards for long-term care insurance policies.

S. 1087

At the request of Mr. HARKIN, the names of the Senator from West Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 1087, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the Pledge of Allegiance to the Flag.

S. 1777

At the request of Mr. ADAMS, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1777, a bill to amend the Public Health Service Act to establish the authority for the regulation of mammography services and radiological equipment, and for other purposes.

S. 1931

At the request of Mr. STEVENS, the names of the Senator from Nebraska [Mr. KERREY], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 1931, a bill to authorize the Air Force Association to establish a memorial in the District of Columbia or its environs.

S. 2677

At the request of Mr. CRANSTON, the name of the Senator from North Dakota [Mrs. BURDICK] was added as a cosponsor of S. 2677, a bill to ensure economic equity for American women and their families and to respond to the need to revitalize the American economy by expanding employment opportunities; improving access to funds for women business owners; enhancing economic justice for women through pay equity, improved child support enforcement, and benefits for part-time workers; and providing economic and retirement security for women as workers and as divorced or surviving spouses.

S. 2841

At the request of Mr. D'AMATO, the name of the Senator from New Hampshire [Mr. RUDMAN] was added as a cosponsor of S. 2841, a bill to provide for the minting of coins to commemorate the World University Games.

S. 3160

At the request of Mr. REID, the names of the Senator from Arizona [Mr. MCCAIN], the Senator from Maine [Mr. COHEN], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of S. 3160, a bill to amend the Fair Labor Standards Act of 1938 to ensure that inmates are not treated as employees for purposes of such Act, and for other purposes.

S. 3254

At the request of Mr. REID, the names of the Senator from Indiana [Mr. LUGAR], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 3254, a bill to authorize the President to award a gold medal on behalf of Congress to Richard "Red" Skelton, and to provide for the production of bronze duplicates of such medal for sale to the public.

S. 3264

At the request of Mr. SEYMOUR, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 3264, a bill to amend the Immigration and Nationality Act to provide expedited procedures for the deportation of alien criminals.

S. 3274

At the request of Mr. BENTSEN, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from Louisiana [Mr. BREAUX], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of S. 3274, a bill to amend various medicare and medicaid provisions of the Social Security Act, and for other purposes.

SENATE JOINT RESOLUTION 311

At the request of Mr. SEYMOUR, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from Colorado [Mr. WIRTH], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Joint Resolution 311, a joint resolution designating February 21, 1993, through February 27, 1993, as "American Wine Appreciation Week", and for other purposes.

SENATE JOINT RESOLUTION 315

At the request of Mr. SEYMOUR, the names of the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 315, a joint resolution to designate September 16, 1992, as "National Occupational Therapy Day."

SENATE JOINT RESOLUTION 316

At the request of Mr. SIMON, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Texas [Mr. BENTSEN], the Senator from Oklahoma [Mr. BOREN], the Senator from Louisiana [Mr. BREAUX], the Senator from Montana [Mr. BURNS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Maine [Mr. COHEN], the Senator from North Dakota [Mr. CONRAD], the Senator from California [Mr. CRANSTON], the Senator from Missouri [Mr. DANFORTH], the Senator from South Dakota [Mr. DASCHLE], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from Kansas [Mr. DOLE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Nebraska [Mr. EXON], the Senator from Georgia [Mr. FOWLER], the Senator from Utah [Mr. GARN], the Senator from Tennessee [Mr. GORE], the Senator from Florida [Mr. GRAHAM], the Senator from Alabama [Mr. HEFLIN], the Senator from Hawaii [Mr. INOUYE], the Senator from Vermont [Mr. JEFFORDS], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Wisconsin [Mr. KASTEN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Massachusetts [Mr. KERRY], the Senator from Wisconsin [Mr. KOHL], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Florida [Mr. MACK], the Senator from Arizona [Mr. MCCAIN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Maryland [Ms. MIKULSKI], the Senator from Maine [Mr. MITCHELL], the Senator from New York [Mr. MOYNIHAN], the Senator from Oregon [Mr. PACKWOOD], the Senator from Rhode Island [Mr. PELL], the Senator from Michigan [Mr. RIEGLE], the Senator from Virginia [Mr. ROBB], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from North Carolina [Mr. SANFORD], the Senator from Alabama [Mr. SHELBY], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of Senate Joint Resolution 316, a joint resolution to designate the week of November 30 through December 6, 1992 as "National Education First Week."

SENATE JOINT RESOLUTION 321

At the request of Mr. KOHL, the names of the Senator from Oregon [Mr. PACKWOOD], and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of Senate Joint Resolution 321, a joint resolution designating the week beginning March 21, 1993, as "National Endometriosis Awareness Week."

SENATE JOINT RESOLUTION 323

At the request of Mr. SIMON, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Missouri [Mr. BOND], the Senator from Oklahoma [Mr. BOREN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Colorado [Mr. BROWN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from California [Mr. CRANSTON], the Senator from New York [Mr. D'AMATO], the Senator from South Dakota [Mr. DASCHLE], the Senator from Arizona [Mr. DECONCINI], the Senator from Kansas [Mr. DOLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Utah [Mr. HATCH], the Senator from Alabama [Mr. HEFLIN], the Senator from North Carolina [Mr. HELMS], the Senator from Hawaii [Mr. INOUYE], the Senator from Vermont [Mr. JEFFORDS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wisconsin [Mr. KOHL], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Vermont [Mr. LEAHY], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Mississippi [Mr. LOTT], the Senator from Indiana [Mr. LUGAR], the Senator from Florida [Mr. MACK], the Senator from Ohio [Mr. METZENBAUM], the Senator from New York [Mr. MOYNIHAN], the Senator from Oregon [Mr. PACKWOOD], the Senator from South Dakota [Mr. PRESSLER], the Senator from Michigan [Mr. RIEGLE], the Senator from Vir-

ginia [Mr. ROBB], the Senator from Wyoming [Mr. SIMPSON], the Senator from Pennsylvania [Mr. SPECTER], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Joint Resolution 323, a joint resolution designating October 30, 1992, as "Refugee Day."

SENATE JOINT RESOLUTION 336

At the request of Mr. AKAKA, the names of the Senator from Nevada [Mr. REID], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 336, a joint resolution designating the week beginning November 8, 1992, as "Hire a Veteran Week."

SENATE RESOLUTION 301

At the request of Mr. SIMON, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of Senate Resolution 301, a resolution relating to ongoing violence connected with apartheid in South Africa.

AMENDMENT NO. 3240

At the request of Mr. WARNER the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Maine [Mr. COHEN], the Senator from Florida [Mr. MACK], the Senator from Arizona [Mr. MCCAIN], the Senator from New Hampshire [Mr. SMITH], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Amendment No. 3240 intended to be proposed to Treaty No. 102-20, the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms (the START Treaty), signed at Moscow on July 31, 1991, including Annexes on Agreed Statements and Definitions; Protocols on Conversion or Elimination, Inspection, Notification, Throw-weight, Telemetry, and Joint Compliance and Inspection Commission; and Memorandum of Understanding; all integral parts of the START Treaty.

AMENDMENT NO. 3243

At the request of Mr. WARNER the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Georgia [Mr. NUNN], the Senator from Wyoming [Mr. WALLOP], the Senator from Maine [Mr. COHEN], the Senator from Florida [Mr. MACK], the Senator from Arizona [Mr. MCCAIN], and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of Amendment No. 3243 intended to be proposed to Treaty No. 102-20, the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms (the START Treaty), signed at Moscow on July 31, 1991, including Annexes on Agreed Statements and Definitions; Protocols on Conversion or Elimination, Inspection, Notification, Throw-weight, Telemetry, and Joint Compliance and Inspection Commission; and Memorandum of Understanding; all integral parts of the START Treaty.

SENATE RESOLUTION 354—DIRECTING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. CRANSTON (for Mr. MITCHELL, for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 354

Whereas, in the case of *State of Connecticut* v. *Juanita Martin*, pending in the Superior Court of the State of Connecticut, in Enfield, Connecticut, subpoenas for testimony and documents have been issued to Senator Christopher J. Dodd and Senator Joseph I. Lieberman;

Whereas, pursuant to section 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. § 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members and employees of the Senate with respect to requests for testimony made to, or subpoenas issued to, them in their official capacity;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Dodd and Senator Lieberman, and any other Member or employee who is subpoenaed to testify or to produce documents in the case of *State of Connecticut* v. *Juanita Martin*.

SEC. 2. That employees of the Senate are authorized to testify in this case, should the need arise.

AMENDMENTS SUBMITTED

FOREIGN OPERATIONS APPROPRIATIONS ACT

LEAHY (AND OTHERS) AMENDMENT NO. 3323

Mr. LEAHY (for himself, Mr. KASTEN, Mr. HOLLINGS, Mr. DODD, Mr. BYRD, Mr. SASSER, Mr. LEVIN, Mr. COATS, Mr. METZENBAUM, Mr. D'AMATO, Mr. COHEN, Mr. KENNEDY, Mr. SHELBY, Mr. INOUYE, Mr. GRASSLEY, Mr. MCCAIN, Mr. WOFFORD, Mr. MITCHELL, Mr. NICKLES, and Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 5368 making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1993, and for other purposes, as follows:

At the appropriate place in the bill, insert the following new section:

IMPACT ON EMPLOYMENT IN THE UNITED STATES

SEC. . (a) None of the funds appropriated by this Act may be obligated or expended for any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees in the United States because United States production is being replaced by such enterprise outside the United States.

(b) None of the funds appropriated by this Act may be obligated or expended for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone in that country.

HATFIELD (AND SHELBY) AMENDMENT NO. 3324

Mr. LEAHY (for Mr. HATFIELD and Mr. SHELBY) proposed an amendment to the bill H.R. 5368 supra, as follows:

Section 562 of the bill as reported is amended by adding at the end thereof the following new subsection:

"(c) EXCEPTION.—This section 554 of this Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

"(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights."

KASTEN AMENDMENT NO. 3325

Mr. KASTEN (for himself and Mr. D'AMATO) proposed an amendment to the bill H.R. 5368 supra, as follows:

On page 63, line 3, strike "Provided" and all through "Portugal" on line 7, and insert: "*Provided further*, That the total of grants and the principal amount of direct loans provided under this heading shall be not less than $47,000,000 for Morocco, $450,000,000 only for Turkey, $315,000,000 only for Greece, and not less than $90,000,000 for Portugal; *Provided further*, That if Turkey receives any funds under this heading on a grant basis then not less than $30,000,000 of the funds provided for Greece shall be made available as grants".

On page 64, line 7, strike "Provided" and all through "Greece" on line 10.

On page 64, line 11, strike "paragraph" and insert "Heading".

LEAHY AMENDMENT NO. 3326

Mr. LEAHY proposed an amendment to the bill H.R. 5368, supra, as follows:

At the appropriate place insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cancer Registries Amendment Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) cancer control efforts, including prevention and early detection, are best addressed locally by State health departments that can identify unique needs;

(2) cancer control programs and existing statewide population-based cancer registries have identified cancer incidence and cancer mortality rates that indicate the burden of

cancer for Americans is substantial and varies widely by geographic location and by ethnicity;

(3) statewide cancer incidence and cancer mortality data, can be used to identify cancer trends, patterns, and variation for directing cancer control intervention;

(4) the American Association of Central Cancer Registries (AACCR) cites that of the 50 States, approximately 38 have established cancer registries, many are not statewide and 10 have no cancer registry; and

(5) AACCR also cites that of the 50 States, 39 collect data on less than 100 percent of their population, and less than half have adequate resources for insuring minimum standards for quality and for completeness of case information.

(b) PURPOSE.—It is the purpose of this Act to establish a national program of cancer registries.

SEC. 3. NATIONAL PROGRAM OF CANCER REGISTRIES.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following new part:

"PART M—NATIONAL PROGRAM OF CANCER REGISTRIES

"SEC. 399H. NATIONAL PROGRAM OF CANCER REGISTRIES.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control, may make grants to States, or may make grants or enter into contracts with academic or nonprofit organizations designated by the State to operate the State's cancer registry in lieu of making a grant directly to the State, to support the operation of population-based, statewide cancer registries in order to collect, for each form of in-situ and invasive cancer (with the exception of basal cell and squamous cell carcinoma of the skin), data concerning—

"(1) demographic information about each case of cancer;

"(2) information on the industrial or occupational history of the individuals with the cancers, to the extent such information is available from the same record;

"(3) administrative information, including date of diagnosis and source of information;

"(4) pathological data characterizing the cancer, including the cancer site, stage of disease (pursuant to Staging Guide), incidence, and type of treatment; and

"(5) other elements determined appropriate by the Secretary.

"(b) MATCHING FUNDS.—

"(1) IN GENERAL.—The Secretary may make a grant under subsection (a) only if the State, or the academic or nonprofit private organization designated by the State to operate the cancer registry of the State, involved agrees, with respect to the costs of the program, to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs or $1 for every $3 of Federal funds provided in the grant.

"(2) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION; MAINTENANCE OF EFFORT.—

"(A) Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(B) With respect to a State in which the purpose described in subsection (a) is to be carried out, the Secretary, in making a determination of the amount of non-Federal contributions provided under paragraph (1), may include only such contributions as are in excess of the amount of such contributions made by the State toward the collection of data on cancer for the fiscal year preceding the first year for which a grant under subsection (a) is made with respect to the State. The Secretary may decrease the amount of non-Federal contributions that otherwise would have been required by this subsection in those cases in which the State can demonstrate that decreasing such amount is appropriate because of financial hardship.

"(c) ELIGIBILITY FOR GRANTS.—

"(1) IN GENERAL.—No grant shall be made by the Secretary under subsection (a) unless an application has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such a manner, and be accompanied by such information, as the Secretary may specify. No such application may be approved unless it contains assurances that the applicant will use the funds provided only for the purposes specified in the approved application and in accordance with the requirements of this section, that the application will establish such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting of Federal funds paid to the applicant under subsection (a) of this section, and that the applicant will comply with the peer review requirements under sections 491 and 492.

"(2) ASSURANCES.—Each applicant, prior to receiving Federal funds under subsection (a), shall provide assurances satisfactory to the Secretary that the applicant will—

"(A) provide for the establishment of a registry in accordance with subsection (a);

"(B) comply with appropriate standards of completeness, timeliness, and quality of population-based cancer registry data;

"(C) provide for the annual publication of reports of cancer data under subsection (a); and

"(D) provide for the authorization under State law of the statewide cancer registry, including promulgation of regulations providing—

"(i) a means to assure complete reporting of cancer cases (as described in subsection (a)) to the statewide cancer registry by hospitals or other facilities providing screening, diagnostic or therapeutic services to patients with respect to cancer;

"(ii) a means to assure the complete reporting of cancer cases (as defined in subsection (a)) to the statewide cancer registry by physicians, surgeons, and all other health care practitioners diagnosing or providing treatment for cancer patients, except for cases directly referred to or previously admitted to a hospital or other facility providing screening, diagnostic or therapeutic services to patients in that State and reported by those facilities;

"(iii) a means for the statewide cancer registry to access all records of physicians and surgeons, hospitals, outpatient clinics, nursing homes, and all other facilities, individuals, or agencies providing such services to patients which would identify cases of cancer or would establish characteristics of the cancer, treatment of the cancer, or medical status of any identified patient;

"(iv) for the reporting of cancer case data to the statewide cancer registry in such a format, with such data elements, and in accordance with such standards of quality timeliness and completeness, as may be established by the Secretary;

"(v) for the protection of the confidentiality of all cancer case data reported to the statewide cancer registry, including a prohibition on disclosure to any person of information reported to the statewide cancer registry that identifies, or could lead to the identification of, an individual cancer patient, except for disclosure to other State cancer registries and local and State health officers;

"(vi) for a means by which confidential case data may in accordance with State law be disclosed to cancer researchers for the purposes of cancer prevention, control and research;

"(vii) for the authorization or the conduct, by the statewide cancer registry or other persons and organizations, of studies utilizing statewide cancer registry data, including studies of the sources and causes of cancer, evaluations of the cost, quality, efficacy, and appropriateness of diagnostic, therapeutic, rehabilitative, and preventative services and programs relating to cancer, and any other clinical, epidemiological, or other cancer research; and

"(viii) for protection for individuals complying with the law, including provisions specifying that no person shall be held liable in any civil action with respect to a cancer case report provided to the statewide cancer registry, or with respect to access to cancer case information provided to the statewide cancer registry.

"(d) RELATIONSHIP TO CERTAIN PROGRAMS.—

"(1) IN GENERAL.—This section may not be construed to act as a replacement for or diminishment of the program carried out by the Director of the National Cancer Institute and designated by such Director as the Surveillance, Epidemiology, and End Results Program (SEER).

"(2) SUPPLANTING OF ACTIVITIES.—In areas where both such programs exist, the Secretary shall ensure that SEER support is not supplanted and that any additional activities are consistent with the guidelines provided for in subsection (c)(2)(C) and (D) and are appropriately coordinated with the existing SEER program.

"(3) TRANSFER OF RESPONSIBILITY.—The Secretary may not transfer administration responsibility for such SEER program from such Director.

"(4) COORDINATION.—To encourage the greatest possible efficiency and effectiveness of Federally supported efforts with respect to the activities described in this subsection, the Secretary shall take steps to assure the appropriate coordination of programs supported under this part with existing Federally supported cancer registry programs.

"(e) REQUIREMENT REGARDING CERTAIN STUDY ON BREAST CANCER.—In the case of a grant under subsection (a) to any State specified in section 399K(b), the Secretary may establish such conditions regarding the receipt of the grant as the Secretary determines are necessary to facilitate the collection of data for the study carried out under section 399C.

"SEC. 399I. PLANNING GRANTS REGARDING REGISTRIES.

"(a) IN GENERAL.—

"(1) STATES.—The Secretary, acting through the Director of the Centers for Disease Control, may make grants to States for the purpose of developing plans that meet the assurances required by the Secretary under section 399B(c)(2).

"(2) OTHER ENTITIES.—For the purpose described in paragraph (1), the Secretary may make grants to public entities other than

States and to nonprofit private entities. Such a grant may be made to an entity only if the State in which the purpose is to be carried out has certified that the State approves the entity as qualified to carry out the purpose.

"(b) APPLICATION.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary, the application contains the certification required in subsection (a)(2) (if the application is for a grant under such subsection), and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"SEC. 399J. TECHNICAL ASSISTANCE IN OPERATIONS OF STATEWIDE CANCER REGISTRIES.

"The Secretary, acting through the Director of the Centers for Disease Control, may, directly or through grants and contracts, or both, provide technical assistance to the States in the establishment and operation of statewide registries, including assistance in the development of model legislation for statewide cancer registries and assistance in establishing a computerized reporting and data processing system.

"SEC. 399K. STUDY IN CERTAIN STATES TO DETERMINE THE FACTORS CONTRIBUTING TO THE ELEVATED BREAST CANCER MORTALITY RATES.

"(a) IN GENERAL.—Subject to subsections (c) and (d), the Secretary, acting through the Director of the National Cancer Institute, shall conduct a study for the purpose of determining the factors contributing to the fact that breast cancer mortality rates in the States specified in subsection (b) are elevated compared to rates in other States.

"(b) RELEVANT STATES.—The States referred to in subsection (a) are Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and the District of Columbia.

"(c) COOPERATION OF STATE.—The Secretary may conduct the study required in subsection (a) in a State only if the State agrees to cooperate with the Secretary in the conduct of the study, including providing information from any registry operated by the State pursuant to section 399H(a).

"(d) PLANNING, COMMENCEMENT, AND DURATION.—The Secretary shall, during each of the fiscal years 1993 and 1994, develop a plan for conducting the study required in subsection (a). The study shall be initiated by the Secretary not later than fiscal year 1994, and the collection of data under the study may continue through fiscal year 1998.

"(e) REPORT.—Not later than September 30, 1999, the Secretary shall complete the study required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings and recommendations made as a result of the study.

"SEC. 399L. AUTHORIZATION OF APPROPRIATIONS.

"(a) REGISTRIES.—For the purpose of carrying out this part, there are authorized to be appropriated $30,000,000 for each of the fiscal years 1993 through 1997. Out of any amounts appropriated for any such fiscal year, the Secretary may obligate not more than 25 percent for carrying out section 399I, and not more than 10 percent may be expended for assessing the accuracy, completeness and quality of data collected, and not more than 10 percent of which is to be expended under subsection 399J.

"(b) BREAST CANCER STUDY.—Of the amounts appropriated for the National Cancer Institute under subpart 1 of part C of title IV for any fiscal year in which the study required in section 399K is being carried out, the Secretary shall expend not less than $1,000,000 for the study.".

DOLE AMENDMENT NO. 3327

Mr. KASTEN (for Mr. DOLE, for himself and Mr. SYMMS) proposed an amendment to the bill H.R. 5368, supra, as follows:

At the appropriate place, add the following:

HUMANITARIAN ASSISTANCE FOR ARMENIA

Of the aggregate of the funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, not less than $5,000,000 shall be made available, notwithstanding any provision of law which restricts assistance to foreign countries, for refugee assistance to Armenia.

It is the sense of Congress that the administration should:

(a) encourage Japan or any oil exporting nation to provide fuel to Armenia for urgently needed humanitarian purposes, to include harvesting the autumn crop;

(b) renew its existing commitment to deliver this fuel by United States transport;

(c) ensure that safeguards are in place to guarantee that the fuel is used solely for the humanitarian purposes intended.

The Congress finds that Armenia has entered into an aggressive program of economic reforms and land privatization that serves as a model for the former republics of the Soviet Union.

It is further the sense of Congress that the President instruct United States representatives to the International Monetary Fund and the World Bank to support these important reforms by providing Armenia financial and technical assistance.

UNDERCHARGE EQUITY ACT OF 1992

EXON (AND OTHERS) AMENDMENT NO. 3328

Mr. LEAHY (for Mr. EXON, for himself, Mr. KASTEN, and Mr. KERREY) proposed an amendment to the bill (S. 1675) to amend title 49, United States Code, regarding the collection of certain payments for shipments via motor common carriers of property and nonhousehold goods freight forwarders, and for other purposes, as follows:

In lieu of the matter proposed to be inserted by the Committee amendment in the nature of a substitute, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Undercharge Equity Act of 1992".

SEC. 2. DETERMINATIONS OF REASONABLENESS OF CERTAIN RATES.

(a) IN GENERAL.—Section 10701 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) Subject to paragraph (10) of this subsection, when a claim is made by a motor carrier of property (other than a household goods carrier) or by a nonhousehold goods freight forwarder, or by a party representing such carrier or freight forwarder, regarding the collection of rates or charges in addition to the rates or charges originally billed and collected by the carrier or freight forwarder, the person against whom the claim is made may elect to satisfy such claim under paragraph (4) or (5) of this subsection, upon showing that—

"(A) such carrier or forwarder is no longer transporting property or is transporting property for the purpose of avoiding the application of this subsection; and

"(B) as to the claim at issue, (i) the person was offered a transportation rate or charge by the carrier or forwarder other than the rate or charge legally on file with the Commission for that shipment, (ii) the person tendered freight to the carrier or forwarder in reasonable reliance upon the offered transportation rate or charge, (iii) the carrier or forwarder did not properly or timely file with the Commission a tariff providing for such transportation rate or charge or failed to execute a valid contract for transportation services, (iv) such transportation rate or charge was billed and collected by the carrier or forwarder, and (v) the carrier or forwarder demands additional payment of a higher rate or charge filed in a tariff.

Satisfaction of the claim under paragraph (4) or (5) of this subsection shall be binding on the parties, and the parties shall not be subject to chapter 119 of this title.

"(2) If there is a dispute as to paragraph (1)(A) of this subsection, such dispute shall be resolved by the court in which the claim is brought. If there is a dispute as to paragraph (1)(B) (i) through (v) of this subsection, such dispute shall be resolved by the Commission. Pending the resolution of any such dispute, the person shall not have to pay any additional compensation to the carrier or forwarder.

"(3) In the event that a dispute arises as to the rate or charge that was legally applicable to the shipment, such dispute shall be resolved by the Commission within 1 year after the dispute arises.

"(4) A person from whom the additional legally applicable tariff rate or charge is sought may elect to satisfy such claim if the shipment weighed 10,000 pounds or less, by payment of 20 percent of the difference between the carrier's or forwarder's legally applicable tariff rate or charge and the rate or charge originally billed and collected.

"(5) A person from whom the additional legally applicable tariff rate or charge is sought may elect to satisfy such claim if each shipment weighed more than 10,000 pounds, by payment of 10 percent of the difference between the carrier's or forwarder's legally applicable tariff rate or charge and the rate or charge originally billed and collected.

"(6) Notwithstanding paragraphs (4) and (5) of this subsection, when a claim is made by a carrier or forwarder described in paragraph (1)(A) of this subsection, or by a party representing such carrier or forwarder, regarding the collection of rates or charges in addition to the rate or charge originally billed and collected by the carrier or forwarder, and the person against whom the claim is made is a small-business concern, that person shall not be required to pay the claim and the claim shall be deemed satisfied. Satisfaction of the claim under this paragraph shall be binding on the parties, and the parties shall not be subject to chapter 119 of this title.

"(7) When a person from whom the additional legally applicable rate or charge is sought does not elect to use the provisions of paragraph (4), (5), or (6) of this subsection,

the person may pursue all rights and remedies existing under this title.

"(8)(A) When a person proceeds under paragraph (7) of this subsection to challenge the reasonableness of the legally applicable rate or charge being claimed by the carrier or forwarder in addition to the rate or charge originally billed and collected, the person shall not have to pay any additional compensation to the carrier or forwarder until the Commission has made a determination (which shall be made within 1 year after such challenge) as to the reasonableness of the challenged rate or charge as applied to the shipment of the person against whom the claim is made. Subject to subparagraph (B) of this paragraph, the Commission shall require the person to furnish a bond, issued by a surety company found acceptable by the Secretary of the Treasury, or to establish an interest bearing escrow account.

"(B) The surety bond or interest bearing escrow account required under subparagraph (A) of this paragraph shall be set or established in an amount equal to—

"(i) 20 percent of the amount claimed by the carrier or forwarder for the additional rate or charge, in the case of a shipment weighing 10,000 pounds or less; and

"(ii) 10 percent of such claimed amount, in the case of a shipment weighing more than 10,000 pounds.

"(9) Except as authorized in paragraphs (4), (5), and (6) of this subsection, nothing in this subsection shall relieve a motor common carrier or freight forwarder of the duty to file and adhere to its rates, rules, and classifications as required in sections 10761 and 10762 of this title.

"(10) If a carrier or forwarder or party representing such carrier or forwarder makes a claim for additional rates or charges as described in paragraph (1) of this subsection, the person against whom the claim is made must notify such carrier, forwarder, or party as to the person's election to proceed under paragraph (2) or (3) of this subsection. Such notification—

"(A) with respect to a claim made before the date of enactment of this subsection, shall be not later than the 30th day after such date of enactment; and

"(B) with respect to any claim not described in subparagraph (A) of this paragraph, shall be not later than the 60th day after the filing of an answer to a complaint in a civil action for the collection of such rates or charges, or not later than the 90th day after the date of enactment of this subsection, whichever is later.

"(11) In this subsection, 'small-business concern' means a person who would qualify as a small-business concern under the Small Business Act (15 U.S.C. 631 et seq.).".

SEC. 3. STATUTE OF LIMITATIONS.

"(a) MOTOR CARRIER CHARGES.—Section 11706(a) of title 49, United States Code, is amended by striking the period at the end and inserting in lieu thereof the following: "; except that a common carrier providing transportation or service subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title—

"(1) must begin, within 24 months after the claim accrues, a civil action to recover charges for such transportation or service if such transportation or service is provided by the carrier on or after the date of enactment of this exception and before the date that is 1 year after such date of enactment; and

"(2) must begin such a civil action within 18 months after the claim accrues if such transportation or service is provided by the carrier on or after the date that is 1 year after such date of enactment.".

(b) MOTOR CARRIER OVERCHARGES.—Section 11706(b) of title 49, United States Code, is amended by striking the period at the end of the first sentence and inserting in lieu thereof the following: "; except that a person must begin within 24 months after the claim accrues a civil action to recover overcharges from a carrier subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title for transportation or service taking place on or after the date of enactment of this exception and before the date that is 1 year after such date of enactment, and for transportation or service taking place on or after the date that is 1 year following such date of enactment, a person must begin such a civil action within 18 months after the claim accrues.".

(c) CONFORMING AMENDMENT.—Section 11706(d) of title 49, United States Code, is amended by striking "3-year period" each place it appears and inserting in lieu thereof "limitations period".

SEC. 4. TARIFF RECONCILIATION RULES FOR MOTOR COMMON CARRIERS OF PROPERTY.

(a) IN GENERAL.—Chapter 117 of title 49, United States Code, is amended by adding at the end the following new section:

"§11712. Tariff reconciliation rules for motor common carriers of property

"(a) Subject to Interstate Commerce Commission review and approval, motor carriers subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title and shippers may resolve, by mutual consent, overcharge and undercharge claims resulting from billing errors or incorrect tariff provisions arising from the inadvertent failure to properly and timely file and maintain agreed upon rates, rules, or classifications in compliance with sections 10761 and 10762 of this title. Resolution of such claims among the parties shall not subject any party to the penalties of section 11901, 11902, 11903, 11904, or 11914 of this title.

"(b) Nothing in this section shall relieve the motor carrier of the duty to file and adhere to its rates, rules, and classifications as required in sections 10761 and 10762, except as provided in subsection (a) of this section.

"(c) The Commission shall, within 90 days after the date of enactment of this section, institute a proceeding to establish rules pursuant to which the tariff requirements of sections 10761 and 10762 of this title shall not apply under circumstances described in subsection (a) of this section.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 117 of title 49, United States Code, is amended by adding at the end the following:

"11712. Tariff reconciliation rules for motor common carriers of property."

SEC. 5. EFFECTIVE DATE; APPLICABILITY.

(a) GENERAL RULE.—Except as provided in subsection (b), the provisions of this Act (including the amendments made by this Act) shall take effect on the date of enactment of this Act.

(b) APPLICABILITY OF SECTION 2.—The amendments made by section 2 shall apply to any proceeding before the Interstate Commerce Commission, and to any court action, which is pending or commenced on or after the date of enactment of this Act and which pertains to a claim arising from transportation shipments tendered any time prior to the date that is 18 months after such date of enactment. Unless Congress determines a continuing need for section 2 and enacts additional legislation, section 2 shall not apply to any such proceeding which pertains to a claim arising from transportation shipments tendered on or after the date that is 18 months following such date of enactment.

(c) REPORT.—The Interstate Commerce Commission shall submit a report to Congress, within 1 year after the date of enactment of this Act, regarding whether there exists a justification for extending the applicability of section 2 beyond the limitation period specified in subsection (b).

FOREIGN OPERATIONS APPROPRIATIONS ACT

DOLE (AND PELL) AMENDMENT NO. 3329

Mr. KASTEN (for Mr. DOLE and Mr. PELL) proposed an amendment to the bill H.R. 5368, supra, as follows:

On page 17, line 7, strike out the period and insert in lieu thereof "; and".

On page 17, between lines 7 and 8, insert the following:

(i) not less than $20,000,000 shall be available only for donations of fuel, construction materials, portable heating units, dairy products and wheat and other urgently needed food for the peoples of Bosnia-Hercegovina and Kosova, of which amount not less than $5,000,000 shall be available only for Kosova. Such assistance shall be distributed through nongovernmental organizations and private voluntary organizations.

GRAMM (AND OTHERS) AMENDMENT NO. 3330

Mr. KASTEN (for Mr. GRAMM, Mr. DOLE, Mr. SYMMS, Mr. MACK, Mr. HELMS, and Mr. SIMPSON) proposed an amendment to the bill H.R. 5368, supra, as follows:

On page 9, line 6, before the period insert the following: "and, among other uses, such funds may be used to promote efforts by the International Monetary Fund to support monetary stability in member countries through the instrumentality of currency boards".

BYRD AMENDMENT NO. 3331

Mr. BYRD proposed and amendment to the bill H.R. 5368, supra, as follows:

On page 198, between lines 18 and 19, insert the following new paragraph:

"(4)(A) Not later than September 1 of each year during the period in which the President is authorized to issue loan guarantees under subsection (a), beginning in FY 1993, the President shall notify the appropriate congressional committees in writing of his intentions regarding the exercise of that authority for the fiscal year beginning on October 1 of that year, including a statement of the total principal amount of guarantees, if any, that the President proposes to issue for that fiscal year.

"(B) For purposes of this paragraph, the term 'appropriate congressional committees' means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives.

WIRTH AMENDMENT NO. 3332

Mr. LEAHY (for Mr. WIRTH) proposed an amendment to the bill H.R. 5368, supra, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . INTERNATIONAL PROTECTION FOR GLACIER BAY NATIONAL PARK AND PRESERVE.

(a) FINDINGS.—The Congress finds that—

(1) the Alsek and Tatshenshini Rivers possess outstanding fisheries, wildlife, botanical wilderness, and recreational values of international significance, including the largest nonpolar ice-fields in the world;

(2) the Alsek and Tatshenshini Rivers provide prime habitat for large mammals including the grizzly, the rare glacial bear, moose, wolves, mountain goats, and Dall sheep, and such birds as the bald eagle, peregrine falcon, migratory birds, trumpeter swans and other waterfowl;

(3) the Alsek and Tatshenshini Rivers support important commercial, subsistence and sport fisheries for sockeye, chinook, coho, pink and chum salmon and other important resident fishes, valued in excess of $8,500,000 annually;

(4) Lynn Canal sustains harvests of salmon, bottomfish, shellfish, and other fishery resources valued at $41,000,000 annually;

(5) the Congress enacted in 1980 the Alaska National Interest Lands Conservation Act, among other purposes, for the protection of that portion of the Alsek River within the United States by including it within Glacier Bay National Park and Preserve;

(6) the Congress encouraged in 1980 the Secretary of the Interior to seek cooperative agreements with Canada which serve to protect the entire watershed of the Alsek River;

(7) the Alaska River is a transboundary river, subject to the protective mandates of the Treaty Relating to the Boundary Waters and Questions Arising Along the Boundary Between the United States and Canada, agreed at Washington on January 11, 1909 (TS 548);

(8) the Memoranda of Understanding Concerning Salmonid Research and Enforcement of the International Convention for the High Seas Fisheries of the North Pacific Ocean, signed at Vancouver on April 9, 1986, expressly recognizes that the Alsek River chinook and early run sockeye stocks are depressed and require special protection and management consideration;

(9) the headwaters of the Alsek River are provided protection by inclusion in Canada's Kluane National Park, designation in the Canadian Heritage Rivers Program, and inclusion in the Wrangell-St. Elias/Kluane World Heritage Site;

(10) Glacier Bay National Park and Preserve has been designated as an International Biosphere Reserve and has been nominated by the Secretary of the Interior to the World Heritage List as an extension of the existing Wrangell-St. Elias/Kluane World Heritage Site;

(11) in 1990, the International Union for the Conservation of Nature recognized the international importance of the Tatshenshini-Alsek River system and its surrounding 2,700,000 acres as unique and worthy of consideration for World Heritage Site status;

(12) protection of the wild lands of the Alsek and Tatshenshini watershed in British Columbia would complement the protected wilderness of Wrangel-St. Elias National Park, Kluane National Park, Glacier Bay National Park and Preserve, and the Tongass National Forest and would create the largest protected international wilderness in the world;

(13) a mammoth open-pit copper mine has been proposed to be developed near the Tatshenshini River in British Columbia, the development of which includes storing more than 200,000,000 tons of acid-generating waste rock and tailings behind a 360-foot high earthen dam, storing more than 140,000,000 tons of rock waste on an active glacier, constructing a 70-mile long road through the existing wild lands along the Tatshenshini River with numerous bridges across the river and its tributaries, constructing 2 separate 150-mile long pipelines for copper concentrate slurry and oil between the mine site and Haines, Alaska, and discharging more than 360,000 gallons a day of slurry pipeline effluent into the waters of Lynn Canal;

(14) the proposed transportation corridor and copper concentrate slurry and oil pipelines pass through the Alaska Chilkat Bald Eagle preserve, the largest gathering place for bald eagles in the world;

(15) the proposed mine and pipelines would be within one of the most seismically active regions of North America, and would create a risk in perpetuity for failure of the proposed earthen dam and a catastrophic release of its reservoir of acid generating waste rock and tailings into the Tatshenshini and Alsek Rivers;

(16) agencies of the United States Government, including the Fish and Wildlife Service and the National Park Service of the Department of the Interior and National Marine Fisheries Service of the Department of Commerce, have expressed strong concern that development of the proposed mine could lead to irreversible, catastrophic, and persistent releases of acid mine drainage and heavy metals, and could threaten the water quality, fisheries, wildlife, recreation, and wilderness resources of the Alsek and Tatshenshini Rivers, Glacier Bay National Park and Preserve, and Lynn Canal; and

(17) the release of acid mine drainage and heavy metals into the Tatshenshini and Alsek Rivers, and ultimately the Gulf Coast of Alaska, could devastate the fishing economy, subsistence lifestyle, and culture of the Yakutat Tlingit and non-Native people residing in the Yakutat region of the Gulf Coast of Alaska, including the Dry Bay fishery.

(b) NEGOTIATIONS WITH CANADA.—The Congress requests the President to direct the Secretary of State, in cooperation with the Secretary of the Interior, to enter into negotiations with Canada to provide protection for the entire Alsek River watershed for the purpose of preserving its fisheries, wildlife, water quality, and recreational and wilderness values.

(c) NATIONAL PARK SERVICE STUDY AND REPORT.—

The Secretary of the Interior (acting through the Director of the National Park Service) is directed to ensure that the internationally significant natural resource values of Glacier Bay National Park and Preserve, including all interests of the United States protected by international treaty, are not degraded by proposed mine developments within Canada. The Secretary of the Interior (acting through the Director of the National Park Service) shall study and report to Congress by September 30, 1993, on the potential impacts to Glacier Bay National Park and Preserve, including the fisheries, wildlife, water quality, recreational and wilderness values, the fishing economy, and subsistence lifestyle of the Glacier Bay National Park, and the culture of the Yakutat Tlingit and non-Native people residing in the Yakutat region of the Alaska Gulf Coast, and Lynn Canal, caused by the proposed mine development in British Columbia.

(d) INTERNATIONAL JOINT COMMISSION.—The Secretary of State is authorized to seek the agreement of the Government of Canada that the International Joint Commission be given a reference, pursuant to Article IX of the Treaty Relating to the Boundary Waters and Questions Arising Along the Boundary Between the United States and Canada, agreed at Washington on January 11, 1909 (TS 548), to examine comprehensively the potential adverse environmental and social impacts of the proposed mining activity and that no permits required to develop the proposed project shall be issued prior to completion of the Commission study.

(e) WORLD HERITAGE SITE STATUS FOR ALSEK AND TATSHENSHINI RIVER WATERSHED.—The Secretary of State, in cooperation with the Secretary of the Interior, should seek the cooperation of the Government of Canada to obtain World Heritage Site status and protection for the entire Alsek and Tatshenshini River watershed.

HELMS AMENDMENT NO. 3333

Mr. HELMS proposed an amendment to the bill H.R. 5368, supra, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . RESTRICTION ON ASSISTANCE FOR RUSSIA.

(a) CERTIFICATION.—Beginning 90 days after the date of enactment of this Act, and every 90 days thereafter, the President shall certify to the appropriate congressional committees that Russia has ceased the export of military and military-related goods, services, and technology to Iran.

(b) PROHIBITION.—Beginning 90 days after the date of enactment of this Act, the President shall terminate at any time all United States assistance (other than humanitarian assistance) for Russia unless there is in effect a certification made under subsection (a).

(c) DEFINITIONS.—As used in this section—

(1) the term "appropriate congressional committees" means the Committee of Foreign Relations of the Senate and the Committee of Foreign Affairs of the House of Representatives; and

(2) the term "humanitarian assistance" includes food, clothing, and medicine.

KASSEBAUM (AND OTHERS) AMENDMENT NO. 3334

Mrs. KASSEBAUM (for herself, Mr. SIMON and Mr. KENNEDY) proposed an amendment to the bill H.R. 5368, supra, as follows:

At the appropriate place in the bill, insert:

Notwithstanding any other provision of law, no more than $52,000,000 appropriated by this Act under the headings "Economic Support Fund" and "Foreign Military Financing Program", may be made available to Morocco unless the President certifies, and so reports to Congress, that the Government of Morocco is fully cooperating with the United Nations in the implementation of the Settlement Plan for self-determination of the people of Western Sahara.

KASTEN AMENDMENT NO. 3335

Mr. KASTEN proposed an amendment to amendment No. 3334 proposed by Mrs. KASSEBAUM (and others) to the bill H.R. 5368, supra, as follows:

SENSE OF THE CONGRESS REGARDING A PEACEFUL SETTLEMENT IN THE WESTERN SAHARA

Expressing the Sense of the Senate regarding a peaceful settlement in the Western Sahara.

Whereas the United Nations has formulated a peace plan for the resolution of the Western Sahara conflict;

Whereas the peace plans calls for a referendum to be held in which Sahrawis would decide between integration with Morocco and independence;

Whereas there have been delays in this peace plan due to disagreements over such issues as voter criteria; and

Whereas the Secretary General's most recent report indicated that progress continues toward a referendum: Now, therefore, be it

Resolved, That it is the Sense of the Senate that—

(1) the Secretary General's efforts to resolve this conflict are to be praised;

(2) the Secretary General is to be commended for his appointment of a new Special Representative on the Western Sahara; and

(3) the United States should encourage all parties to the conflict to fully cooperate with the United Nations in the implementation of the United Nations referendum.

BIDEN (AND OTHERS) AMENDMENT NO. 3336

Mr. BIDEN (for himself, Mr. LIEBERMAN, Mr. D'AMATO, and Mr. GORTON) proposed an amendment to the bill H.R. 5368, supra, as follows:

At the appropriate place in the bill, add the following:

SEC. . Authority to Assist Bosnia-Herzegovina.

(a) Congress finds as follows:

(1) the United Nations has imposed an embargo on the transfer of arms to any country on the territory of the former Yugoslavia;

(2) the federated states of Serbia and Montenegro have a large supply of military equipment and ammunition and the Serbian forces fighting the government of Bosnia-Herzegovina have more than one thousand battle tanks, armored vehicles, and artillery pieces; and

(3) because the United Nations arms embargo is serving to sustain the military advantage of the aggressor, the United Nations should exempt the government of Bosnia-Herzegovina from its embargo.

(b) Pursuant to a lifting of the United Nations arms embargo against Bosnia-Herzegovina, the President is authorized to transfer to the government of that nation, without reimbursement, defense articles from the stocks of the Department of Defense of an aggregate value not to exceed $50,000,000 in fiscal year 1993; provided that the President certifies in a timely fashion to the Congress that:

(1) the transfer of such articles would assist that nation in self-defense and thereby promote the security and stability of the region; and

(2) U.S. allies are prepared to join in such a military assistance effort.

(c) Within 60 days of any transfer under the authority provided in subsection (b), and every 60 days thereafter, the President shall report in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate concerning the articles transferred and the disposition thereof.

(d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles provided under this section.

SIMON (AND KASSEBAUM) AMENDMENT NO. 3337

Mr. LEAHY (for Mr. SIMON and Mrs. KASSEBAUM) proposed an amendment to the bill H.R. 5368, supra, as follows:

Notwithstanding section 620(q) of the Foreign Assistance Act of 1961 or any similar provision, the President is authorized to provide assistance to nongovernmental organizations in Zaire, including nonpartisan election and democracy-building assistance to support democratic institutions in Zaire: *Provided*, That the President determines and so certifies to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives that Zaire has made significant progress toward democratization and that the provision of such assistance will assist that country in making further progress and is otherwise in the national interest of the United States. A separate determination and certification shall be required for each fiscal year in which such assistance is to be provided.

HARKIN (AND OTHERS) AMENDMENT NO. 3338

Mr. LEAHY (for Mr. HARKIN, Mr. ADAMS, Mr. WOFFORD, Mr. KASTEN, Mr. BINGAMAN, and Mr. HATFIELD) proposed an amendment to the bill H.R. 5368, supra, as follows:

At the end of the bill, add the following new title:

TITLE —THIRD WORLD DEVELOPMENT AND THREAT REDUCTION ACT OF 1992

SEC. 01. SHORT TITLE.

This title may be cited as the "Third World Development and Threat Reduction Act of 1992".

SEC. 02. STATEMENT OF POLICY.

The Congress declares that, in order to promote economic growth in developing countries, it shall be the policy of the United States to encourage developing countries—

(1) to reduce military and military-related expenditures and to dedicate greater resources to health, education, and productive enterprises; and

(2) to dedicate an appropriate allocation of health and education resources to meet the needs of the majority of their populations.

SEC. 03. IMPLEMENTATION.

For the purpose of carrying out the policy described in this title, the Secretary of the Treasury shall instruct the United States executive director to each international financial institution to use the United States voice and vote in fiscal year 1993 and each fiscal year thereafter to—

(1) vigorously advocate and promote policies within such institutions designed to encourage developing countries—

(A) to reduce significantly military and military-related expenditures where these are high and a reduction would be appropriate and

(B) to enhance appropriately resources for primary health care and basic education as a percentage of general government expenditure;

(2) to develop procedures and mechanisms within such institutions to collect data on military and military-related expenditures, primary health care, and basic education for developing countries and to take into account such information in carrying out paragraphs (1)(A) and (1)(B); and

(3) beginning October 1, 1993, to oppose any loan, the extension of financial assistance, or any technical assistance by such institution except for the purposes of defense conversion, to any developing country whose military expenditures as a percentage of general government expenditure are greater than its combined expenditures on health and education as a percentage of general government expenditure.

SEC. 04. REPORT.

As part of the annual report of the National Advisory Committee, the Secretary of the Treasury shall submit a report to the Congress on the actions taken by the United States executive director to each internationl financial institution in carrying out the provisions of this Act.

SEC. 05. WAIVER.

In fiscal year 1993 or thereafter, the prohibition contained in section 03(3) shall not apply to any developing country for which—

(1) the President determines and so reports to Congress that to do so would endanger—

(A) a democratically elected government facing armed aggression or the threat of armed aggression from a hostile neighboring country; or

(B) the survival of a democratically elected government facing a substantial and sustained offensive from a local insurgency; or

(2) the President determines and so reports to Congress that to do so would result in significant harm to United States national interests.

SEC. 06. DEFINITIONS.

For purposes of this title—

(1) the term "developing country" is a country with a per capita income not in excess of $4,000;

(2) the term "international financial institution" means the International Monetary Fund, the International Bank of Reconstruction and Development, the International Development Aassociation, the African Development Fund, the Inter-American Development Bank, the Asian Development Bank, and the European Bank for Reconstruction and Development; and

(3) the term "military expenditures" includes all expenditures needed for the maintenance and support of the armed forces, but does not include funds destined for civilian law enforcement, unless such law enforcment is under the control of the military or a paramilitary organization.

HELMS AMENDMENT NO. 3339

Mr. HELMS (for himself, Mr. BROWN and Mr. SMITH) proposed an amendment to the bill H.R. 5368, supra, as follows:

At the end of the bill, add the following:

SEC. . The total amount of budget authority for fiscal year 1993 provided in this Act is reduced by 10 percent. Each amount of budget authority for fiscal year 1993 provided in this Act for payments not specified by law for foreign countries is reduced by the uniform percentage necessary to reduce the total amount of budget authority provided in this Act by 10 percent. Such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act. The reductions made by this section shall be applied to reduce the deficit.

SYMMS (AND HELMS) AMENDMENT NO. 3340

Mr. SYMMS (for himself and Mr. HELMS) proposed an amendment to

amendment No. 3339 proposed by Mr. HELMS to the bill H.R. 5368, supra, as follows:

Delete all after "SEC. ." and insert the following:

The total amount of budget authority for fiscal year 1993 provided in this Act is reduced by 10 percent. Each amount of budget authority for fiscal year 1993 provided in this Act for payments not specified by law for foreign countries is reduced by the uniform percentage necessary to reduce the total amount of budget authority provided in this Act by 10 percent. Such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act. The reductions made by this section shall be applied to reduce the deficit.

BROWN AMENDMENT NO. 3341

Mr. BROWN proposed an amendment to the bill H.R. 5368, supra, as follows:

At the appropriate place in the bill, add the following new section:

SEC. . IMF LOANS TO RUSSIA.

FINDINGS.—It is the sense of Congress that—

(1) Russia must carry out comprehensive economic reforms to merit the support of the International Monetary Fund.

(2) Russia's monetary problems remain unresolved, risks of hyperinflation remain high, and its monetary policies do not provide at this time a suitable basis for an IMF program.

(3) This is further confirmed by the recent fall of the ruble against other major currencies.

Therefore, the Secretary of the Treasury shall instruct the U.S. Executive Director to the IMF to oppose any loan to Russia unless the following criteria are met:

(1) The loan is primarily being used for economic reform rather than refinancing Soviet debt;

(2) The IMF is providing technical assistance in support of the reform effort; and

(3) The IMF has formulated a realistic package of financial assistance, spelling out in detail to Russia and the West its necessary components.

GRAHAM AMENDMENT NO. 3342

Mr. LEAHY (for Mr. GRAHAM) proposed an amendment to the bill H.R. 5368, supra, as follows:

On page 197, between lines 2 and 3, insert the following:

SEC. . The amounts expended under "Operating Expenses" for salaries and expenses relating to the administration of the Headquarters of the Agency for International Development may not exceed the amounts expended during fiscal year 1992 for such salaries and expenses under such heading.

GRAHAM AMENDMENT NO. 3343

Mr. LEAHY (for Mr. GRAHAM) proposed an amendment to the bill H.R. 5368, supra, as follows:

On page 197, between lines 2 and 3, insert the following:

SEC. . The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Agency for International Development.

INOUYE AMENDMENT NO. 3344

Mr. LEAHY (for Mr. INOUYE) proposed an amendment to the bill H.R. 5368, supra, as follows:

At the appropriate place in the bill insert the following: "*Provided further*, That up to a total of $40,000,000 of the funds appropriated to carry out sections 103 through 106 and chapter 4 of part II of the Foreign Assistance Act of 1961 may be transferred to and consolidated and merged with the funds appropriated under this heading notwithstanding the limitations on transfers between accounts contained in section 514 of this Act and sections 109 and 610 of the Foreign Assistance Act of 1961. *Provided further*, That any funds transferred to carry out the purposes of the previous proviso shall be made available only for projects and activities which are consistent with the purposes of those funds as initially appropriated: *Provided further*, That transfers of any funds to carry out the purposes of this heading shall be subject to the regular notification procedures of the Committees on Appropriations."

CRANSTON AMENDMENT NO. 3345

Mr. LEAHY (for Mr. CRANSTON) proposed an amendment to the bill H.R. 5368, supra, as follows:

On page 75, line (16) strike "and," and insert ";", then on line (19) strike "period" and add "; and (3) describe the extent to which indigenous people are able to participate in decisions affecting their lands cultures, traditions and the allocation of natural resources, and assess the extent of protection of their civil and political rights."

DOLE AMENDMENT NO. 3346

Mr. DOLE proposed an amendment to the bill H.R. 5368, supra, as follows:

On page 17, line 7, strike out the period and insert in lieu thereof "; and".

On page 17, between lines 7 and 8, insert the following:

(i) up to $10,000,000 shall be available for preventive services to include breast and prostate cancer screenings.

MCCONNELL AMENDMENT NO. 3347

Mr. DOLE (for Mr. MCCONNELL) proposed an amendment to the bill H.R. 5368, supra, as follows:

At the appropriate place, insert:

None of the funds appropriated by this Act or any other Act may be used to support the transfer of aircraft from the Department of Defense to the Drug Enforcement Administration to carry out counternarcotics activities in Guatemala, unless the President determines that to do so is important to the national interest and so notifies the Committees on Foreign Relations and Appropriations of the Senate.

LEVIN (AND OTHERS) AMENDMENT NO. 3348

Mr. LEVIN (for himself, Mr. HATFIELD, Mr. DOLE, Mr. WARNER, and Mr. LAUTENBERG) proposed an amendment to the bill H.R. 5368, supra, as follows:

SEC. . FINDINGS.

(1) Continuing hostilities and "ethnic cleansing" in the former Yugoslavia are killing thousands of noncombatants, displacing hundreds of thousands of civilians, and causing massive destruction and starvation;

(2) Independent reports of torture, atrocities and murder of civilian refugees and prisoners of war have been confirmed by officials of the United States Department of State, including the slaughter last spring of thousands of Muslims who had been captured by Serbians in the Bosnian town of Brcko; and

(3) The United States Senate did, on August 11, approve Senate Resolution 330, calling on the President to urge United Nations Security Council actions that would contribute to the cessation of hostilities in the former Yugoslavia, including: authorizing "all necessary means, including the use of multilateral military force under a Security Council mandate" to facilitate provision of humanitarian relief in Bosnia-Hercegovina; developing a plan to ensure access for United Nations and International Red Cross personnel to refugee and prisoners of war camps in the former Yugoslavia; and convening a tribunal to investigate allegations of war crimes and crimes against humanity in the region.

Therefore, it is the sense of the Senate that—

The United Nations Security Council should act to halt the policy and practice of "ethnic cleansing" in the former Yugoslavia and the President of the United States should seek a meeting of the Security Council to consider methods of achieving that goal.

DOMENICI AMENDMENT NO. 3349

Mr. LEAHY (for Mr. DOMENICI) proposed an amendment to the bill H.R. 5368, supra, as follows:

On page 48, strike all through line 5 and renumber the following subsection.

LIEBERMAN AMENDMENT NO. 3350

Mr. LEAHY (for Mr. LIEBERMAN) proposed an amendment to the bill H.R. 5368, supra, as follows:

On page , between lines and , insert the following:

KURDISH HUMANITARIAN ASSISTANCE

SEC. . (a) Of the funds appropriated by this Act, not less than $20,000,000 shall be made available for an urgent program of humanitarian assistance for the people of Kurdistan in northern Iraq.

(b) Funds allocated by subsection (a) shall be provided to United States based nonprofit private voluntary organizations on an expedited basis notwithstanding any existing contracting laws or regulations.

(c) The program funded under this section should focus on rehabilitation of the agricultural sector.

SIMON AMENDMENT NO. 3351

Mr. SIMON proposed an amendment to the bill H.R. 5368, supra, as follows:

On page 30, line 16, strike "$512,000,000" and insert in lieu thereof "$510,800,000".

On page 57, line 17, after the period add "during the fiscal year 1993, within the resources and authority available, gross obligations for the amount of equity investment shall be $5,000,000".

HAWAII TROPICAL FOREST RECOVERY ACT

AKAKA (AND OTHERS) AMENDMENT NO. 3352

Mr. CRANSTON (for Mr. AKAKA, Mr. INOUYE, Mr. LEAHY, and Mr. LUGAR) proposed an amendment to the bill S. 2679 to promote the recovery of Hawaii tropical forests, and for other purposes, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hawaii Tropical Forest Recovery Act".

SEC. 2. HAWAII TROPICAL FOREST RECOVERY.

(a) IN GENERAL.—The International Forestry Cooperation Act of 1990 (16 U.S.C. 4501 et seq.) is amended—

(1) by redesignating sections 605, 606, and 607 as sections 609, 610, and 611, respectively; and

(2) by inserting after section 604 the following new sections:

"SEC. 605. INSTITUTE OF PACIFIC ISLANDS FORESTRY.

"(a) EXPANSION.—The Secretary shall expand the capabilities of and construct additional facilities, as funds are appropriated for the expansion and construction, at—

"(1) the Institute of Pacific Islands Forestry; and

"(2) tropical forests in the State of Hawaii.

"(b) TROPICAL FORESTRY PLAN.—

"(1) IN GENERAL.—Not later than 1 year after the date of receipt by the Secretary of the action plan required by section 5(b) of the Hawaii Tropical Forest Recovery Act, the Secretary shall prepare and submit to the Committee on Agriculture and the Committee on Interior and Insular Affairs of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and to the Committees on Appropriations of the House of Representatives and Senate, a tropical forestry plan to expand the capabilities of and construct additional facilities under subsection (a).

"(2) ELEMENTS.—The plan shall provide for—

"(A) the establishment of a model center for research, demonstration, education, training, and outreach activities suitable for transferring scientific, technical, managerial, and administrative assistance to governmental and non-governmental organizations seeking to address problems associated with tropical forests within and outside the United States;

"(B) the acquisition or construction of facilities for research, classroom instruction, and housing near an experimental tropical forest in the State of Hawaii;

"(C) the acquisition or construction of facilities for the study and recovery of endangered tropical wildlife, fish, and plant species and the restoration of their habitats;

"(D) the study of biological control of non-native species that degrade or destroy native forest ecosystems;

"(E) achieving a better understanding of global climate change and the significance of achieving a reduction of greenhouse gases through research associated with the unique atmospheric conditions found in Hawaii and the Pacific Ocean;

"(F) a review of the extent to which existing Federal forestry programs can be utilized to achieve the purposes of the plan; and

"(G) the establishment of experimental tropical forests in the State of Hawaii as authorized by section 606.

"(3) CAPABILITY.—In preparing elements of the plan that address paragraph (2)(F), the Secretary shall identify the capability of the plan—

"(A) to promote a greater understanding of tropical forest ecosystem processes, conservation biology, and biodiversity management;

"(B) to demonstrate the various benefits of maintaining a tropical forest reserve system;

"(C) to promote sound watershed and forest management;

"(D) to develop compatible land uses adjacent to protected natural areas; and

"(E) to develop new methods of reclaiming and restoring degraded lands.

"SEC. 606. HAWAII EXPERIMENTAL TROPICAL FOREST.

"(a) DEFINITIONS.—As used in this section:

"(1) FOREST.—The term 'Forest' means the Hawaii Experimental Tropical Forest.

"(2) GOVERNOR.—The term 'Governor' means the Governor of Hawaii.

"(3) LANDS.—The term 'lands' means lands, waters, and interests in lands and waters.

"(4) STATE.—The term 'State' means the State of Hawaii.

"(b) ESTABLISHMENT AND MANAGEMENT.—At the request of the Governor, the Secretary shall establish and administer within the State a Hawaii Experimental Tropical Forest. The Forest shall be managed as—

"(1) a model of quality tropical forest management where harvesting on a sustainable yield basis can be demonstrated in balance with natural resource conservation;

"(2) a site for research on tropical forestry, conservation biology, and natural resource management; and

"(3) a center for demonstration, education, training, and outreach on tropical forestry, conservation biology, and natural resources research and management.

"(c) DELINEATION OF THE LOCATION OF THE FOREST.—

"(1) IDENTIFICATION OF LANDS.—The Governor and the Secretary shall identify one or more suitable sites for the Forest in lands within the State. The identification of each site shall be based on scientific, ecological, administrative, and such other factors as the Governor and Secretary consider to be necessary or desirable to achieve the purposes of this section. Each site identified pursuant to the preceding sentence shall be of sufficient size and located so that the site can be effectively managed for Forest purposes.

"(2) EXTERIOR BOUNDARIES.—The exterior boundaries of the Forest, including the boundaries of all sites identified for Forest purposes, shall be delineated on an official map. The map shall be available for public inspection in the office of the Administrator of the Division of Forestry and Wildlife of the Department of Land and Natural Resources of the State. The Governor and the Secretary may from time to time, by mutual agreement, amend the official map to modify the boundaries of the Forest.

"(d) AUTHORITIES OF THE SECRETARY.—

"(1) IN GENERAL.—To carry out the purposes of this section, the Secretary is authorized—

"(A) to administer the Forest in cooperation with the Governor and affected State agencies;

"(B) to make grants and enter into contracts and cooperative agreements with the Federal Government, the government of the State, local governments, corporations, nonprofit organizations and individuals;

"(C) to exercise existing authority with respect to cooperative forestry and research for Forest purposes; and

"(D) to issue necessary rules and regulations or apply existing rules and regulations applicable to areas administered by the Forest Service that are necessary or desirable to administer the Forest—

"(i) for the purposes described in subsection (b);

"(ii) to protect persons within the Forest; and

"(iii) to preserve and protect the resources in the Forest.

"(2) LAND ACQUISITION.—The authority in section 4 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1643) shall be available to the Secretary to carry out this section.

"(3) STATUTORY CONSTRUCTION.—Nothing in this section is intended to affect the jurisdiction of the State, both civil and criminal, over any person within the Forest by reason of the establishment of the Forest under this section, except in the case of a penalty for an offense against the United States.

"SEC. 607. ANNUAL REPORT ON INSTITUTES OF TROPICAL FORESTRY.

"The Secretary shall make annual reports to Congress on the progress, needs, and long-range plans of the Institutes of Tropical Forestry in meeting the requirements of section 2407 of the Global Climate Change Prevention Act of 1990 (7 U.S.C. 6706). Such reports shall be submitted by the Secretary pursuant to section 8(c) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1606(c)).

"SEC. 608. DEFINITIONS.

"As used in this title (unless the context otherwise requires):

"(1) INSTITUTES OF TROPICAL FORESTRY.—The term 'Institutes of Tropical Forestry' means the Institute of Tropical Forestry in Puerto Rico and the Institute of Pacific Islands Forestry established under section 2407 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6706).

"(2) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(3) STATE.—The term 'State' means each of the 50 States, Guam, American Samoa, the Republic of Palau (until the Compact of Free Association enters into effect), Puerto Rico, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.".

(b) CONFORMING AMENDMENTS.—

(1) Section 602(b) of the International Forestry Cooperation Act of 1990 (16 U.S.C. 4501(b)) is amended by striking "(hereinafter referred to in this title as the Secretary)".

(2) The heading of section 604 of such Act (16 U.S.C. 4503) is amended to read as follows:

"SEC. 604. INSTITUTE OF TROPICAL FORESTRY IN PUERTO RICO.".

SEC. 3. TROPICAL FORESTRY RESEARCH AND ASSISTANCE.

(a) ASSISTANCE.—To promote sound management and conservation of tropical forests of the United States and to promote the development and transfer of technical, managerial, educational, and administrative skills to managers of tropical forests within or outside the United States, the Secretary of Agriculture is authorized to provide assistance through the Forest Service to eligible entities in States with tropical forests to—

(1) develop, promote, and demonstrate sustainable harvesting of native woods and other forest products on a sustainable yield basis in balance with natural resource conservation;

(2) promote habitat preservation and species protection or recovery;

(3) protect indigenous plant and animal species and essential watersheds from non-native animals, plants, and pathogens;

(4) establish biological control agents for non-native species that threaten natural ecosystems;

(5) establish a monitoring system in tropical forests to identify baseline conditions and determine detrimental changes or improvements over time;

(6) detect and appraise stresses affecting tropical forests caused by insect infestations, diseases, pollution, fire, and non-native animal and plant species, and by the influence of people;

(7) determine the causes of changes that are detected through experimentation, intensive monitoring, and data collection at affected tropical forest sites; and

(8) engage in research, demonstration, education, training, and outreach that furthers the objectives of this subsection.

(b) FORM OF ASSISTANCE.—Assistance provided to eligible entities under this section may be in the form of grants, contracts, or cooperative agreements.

(c) DEFINITIONS.—As used in this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means a State forester or equivalent State official, State, political subdivision of a State, Federal agency, private organization, corporation, or other private person.

(2) STATE.—The term "State" means each of the 50 States, Guam, American Samoa, the Republic of Palau (until the Compact of Free Association enters into effect), Puerto Rico, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 4. HAWAII TROPICAL FOREST RECOVERY TASK FORCE.

(a) ESTABLISHMENT.—There is established the Hawaii Tropical Forest Recovery Task Force (hereafter in this section referred to as the "Task Force") to advise the Secretary of Agriculture with respect to tropical forests and related ecosystems in the State of Hawaii.

(b) ACTION PLAN.—Not later than 1 year after the date of the first meeting of the Task Force, the Task Force shall submit to the Committees, Secretaries, and Governor referred to in subsection (k) an action plan that contains findings and recommendations for rejuvenating Hawaii's tropical forests, including findings and recommendations on—

(1) methods of restoring the health of declining or degraded tropical forest land;

(2) compatible uses within tropical forests, particularly agroforestry and the cultivation of scarce or valuable hardwoods and other forest products in Hawaii's tropical forests;

(3) actions to encourage and accelerate the identification and classification of unidentified plant, animal, and microbe species;

(4) actions to—

(A) promote public awareness of tropical forest preservation;

(B) protect threatened and endangered species;

(C) improve forest management and planning; and

(D) promote public awareness of the harm caused by introduced species;

(5) the benefits of fencing or other management activities for the protection of Hawaii's native plants and animals from non-native species, including the identification and priorities for the areas where these activities are appropriate;

(6) traditional practices, uses, and needs of native Hawaiians in tropical forests;

(7) means of improving the health of tropical forests and related ecosystems in the State of Hawaii through programs administered by the Secretary of Agriculture and the Secretary of the Interior;

(8) the capability of existing Federal, State, and private forestry programs for rejuvenating Hawaii's tropical forests; and

(9) such other issues relating to tropical forests in Hawaii as the Task Force considers appropriate.

(c) COMPOSITION.—The Task Force shall be composed of 12 members, of whom—

(1) three members shall be appointed by the Secretary of Agriculture, two of whom shall be representatives of the Forest Service and the Soil Conservation Service, respectively;

(2) two members shall be appointed by the Secretary of the Interior as representatives of the United States Fish and Wildlife Service and the National Park Service, respectively;

(3) six members shall be appointed by the Governor of Hawaii, of whom—

(A) two members shall be private owners of tropical forest lands;

(B) two members shall be experts in the field of tropical forestry; and

(C) two members shall be representatives of Hawaii conservation organizations that have demonstrated expertise in the areas of tropical forest management, habitat preservation, and alien species control or have demonstrated effective advocacy in the areas; and

(4) one member shall be the Administrator of the Department of Land and Natural Resources, State of Hawaii, or the designated representative of the Administrator.

(d) INITIAL APPOINTMENTS.—Appointments under this section to the Task Force shall be made not later than 90 days after the date of enactment of this Act.

(e) CHAIRPERSON.—The Task Force shall select a Chairperson from among its members.

(f) VACANCIES.—A vacancy on the Task Force shall not affect its powers and shall be filled in the same manner as the original appointment.

(g) COMPENSATION.—

(1) IN GENERAL.—A member of the Task Force shall not receive compensation as a result of the performance of services for the Task Force.

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

(h) MEETINGS.—The Task Force shall meet not later than 180 days after the date of enactment of this Act and shall meet at the call of the Chairperson.

(i) VOTING.—The Task Force shall act and advise by majority vote.

(j) ASSISTANCE.—The Secretary of Agriculture and the Secretary of the Interior shall provide such assistance and support as are necessary to meet the objectives of the Task Force. The assistance shall include making Federal facilities, equipment, tools, and technical assistance available on such terms and conditions as the appropriate Secretary considers necessary.

(k) REPORT.—The action plan required under subsection (b) shall be submitted to—

(1) the Committees on Agriculture and Interior of the House of Representatives;

(2) the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate;

(3) the Secretary of Agriculture;

(4) the Secretary of the Interior; and

(5) the Governor of Hawaii.

(l) NONAPPLICABILITY OF CERTAIN PROVISIONS OF LAW.—Sections 7(d), 10(f), and 14 of the Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to the Task Force.

(m) TERMINATION.—The Task Force and authority to carry out this section shall terminate 180 days after submitting the report required by subsection (b).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out sections 3 and 4.

WILD BIRD CONSERVATION ACT OF 1992

BAUCUS (AND CHAFEE) AMENDMENT NO. 3353

Mr. CRANSTON (for Mr. BAUCUS and Mr. CHAFEE) proposed an amendment to the bill (H.R. 5013) to promote the conservation of wild exotic birds, to provide for the Great Lakes Fish and Wildlife Tissue Bank, to reauthorize the Fish and Wildlife Conservation Act of 1980, to reauthorize the African Elephant Conservation Act, and for other purposes, as follows:

Title III is amended by adding the following new section:

"SEC. . NATIONAL FISH AND WILDLIFE FOUNDATION.

"Beginning in fiscal year 1993 and hereafter, the National Fish and Wildlife Foundation may continue to draw down Federal funds when matching requirements have been met: *Provided*, That interest earned by the Foundation and its subgrantees on funds drawn down to date, but not immediately disbursed, shall be used to fund all activities as approved by the Board of Directors: *Provided further*, That the Foundation's subgrantees shall be exempt from the audit reporting and compliance requirements of OMB Circular A-133, for all grants of $100,000 or less. The Foundation shall amend its grant contracts to ensure that it subgrantees are advised and certify that they will comply with all applicable Federal laws and regulations imposed on individuals or organizations receiving Federal funds.".

CHAFEE (AND OTHERS) AMENDMENT NO. 3354

Mr. CRANSTON (for Mr. CHAFEE, Mr. WARNER, Mr. HELMS, and Mr. SANFORD) proposed and amendment to the bill H.R. 5013, supra, as follows:

Amend section 303 of H.R. 5013 (as passed by House) as follows:

On page 28 at the end of line 22 insert the following new paragraphs:

"(3) on the map referred to in subsection (b)(2)(A), the area:

consisting of approximately 5221 acres and owned by the National Audubon Society as of September 28, 1992 (known as the "Audubon Sanctuary"), along with the associated aquatic habitat of Pine Island Bay and Goat Island Bay,

shall be designated and depicted as NC-01, a unit of the Coastal Barrier Resources System by the Secretary in accordance with paragraph (5) of this subsection.

"(4) on the map referred to in subsection (b)(2)(C) areas designated as "otherwise pro-

tected areas" identified as "VA-60P" that are:

"(i) north of the north bank of Salt Ponds Inlet in Hampton, Virginia, and

"(ii) south of the line described in subsection (c) of this section,

shall be designated and depicted on the map as VA-60, a unit of the Coastal Barrier Resources System by the Secretary in accordance with paragraph (5) of this subsection.

"(5) In designating the units in accordance with paragraphs (3) and (4) above, the Secretary is authorized to make any minor and technical modifications to the boundaries of such unit as may be necessary to correct existing clerical and typographical errors in the map. Provided further that the local government in which is located such unit may recommend any such corrections be considered by the Secretary.".

STEVENS AMENDMENT NO. 3355

Mr. CRANSTON (for Mr. STEVENS) proposed an amendment to the bill H.R. 5013, supra, as follows:

SEC. . WETLANDS MAPPING.

Section 401(a) of Public Law 99-645, the Emergency Wetlands Resources Act of 1986, (16 U.S.C. 3931(a)), as amended by Public Law 101-233 is further amended—

(1) in paragraph (3), by striking "as soon as practicable" and inserting in lieu thereof "by September 30, 2000";

(2) in paragraph (4), by striking ". And" at the end of the paragraph and inserting in lieu thereof a semicolon;

(3) in paragraph (5)(B), by striking the period and inserting in lieu thereof a semicolon;

(4) by adding the following new paragraphs at the end thereof:

"(6) produce, by September 30, 2004, a digital wetlands data base for the United States based on the final wetlands maps produced under this section; and

"(7) archive and make available for dissemination wetlands data and maps digitized under this section as much data and maps become available.".

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON THE CONSTITUTION

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, September 30, 1992, at 2 p.m., to hold a hearing on S. 2611, the Equal Surety Bond Opportunity Act.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Wednesday, September 30, at 2 p.m. for a hearing on the nominations of Brook Hedge and Lee F. Satterfield to be associate judges of the Superior Court for the District of Columbia.

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

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS AND ENVIRONMENT

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Trade, Oceans and Environment of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 30 at 10 a.m. to hold a hearing to review international economic and security cooperation.

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

COMMITTEE ON FINANCE

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 30, 1992, at 9 a.m. to hold a hearing on the North American Free Trade Agreement.

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

SUBCOMMITTEE ON AGRICULTURAL CREDIT

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, Subcommittee on Agricultural Credit be allowed to meet during the session of the Senate on Wednesday, September 30, 1992, at 8:30 a.m., in SR-332 on S. 3119, the USDA National Appeals Division Act of 1992.

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

ADDITIONAL STATEMENTS

"SURVIVING COLUMBUS"—TELEVISION DOCUMENTARY AIRING OCTOBER 12, 1992 ON PBS

• Mr. BINGAMAN. Mr. President, I rise today to call the attention of my distinguished colleagues to an important documentary entitled "Surviving Columbus" which will air Monday, October 12 on public broadcasting stations nationwide, marking the Columbus Quincentenary. As told from the Pueblo Indian peoples' perspective, the documentary examines the arrival of Christopher Columbus and the subsequent impact of European involvement in Indian culture. This remarkable recounting of 15th and 16th century history illustrates the dramatic changes in Pueblo society and the unyielding endurance of Pueblo culture. The program concludes with a view of Pueblo culture today, illustrating the long-term impact of the Europeans upon these peoples and the impassioned pride which keeps their traditions alive.

I am particularly proud of this documentary for several reasons. First, "Surviving Columbus" marks the cooperative production efforts of two important New Mexico institutions—KNME-TV in Albuquerque and the Institute of American Indian Art [IAIA] in Santa Fe. By pooling resources, KNME-TV and IAIA were able to use narratives of Pueblo elders, interviews with Pueblo scholars and leaders, archival photographs and historical accounts to illustrate the story of the Pueblo Indian's survival and struggle to control their own destiny. With funding provided by the New Mexico Endowment for the Humanities, the Corporation for Public Broadcasting, the Public Broadcasting Service, the Rockefeller Foundation and the Native American Public Broadcasting Consortium, KNME-TV and IAIA were able to tell the emotional story of the several Pueblo peoples survival through turmoil and conquest.

Second, I recognize the cooperation and participation of the Pueblo Indians of New Mexico. As with most of Pueblo history, accounts of the Spanish arrival and European influence are primarily collected as an oral history. "Surviving Columbus" focuses on the Southwestern Pueblo Indians because, of all North American Indians, they have had the longest continuous contact with Europeans. The documentary not only tells a story of the past, but looks at the Pueblo peoples of today, their continuing struggle to determine their own lives, and the strength they draw from their long history of challenge and perseverance. From this illustration of the Pueblo peoples' strength, we may discover the importance of living a life in balance, one which recognizes the need for simplicity and our connection with the Earth and time.

Finally, I am proud that these two New Mexico institutions, KNME-TV and IAIA, had the courage to challenge the conventional interpretation of American history and the impact of Columbus. Our traditional school text books speak of an uncivilized land which Columbus discovered and explored. But the Indians tell a much different story, one of conquest and enslavement. "History is always told from the standpoint of the conquerors," author, anthropologist, and San Juan Pueblo Indian Alfonso Ortiz points out. "Hence, people who are conquered can't trust history. It's not their history; it's the history of their conquerors." In keeping with their oral traditions, the program is visually and audibly poetic. The story is finally told in the voice of the Pueblo peoples. Interestingly, "Surviving Columbus" points out that many of the troubles facing the Pueblo Indians in the 16th century face them today—economics, land, religion, sovereignty, and self-determination.

As we mark the 500th anniversary of Columbus' arrival in the New World, I encourage everyone to gain a new perspective of this event. As script consultant and Santa Clara Pueblo native Rina Swintzell expressed:

> There are many worlds that exist in the universe and the Pueblo Indian world was a world that was very different from the Europeans in terms of values and lifestyle. I think we need to be aware that human beings do have alternatives in ways of thinking, in ways of living.•

IN RECOGNITION OF CHRISSIE UNRUH

• Mr. SEYMOUR. Mr. President, I rise to today in recognition of Chrissie Unruh, who is being honored on September 16 in Venice, CA, as the Boys and Girls Club "Woman of the Year."

Chrissie has been a club supporter since 1989 and is currently serving as a cochair on the Boys and Girls Club of Venice building campaign committee.

Chrissie's late husband, Jesse Unruh, was well-known in California and American politics. Since his death, Chrissie has carried on his involvement in politics. She was appointed to the California Film Commission in 1990 by Gov. George Deukmejian and continues to serve in that capacity under Gov. Pete Wilson.

Chrissie has held a life-long interest in furthering the welfare of children, from her work in early adulthood with emotionally disturbed children at Camarillo State Hospital to her artistic contributions to the UCLA Hospital's Neuropsychiatric Institute.

I ask my colleagues to join me in congratulating her on being named "Woman of the Year," and to thank her for her tireless service to her community.•

CHRISTOPHER COLUMBUS DAY RECOGNITION

• Mr. KERRY. Mr. President, it gives me great pleasure to recognize a special day in American history, Christopher Columbus Day. Columbus Day always has commemorated the accomplishments of the famous explorer who founded the new world. It also celebrates the many great achievements of the Italian-American people. Columbus Day honors the character of this individual and the values that we possess as a Nation—courage, hope, perseverance, individuality and a vision of the future. All over the United States, and especially in the Commonwealth of Massachusetts, the Italian-American people continue the legacy of their forebears in contributing to the good of our country.

From the day that Columbus first landed on this continent to the beginning of our country's history, Italian-Americans have participated in the creation and expansion of the United States. Many of the great American navigators and explorers were "sons of Italy." Giovanni da Derrazano, Amerigo Vespucci, John and Sebastian Cabot all helped to expand the global frontier. Guglielmo Marconi, a resident of Massachusetts, was the creator of the first trans-Atlantic telegraph. Their accomplishments have contributed to the rich history of our culture and have helped to advance all areas of American life.

The history of Italian-Americans in this country have been a proud but also a difficult struggle in gaining acceptance. For decades, Italian-Americans were forced to overcome bigotry and discrimination by means of their undying patriotism and dedication to hard work. They have earned the resect of their fellow Americans. Christopher Columbus Day is a well deserved acknowledgment of the many contributions which Italian-Americans have made for our country. I am proud to join in this occasion to honor them and their forefathers.•

THE 75TH ANNIVERSARY OF THE NEW MEXICO MUSEUM OF FINE ARTS

• Mr. BINGAMAN. Mr. President, I rise today to recognize the 75th anniversary of the Museum of Fine Arts in Santa Fe, NM. The museum serves as a permanent home for over 8,000 works of art. Its impressive collection of 20th century American art boasts works by renowned Southwest artists such as Georgia O'Keefe, William Penhallow Henderson, Gene Kloss, Jozef Bakos, and Gustave Baumann. As a division of the Museum of New Mexico, the fine arts division welcomes nearly 110,000 visitors per year. Its exhibit halls play host to traveling exhibits, while its own collections are offered for display across the world. In the museum's on-site library, an inquisitive researcher can file through any of the 5,000 volumes or the thousands of biographical files, periodicals and catalogs of exhibitions since the museum's inception.

The Museum of Fine Arts opened its doors on November 24, 1917, in a building modeled after the New Mexico building at the 1915 Panama-California Exposition in San Diego. In the next 3 months, the museum will commemorate its anniversary with an exciting list of special exhibitions, world-renowned lecturers, compelling round table discussions and, of course, festive celebrations. Through a museumwide exhibit entitled "The View from Here: 75 Years at the Museum of Fine Arts," visitors may take a retrospective look at its history and collections. During the gala celebration weekend of November 13–15, visitors will be treated to a free tour, reception and symposium, "New Mexico Past and Present," which features oral histories offered by descendants of the museum's early artists.

Please join me in recognizing the accomplishments and contributions of the Museum of Fine Arts over the past 75 years, and in wishing the museum a long future of success.•

IN APPRECIATION OF JIMMY LYONS

Mr. SEYMOUR. Mr. President, I rise today in anticipation of the 35th annual Monterey Jazz Festival which will be held from September 18 to September 20 in Monterey, CA, and in appreciation of its founder and guiding force, Jimmy Lyons.

The festival began as so many great American traditions begin—with one man's vision. That man was Jimmy Lyons, who moved to Big Sur in 1953 and sowed the seeds for the festival that was to bloom in 1958. Since then, Jimmy Lyons has served continuously with the nonprofit organization that sponsors the festival.

I ask my colleagues to join with me in recognition of our one truly American artform—jazz music—and in appreciation of Jimmy Lyons for all he has done to foster the employment and advancement of jazz.

At this point, I ask that Mr. Lyons biography be inserted in the RECORD.

The biography follows:

BIOGRAPHY OF JIMMY LYONS

Jimmy Lyons began in broadcasting in 1939, when he was hired as an announcer on Southern California radio station KVOE, "the Voice of the Orange Empire." Three years later, he began working as an announcer with the Stan Kenton Band in Balboa, California. After a stint with NBC, Lyons was drafted and assigned to Armed Forces Radio, where he produced AFR's jazz program, the Jubilee Show. It was during the war years that Lyons made many of his contacts with the brightest stars in jazz.

In 1948, after working as advance man for the Woody Herman Band, Lyons began producing a jazz show on KNBC radio in San Francisco, soon becoming one of the Bay Area's most popular deejays. Lyons moved to Big Sur in Central California in 1953 and began to sow the seeds that were to bloom as the Monterey Jazz Festival in 1958. The first festival's headliners read like a who's who of jazz, including Dizzy Gillespie, Billie Holiday, The Modern Jazz Quartet, Ernestine Anderson, Max Roach, Harry James, Dave Brubeck and Mel Lewis. The festival has continued to attract the top players in mainstream jazz throughout its 35 year history.

REAUTHORIZATION OF THE OLDER AMERICANS ACT

• Mr. SARBANES. Mr. President, as a consistent and vigorous supporter of measures to benefit older Americans, I am very pleased that the Congress has passed legislation to reauthorize the Older Americans Act through fiscal year 1995.

First enacted in 1965, the Older Americans Act has evolved from its original mandate to promote independent living among those older citizens with the greatest social and economic need to today's dynamic network of community and home-based services, including congregate and home-delivered nutrition programs, employment and legal services, transportation and long-term care ombudsman programs, and information and referral networks. In spite of drastic cuts by the Reagan and Bush administration in the early eighties and attempts to delay this critical legislation during the current Congress, Older Americans Act programs continue to serve 57 State agencies on aging, 670 area agencies on aging and over 25,000 service providers.

Mr. President, older Americans constitute a rapidly increasing segment of our Nation's population. In fact, the most rapidly growing segment of our population are those individuals who are 85 and older. In my own State of Maryland, there are over 750,000 individuals over the age of 60 representing 15.6 percent of Maryland's total population. By the year 2000, that percentage is expected to increase to 16.2 percent, slightly higher than the national average. This demographic transformation poses significant challenges and opportunities to our economy and society and the Older Americans Act provides an excellent framework from which to address these challenges well into the next century.

In light of such changes, the Special Committee on Aging held a series of workshops in 1990 to evaluate what policy changes would be necessary or beneficial as part of the reauthorization process. I am pleased that many of the recommendations that were made in the workshops were included in the reeauthorizing legislation we passed earlier this month. The Older Americans Act amendments create an Office of Long-Term Care Ombudsman Programs within the Administration on Aging as well as contain provisions to improve access to information regarding programs available through the Older Americans Act, including legal assistance. Title III reexamines intrastate funding formulas so that States with disproportionately large low-income elderly populations would receive some needed relief. Provisions are included to offer supportive services to individuals who provide in-home services to the frail elderly. Finally, the legislation we have passed recognizes the richness of experience and wisdom held by our older citizens and taps into that knowledge by creating intergenerational services at meal sites in public schools to promote activities to benefit at-risk children.

Mr. President, while the Older Americans Act is obviously very important to those seniors who participate in meal programs or senior center activities, it is also important to our society at large. Innovations resulting from older Americans programs have and will continue to influence the development of health care policy in our country, as well as redefining how we all view the inevitable process of growing older. I was pleased to join in sponsoring the reeauthorization of the Older Americans Act and look forward to continuing to work with my colleagues to ensure the success of this critical program.•

IN RECOGNITION OF PAUL CARUSO

• Mr. SEYMOUR. Mr. President, I rise today in recognition of Paul Caruso, who is being honored September 16 in Venice, CA, as the Boys and Girls Club Man of the Year.

Paul Caruso is a distinguished leader in the legal field and has received numerous awards and appointments throughout his legal career, including nomination by Governor Reagan in 1973 as a delegate to the law enforcement assistance administration. He has represented numerous well-known clientele in Los Angeles' entertainment community, including Kirk Douglas and his son Michael Douglas.

On a personal note, I must add that Paul is a retired major in the U.S. Marine Corps. As a marine myself, I would like to point out Paul's exemplary service record, including 2 years in the South Pacific in World War II and 2½ years on active duty during the Korean conflict.

Paul has long been active in community affairs, particularly as a member of the Vikings, a nonprofit organization which has raised millions of dollars for charitable youth organizations.

I ask my colleagues to join me in thanking Paul Caruso for his service to his country and his community and to congratulate him on being named the Venice Boys and Girls Club Man of the Year.•

TRIBUTE TO ATLANTA CONSTANCE SAMPSON

• Mr. DURENBERGER. Mr. President, few of us are able to share our God-given talents as has Atlanta Constance Sampson. Ms. Sampson has been blessed with the ability to express through art her perception of the beauty that surrounds us. Her work makes us take a moment to stand back and appreciate nature that we so often take for granted.

Ms. Sampson was born, and lived her first years, in my home State of Minnesota in 1896. From her family's farm, her painting led her to Detroit, Chicago, and New York. Until 5 years ago, Ms. Sampson's career was struggling, but, at the age of 91, thanks to fate and a discriminating art lover's eye, her life's labor was discovered in a window of a New York City delicatessen.

Since that day, Atlanta Sampson has had her own one woman exhibit at the National Arts Club. And, her work is currently on display in the rotunda of the Russell Senate Office Building until October 2.

The most amazing thing about Ms. Sampson is the fact that she lets nothing get in the way of her aspirations to be counted among serious contemporary artists. Her persistent drive to keep reaching her goal has been evident throughout her life. Her obsession called for courage and strength. It meant leaving her family farm in Minnesota and traveling to faraway cities in the East. It meant enduring and waiting for a break to come her way. Her dedication paid off.

Mr. President, today, Atlanta Sampson turns 96. She has caught the attention of her peers and gained many admirers through her beautifical, painted expressions. Ms. Sampson, happy birthday; and, thank you for sharing your talent and your vision with us. May you have many more creative and gifted years.•

TRIBUTE TO CARLISLE

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to Carlisle in Nicholas County.

Carlisle is a small town with a population of less than 2,000 about 40 miles northeast of Lexington. Carlisle thrives for a community of its size, and relishes in maintaining its sense of historical charm.

This is especially evident in its downtown area. The courthouse and many other buildings have vintage exteriors which predate the turn of the century. The old jail has been fixed up and converted into a visitors center. There are 350 places listed as historic sites in Nicholas County. All this makes Carlisle, as often described, like a comfortable old home.

Carlisle's economy is based on both farming and industry. Though tobacco, corn, and cattle are the main sources of income for Carlisle residents, Jockey International, Inc., employs some 400 members of the community. This balance between farming and industry has allowed Carlisle's economy to remain relatively stable through the difficult economic times.

Carlisle would not be what it is today without the dedication and hard work of the local citizens. They have committed to keeping Carlisle in the mainstream of growth and progress. However, they also believe it is vital to maintain the town's historical presence. This is not just visible in the town's physical appearance. Recently, the citizens of Carlisle received a Kentucky League of Cities community development award for its program of dressing up in 19th century costumes to welcome passengers from the steam engine train which occasionally runs from Paris to Carlisle's refurbished depot.

I applaud the efforts of Carlisle to maintain its historical charm, but at the same time its move forward, making it one of Kentucky's finest towns.

Mr. President, please enter the following article from Louisville's Courier-Journal in today's CONGRESSIONAL RECORD.

The article follows:

OUR TOWNS

Population (1990): Carlisle, 1,639; Nicholas County, 6,725.

Per capita income (1989): Nicholas County, $11,320 or $2,503 below the state average.

Jobs (1989): Bench work (sewing, etc.), 594; structural assembling and repair, 345; services, 223; clerical, 194; agricultural, 113.

Big employers: Jockey International Inc., 442; Jockey International Textiles, 186; Magic Image Inc., 30.

Media: Newspapers—The Carlisle Mercury and The Nicholas News-Herald, both weeklies.

Transportation: Highways—Carlisle is served by U.S. 68 and Ky. 13, 32 and 36. Rail—TTI Railroad, a subsidiary of CSX, provides main line rail service. Air—Blue Grass Field is 40 miles southwest in Lexington. Trucking—22 companies serve the town.

Education: Nicholas County schools, 1,314 students.

Topography: Carlisle is on rolling, hilly ground—in what is known as the "Outer Blueglass"—between Paris and Maysville in northeastern Kentucky.

FAMOUS FACTS AND FIGURES

In the 1830s some prominent Carlisle residents opposed a new road through town because it might bring six-team express wagons with it—too much competition for the local wagon owners, according to a local history. The road, now U.S. 68, is three miles away.

Buried just outside Carlisle is Thomas Metcalfe, Kentucky's governor from 1828–32. Metcalfe was called "Old Stone Hammer" for his ability to build things. He laid the foundation for what is now the lieutenant governor's mansion in Frankfort. He also built Forest Retreat, an elegant stone home that still stands outside Carlisle.

Local historians remain a little miffed that when Robertson County was formed from part of Nicholas County in 1867 it took some of Nicholas County's history with it. Blue Licks Battlefield, where Indians and Canadians easily defeated a group of pioneers in one of the later battles of the Revolutionary War, is now just over the county line. The site is now a state park.

Nicholas County was named after Col. George Nicholas of Fayette County, a lawyer and Revolutionary War veteran whom one historian has also tied to the Civil War. According to historian Jasper B. Shannon, Nicholas was instrumental in bringing Kentucky into the Union as as slave state. If Kentucky had entered the Union without slavery, Shannon wrote, "the Civil War might well have been avoided. The tradition of one slave state for each free state would have been aborted and the bitter rivalry that ultimately led to the War Between the States prevented."

Among the famous people from Carlisle and Nicholas County are Barbara Kingsolver, author of books such as "The Bean Trees"; brothers Thomas Harris Barlow and Leason T. Barlow, pace-setters for the development of locomotives, a Civil War rifle cannon and the Barlow knife; and playwright Charles T. Dazey, author of "In Old Kentucky," which was popularized on Broadway with Lillian Russell and in a movie with Will Rogers.

A TOWN THAT TRIES TO GET THE MOST OUT OF WHAT IT HAS

(By Fran Ellers)

"You'll have to use your imagination," says Eugene Neal as we climb the stairs at the back of his store. The store consists of two vast, airy rooms filled with anything you could want—carpets and mattresses, recliners and washing machines, buckets, tools, farm implements, fresh peaches and potatoes and a 1923 Model T Ford.

"Stand right here," Neal says as we reach the top of the stairs.

The second floor is dusty and almost empty. In the doorway between the two rooms we crane our necks to see the ceilings, 18 feet high. It's easy to make out the faded green design that spreads across what used to be one big room. Part of a stage leans against a far wall.

"This," Neal announces, "is Mozart Hall."

The guide to the official walking tour of Carlisle explains that traveling musicians and singers performed here in the late 1800s for people who came from miles around to be entertained in style in Moazart Hall.

But who would have guessed that you could still feel Mozart Hall—except for Neal, who has worked in this building for 60 years, ever since high school.

It's almost impossible not to waltz from wall to wall, there's so much space. But it just looks empty, not abandoned. It's almost as if the hall were closed for the season, not since the last century.

Some people say that Neal, 77, likes to live in the past. But what makes his store all the more magical is that in Carlisle, a town of fewer than 2,000 people, the past is the present—and to some extent, the future.

You can tell this partly by looking. The courthouse and other buildings on the downtown square have vintage exteriors that predate the turn of the century. The storefronts have been dusted off and touched up, but they haven't been painted in pastels and padded with antiques—signs of suffering in other small towns that struggle to keep up appearances after a shopping center on the edge of town sucks the center dry.

On a weekday in downtown Carlisle—and downtown is almost all there is—a doctor's waiting room is still full at 5 p.m. Three restaurants are serving (including the first to deliver pizza), and two drugstores and two weekly newspapers compete. The Dollar Store is packed to the gills with merchandise. The square also contains the Nicholas County Courthouse, the library, the police department, City Hall, and the major Baptist, Methodist and Christian churches. Plus some old homes.

"We've got about everything that anybody else has, I mean, for a small town, we've got everything," says local historian Joan Conley.

She is not being wry. Her philosophy, shared by other community leaders, is that they must get the most out of what they have, rather than hope for too much more.

So Conley and her colleagues in the historical society have worked to tag everything that the county has for safekeeping—350 places are registered historic sites—and a museum in the old railroad depot keeps track of it all.

None of this is restrictive. Carlisle is like a comfortable old home, its treasured pieces sitting out and still in public use, its past public knowledge.

It escaped modernization because it sits three miles from a major highway, U.S. 68. You have to want to go to Carlisle to get there, and the townspeople know that. Most of the homes have front porches, even a trailer has a swing in the yard. There seems to be little fear of exposure. Instead, people are eager to see and be seen.

Just a few weeks ago, Carlisle got a Kentucky League of Cities community development award for its program to welcome passengers who take a train powered by an old steam engine that runs occasionally from Paris to Carlisle. Carlisle residents gather at the refurbished depot in period costumes, posing as historical figures such as Gov. Thomas Metcalfe and his friend Henry Clay, and offer local hospitality.

There's more color to the depot history but, again, the town doesn't sugarcoat it. Conley explains that the depot used to be segregated, that the room where blacks were required to wait is now the museum. The county history says that before the Civil War, one in six people in Nicholas County was a slave. That's part of the past, but a part that's important to remember.

People also remember a more recent controversy over a vote to legalize the sale of alcohol and make Carlisle County "wet." A lot of people spoke their minds. The wets won. Then everything returned to normal.

"Once it was over, it was over," say Doug Garrett, a local furniture store owner. Thinking about it, he is hard put to explain why.

"There's just something about Nicholas countians. It just seems like they feel more a part of the community."

They also recognize that they're fortunate to have some of the amenities that other towns don't have—a stable employer in Jockey International, the underwear plant, and hundreds of small farms.

Tobacco continues to be the main moneymaker for Carlisle families, although there is also plenty of corn and cattle.

But even in farming, everything old is new again. Nicholas County used to be known for the fat, wild blackberries that grew on briars all over, and it still celebrates the Blackberry Festival.

The tradition of picking blackberries died out years ago after the prickly briars became harder to find. Wayne Shumate has started growing and selling blackberries on a farm outside town and, by his account, is doing well.

Shumate—the major shareholder in the underwear plant before Jockey bought it, developer of a local restaurant and golf course, and owner of the Dairy Queen and a silk-screening business in Carlisle—is proof that one ambitious person can make a mark in a small town.

So is Gladys Shrout.

Shrout first rounded up people to wear the period costumes that have made the town so proud. She also had big ideas about tourism in Carlisle, and the importance of preserving its history.

She and other members of the tourism board have spent years fixing up the old jail on Main Street for a visitors center. Some of its rooms have been refurbished for meetings and receptions—there's even been a wedding there. Other rooms are being kept as they were. The work has been meticulous and slow. It literally took months to refinish the cherry banister and wood stairs.

But Shrout is consumed by the need to preserve all that she can. When she was younger, she said, she didn't care much about history in Nicholas County where her family has deep roots. But as she got older she realized that if she didn't try to protect some of the town's history, it would die with her. "I had to get on the ball," she said.

Today she's helping to organize projects around several events in Carlisle—the antique cars that are coming to town, a haunted house at the old jail, a quilt show.

She, Conley and others have more ambitious ideas. They're trying to convince the state to take over Forest Retreat, former Gov. Metcalfe's home, as a state park.

But the community knows it may be disappointed. Recently leaders were surprised but pleased when an out-of-town businessman appeared suddenly and leased the failing 19th Hole restaurant and club near lake Carnico.

They became worried when he didn't pay his employees, disturbed when he left town, then sick when he was found shot to death in another state.

Closer to home, a Carlisle police officer has been implicated in a robbery at a local gro-

cery, another shock to the small town's system.

Mayor Frankie Hughes said he learned about the officer's involvement late one evening. "I couldn't hardly sleep." Hughes said. "I don't know what happened to that boy."

Hughes, a postal clerk, has become an enthusiastic devotee of dressing up in the period costumes and doing whatever else it takes to promote Carlisle. He and his family have fared well—his wife works at the 28-bed hospital and their three children are employed and making their living in Nicholas County.

But he acknowledges that the town has challenges. "There's too many automobiles now" taking people out of town to shop, he said.

Well, maybe all but one. Neal's 1923 Ford, which he has owned for more than 30 years, isn't going anywhere. It sits so far back in his store you almost miss it. But if you wander far enough you'll run into it and the other relics strewn throughout the store—Moore's Air Tight Heater up front, and old side saddle slung on a shelf, a sign in the back that Neal made in 1934 to advertise grocery specials, including two pounds of cocoa for 15 cents.

Like the little town he lives in, Neal has no doubt that Henry Ford's Tin Lizzie is a driving force, despite its age.

After all, it's lasted this long, Neal says, "I drove it in here."•

THE U.S. STRATEGIC COMMITMENT TO ISRAEL: MAINTAINING ISRAEL'S EDGE

• Mr. McCAIN. Mr. President, the pending sale of F-15's to Saudi Arabia poses an issue of great concern to the security of Southwest Asia, and in particular to Israel. In light of this proposed sale, I feel it is crucial for the United States to renew its commitment to Israel both militarily and economically. In a greater sense, however, the sale of F-15's to Saudi Arabia poses a question directly to the security of the United States. I believe that in our enthusiasm to maintain a secure Saudi Arabia, we must not neglect or retreat in our support for Israel, nor may we forget our own security interests abroad.

Thirty of my colleagues joined me and Senator LIEBERMAN in a letter to the President last week reaffirming our commitment to Israel. We wrote this letter not merely for Israel's sake, but for our sake as well. Israel is a trusted, invaluable ally in the post-cold-war world in a region rife with political and military instability, and is a necessary partner for our global strategy into the next century.

It is in our best interests as a nation to ensure that our allies in the Middle East remain strong militarily and economically. The dual realities of defense budget reductions and proliferation of weapons of mass destruction have created the potential for catastrophic instability in the Middle East. No longer can we expect our Armed Forces to provide wholly for the security of the Middle East. It is therefore imperative that we support our allies in the region in order to maintain a viable security network that can respond adequately in times of crisis.

We feel that our assurances of strategic and economic commitment to Israel require six actions by the United States. First, we must secure the absorption loan guarantees to Israel. These guarantees will help strengthen Israel's economy as it absorbs recently arrived Ethiopian and Soviet Jews, will provide humanitarian relief, and will improve its infrastructure.

Second, we must maintain our foreign military assistance to both Egypt and Israel in order to ensure Israel's security and stability in the region. This assistance must be adjusted to meet the increased prices of weaponry due to inflation. Our assistance to Israel must be coupled, however, with concurrent assistance to Egypt. Only by maintaining a vibrant, democratic, and strong Egypt may we ensure that the Camp David accords remain viable and that the peace negotiations come to a fruitful conclusion.

Third, we need to improve and expand our technical cooperation with Israel. Improving our cooperation will reduce Israeli dependence on foreign aid in the future by providing critical technologies for its economic infrastructure. We propose that Israel be allowed the same access to technology which we currently afford our NATO allies. Such cooperation on military research and development will both fortify Israeli security by increasing its military strength and supporting its military-industrial base, and diminish the need for an active U.S. military presence in the Middle East.

Similarly, we feel that we must enhance the technological civilian industrial base of Israel, and that such enhancement will be beneficial to both nations. Specifically in the field of space technology, a symbiotic relationship between the United States and Israel may readily be realized. We would be able to take advantage of Israel's success with small, low-cost systems. At the same time, we would provide Israel with help in developing civilian high-tech industries that are vital to its military-industrial base and to maintaining a strong economy.

Fifth, we urge the President to expedite the congressional initiatives designed to improve Israel's military edge and to increase U.S. power projection capabilities in the Middle East. Congress has already approved $300 million in pre-positioned materiel in Israel, $700 million in defense equipment as part of the draw-down of U.S. forces in the region, and a study regarding the feasibility of upgrading Haifa Port to a carrier-ready port. These initiatives are essential to meet Israeli security needs and to solidify the U.S. power projection posture in the Middle East.

Sixth, we feel it is important for the United States to endeavor to cooperate in future military exercises with Israel. Whether it be participating in joint naval exercises, using Israeli Air Force facilities for Apache helicopter training, or sharing intelligence, these activities will serve to increase the military contacts between the United States and Israel, thereby enhancing regional security while reducing our overall military commitment in the region.

The overriding principle of these six points is that we can and must enhance the security and defenses of our allies in the Middle East without compromising either Israeli security or the fragile regional stability. Israel would benefit from improved relations with the United States through an invigorated economy with an improved technological base and a reduced reliance upon U.S. assistance in the future. Furthermore, a strong and vibrant Israel would occupy a more prominent position in the ongoing peace negotiations, better able to negotiate a just and lasting peace.

Mr. President, the broad bipartisan support for my and Senator LIEBERMAN's letter indicates to me that it is imperative for the Congress and the executive to act on our recommendations. With the inclusion of these recommendations as part of our policy toward Israel, I believe that the day will approach when Middle East stability is no longer an impossible dream, but rather a foreseeable reality.•

TRIBUTE TO ARSENIO HALL

• Mr. SEYMOUR. Mr. President, I rise today to pay tribute to an outstanding entertainer, a social humanitarian, and my constituent, Arsenio Hall.

Mr. Hall's unique sense of humor, along with his ability to speak to such a wide and diverse audience, has brought a fresh and renewed sense of vitality to late night television. In fact, soon after his premier on Fox-TV back in 1987, it was evident that this was a style of entertainment we had not seen before, and the venerable institution of the celebrity talk show would never be the same.

There are maybe a dozen television programs that we may, with confidence, refer to as classics. Beyond that, only about once in a decade do we witness a program that is so entertaining, so in touch with its audience, and so brilliantly done that we may actually refer to it as the voice of its generation. If Milton Berle, Rowan and Martin, the Not Ready for Prime Time players, and David Letterman can be described in such terms, that honor today certainly belongs to Arsenio Hall.

This is the public side of Mr. Hall. But what is perhaps his greatest work is never recorded by a television cam-

era. Much of his time away from the studio is spent with the DARE Program, offering young people alternatives in life so they may realistically say "no" to drugs. Mr. Hall's commitment to a drug-free community is solid; he recently spent $167,000 of his own funds to help rid a Los Angeles neighborhood of a dangerous crack house the authorities were unable to close down. And during the recent Los Angeles riots, he refused to cancel the taping of his show, thus providing a haven of normalcy while the city around him was engulfed in chaos.

Mr. Hall routinely downplays the significance he and his program have had on the community, and the Nation. But we know better. Although originally from Cleveland, he is undeniably one of California's most cherished natural resources, and it is my honor to pay tribute to him today.•

IN RECOGNITION OF THE ORANGE COUNTY VOLUNTEER FIREFIGHTERS OF STATION 21

• Mr. SEYMOUR. Mr. President, I rise today in recognition of the hard work and dedication provided by the volunteer firefighters of the Orange County Fire Department.

Since the 1940's, the citizens of Tustin have relied on volunteer firefighters to protect their community during times of emergency. These volunteers dedicate numerous hours to the community fighting fires and providing necessary assistance to the local fire department. It is their efforts and commitment to the community which greatly deserves our recognition.

The work of a firefighter is selfless. Firefighters risk their lives every day to help others in need. They put the lives of the public before their own. Therefore, when a person takes on this type of task as a volunteer, he or she deserves our admiration.

Mr. President, I would ask that the Members of the Senate join me today in extending our deepest gratitude and highest commendations to the volunteer firefighters of the Orange County Fire Department Station 21 for the vital role they play in serving the citizens of their community of Tustin, CA.•

THE COMPREHENSIVE MODEL, MENTAL ILLNESS IN LAW ENFORCEMENT: A PRESCRIPTION FOR CRISIS INTERVENTION

• Mr. GRASSLEY. Mr. President, I would like to make note of an award winning, innovative program in Waterloo, IA. The program, developed by a mental health professional, Richard V. Davenport II, is entitled, "The Comprehensive Model, Mental Illness in Law Enforcement: A Prescription for Crisis Intervention." This is the first comprehensive program of its kind in Iowa and possibly in the Nation.

The crisis intervention team, a unique and aggressive program in Waterloo, gives police officers the critical training and experience to resolve most crisis situations nonviolently and effectively. It helps them understand the frame of mind of mentally ill or highly distressed individuals and gives officers practical guidance to respond to the people. The program affords police officers the opportunity to learn and practice the skills that allow them to engage mentally ill individuals and recognize the warning signs of emotional danger before a situation escalates. This includes a working knowledge of various medications a mentally impaired individual may be taking, and their side effects.

The Waterloo Police Department's program equips officers with the necessary tools to interact better with the community they serve. Law enforcement officers continually find themselves in situations involving domestic violence, the mentally impaired, and those with suicidal tendencies. The Waterloo Police Department's crisis intervention team is trained to deal with potentially explosive situations before they escalate.

The following individuals are members of the Waterloo Police Department's crisis intervention team:

Officer Bernal F. Koehrsen, Jr., Lt. Allan Pryor, Sgt. Larry Hahn, Sgt. Ann Meyer, Sgt. John Beckman, Sgt. Marisue Roedema, Investigator Steve Nemmers, Officer Larry Coffin, Officer Doug Larrabee, Officer Carroll Kienol, Officer Hope Westphal, Officer Jeff Duggan, Sgt. Larry Thompson, and Richard V. Davenport II.

I commend the Waterloo Police Department and its crisis intervention team as well as Richard V. Davenport II, for their insight and for creating a program with well-trained officers and effective procedures to confront crisis situations involving persons suffering from emotional stress or various forms of mental illness. It is my hope that the comprehensive model will be studied by other cities and consideration be given to its adoption in those cities.•

NBS' COMMISSION ON THE FUTURE OF THE NATIONAL SCIENCE FOUNDATION

• Mr. ROCKEFELLER. Mr. President, I rise today to lend my support to the efforts of the recently established Special Commission on the Future of the National Science Foundation.

In August, the National Science Board, the policymaking arm of the National Science Foundation [NSF], established this special commission at the recommendation of Dr. Walter Massey, Director of the National Science Foundation. The purpose of the Commission is to recommend how NSF can best meet the nation's competitiveness challenges as we head into the 21st century. The charge to this Commission is to examine the potential for NSF to broaden its role in fostering the links between fundamental research and technology development, while maintaining the agency's unique role as a principal supporter of academic research and education.

For over 40 years, NSF has been the premier source of Federal support for scientific research and education. The continued strength of our Nation's research and education enterprise, however, depends on anticipating change and recognizing opportunities. In light of the many changes in both science and in world affairs—including the end of the cold war, the rise of the global economy, and the increasing inseparability of science and technology—the National Science Board decided that it is time for a new look at the direction in which NSF is headed.

The Commission is expected to issue its final report in November. The Commission's report will incorporate the views of scientists, industry leaders, university administrators, and educators. William H. Danforth, chancellor of Washington University in St. Louis, MO, and Robert W. Galvin, chairman of the executive committee of Motorola and former chief executive officer of that corporation, will serve as cochairs of the Commission.

In addition to William Danforth and Robert Galvin, the other members of the Commission are: Jacqueline K. Barton, professor of chemistry, California Institute of Technology; Lindy (Mrs. Hale) Boggs, former U.S. Representative from Louisiana; Lewis M. Branscomb, professor of public service, Harvard University; Peter M. Eisenberger, director, Princeton Materials Institute, Princeton University; Marye Anne Fox, Roland Petit Centennial professor of chemistry, University of Texas; C. Peter Magrath, president, National Association of State Universities and Land-Grant Colleges; Ruben F. Mettler, retired chairman of the board and chief executive officer, TRW, Inc.; Percy A. Pierre, vice president of research and graduate studies, Michigan State University; Frank H.T. Rhodes, president, Cornell University; Earl S. Richardson, president, Morgan State University; Ian M. Ross, president emeritus, AT&T Bell Laboratories; William J. Rutter, chairman of the board, Chiron Corp., Donna Shalala, chancellor, University of Wisconsin, Madison.

The Commission has scheduled three public meetings—September 17, October 16, and November 7. The meetings will be open to the public and will address a broad range of questions including: How should NSF maintain and enhance its role as the premier supporter of basic scientific research and education? Should NSF build on its traditional mission by pursuing a broader array of research and education objec-

tives and doing more to link academia and industry? If so, how should NSF move in this direction, while preserving its traditional mission?

Mr. President, I commend the National Science Board for establishing this Special Commission on the Future of NSF. In the next decade, NSF and our Nation's colleges and universities will face growing challenges as research demands increase faster than research budgets. The Nation will increasingly look to science and engineering as the source of technological advances that are necessary for economic prosperity and improved quality of life.

I look forward to seeing the results of the work of this Commission.

For the RECORD, I have included a discussion paper which was presented by NSF's Director, Dr. Massey, to the members of the National Science Board. In the paper, Dr. Massey explains his views on the changes in science and technology, the future of NSF, and the need for the special Commission.

The discussion paper follows:

THE FUTURE OF THE NATIONAL SCIENCE FOUNDATION[1]

(By Dr. Walter E. Massey)

New products, new industries, and more jobs require continuous additions to knowledge of the laws of nature, and the application of that knowledge to practical purposes.—Vannevar Bush, "Science: The Endless Frontier."

The National Science Foundation is now developing a long-range strategy that will help frame its future activities and strengthen its ability to serve the nation. The new strategic plan will determine the direction of the agency's future evolution in an environment that is very different from the one we were in only five years ago. This plan must be grounded in continued strong support for academic research, but it must also recognize the changing nature of research and the changing context in which research is conducted.

For over 40 years NSF has enjoyed the status of being the premier source of Federal support for scientific research. During that period the Foundation has undergone a gradual but dramatic evolution. From its first year of full funding in 1952, NSF's budget has increased more than 100-fold in terms of real buying power. And times have changed for NSF in more ways than simple budget growth. NSF has taken on new areas of research and expanded its presence in traditional fields. NSF has achieved an international reputation in mathematics and science education. The Foundation has developed new ways of supporting fundamental research while continuing to serve as the mainstay for the individual investigator. Over the course of the past four decades, NSF has developed into a model for the evaluation, support, and dissemination of research and education.

NEW ENVIRONMENT FOR NSF

The continued strength of NSF and its ability to serve the nation depends not only on remaining flexible and adapting to new circumstances, but also on anticipating change and recognizing opportunities. Many of these opportunities result from changes in the nature of research itself. In recent years the interval between discovery and application has been dramatically shortened. Advances in fundamental science now often have near term utility in developing and improving products and processes. Incremental gains in fundamental knowledge can provide a comparative advantage in world markets.

This comes as no surprise in fields such as biotechnology, computing, or materials—where rapid innovation is almost cliché. Examples, however, also run the gamut of science: instruments developed to probe the furthermost points in the universe, such as radio and infrared detectors, have proven valuable in more earth-bound pursuits; lasers have progressed from being experimental laboratory devices to being indispensable tools in telecommunications, manufacturing, and medicine; and advances in our understanding of human behavior are now recognized as keys to increasing productivity in manufacturing and services. Furthermore, as the boundaries between "basic" and "applied" research have blurred, the role of feedback loops in the innovation process has been highlighted; scientific advance and technological progress have become ever more dependent on each other.

As these changes are occurring in science, the profound and dramatic changes underway throughout the world require a continuing reassessment of all aspects of science and technology policy. Superpower tensions have declined, and national security based on military strength will no longer be the predominant Federal research and development priority. The U.S. economy now competes in a global arena where success is increasingly linked to capitalizing on scientific advances and new technologies.

I think it is imperative that NSF determine its place in this new order. The continued public support of science requires that science policy both shape and reflect the national temperament. In the post-war years, this temperament was buoyed by an optimism that all problems would yield to scientific inquiry. At the height of the cold war, Americans viewed science as insurance against technological surprise from an adversary. With the rapid decline of the Soviet Union at a time of steady growth of economic power in Asia and Europe, the nation increasingly looks to science as the source of technological advances that are necessary for economic prosperity and an improved quality of life.

NSF AND THE IDEA-DRIVEN SOCIETY

NSF is uniquely charged with fueling the growth of an idea-driven society. It may be time for the Foundation to consider building on its success in supporting research ideas by accepting a major role in fostering the links between research and technology. Peter Eisenberger, Director, Princeton Materials Institute, captured the essence of this idea in a letter to me earlier this year. He said that academic research programs should seek to:

"* * * horizontally integrate efforts between the disciplines (especially between science and engineering departments) as well as to vertically integrate the research efforts so that industries and government agencies can participate in planning, implementing, and obtaining the knowledge generated for society's benefit."

In an essay in *The Scientist* based on his annual address to the members of the National Academy of Sciences, Academy President Frank Press stated his view that science is entering a new era, one that moves more fully toward the vision expressed in *Science, The Endless Frontier*, Vannevar Bush's landmark volume. Press predicts that:

"* * * it will be an era in which the boundaries between basic and applied research erode. More than ever, science will drive technology and technology will drive scientific progress. . . . What I have in mind includes not only fields with obvious applications, like computer science and material science, but others such as astronomy, botany, and mathematics, which we usually think of as being removed from the marketplace. This new reality will entail an increasingly direct connection between fundamental science and engineering and their commercial applications."

The Foundation has already begun to plan for and evolve toward this "new reality." Over the last decade, NSF has expanded its traditional support of science and engineering. The Foundation has reached out to new partners, notably industry and state government. The research centers initiated by NSF have provided a setting for multidisciplinary research and industry/university cooperation. The Foundation has also supported the development of generic technologies that push the frontiers of science and have great value to the nation.

OPTIONS FOR NSF

Most scientists would shudder at the thought of tomorrow's research enterprise looking exactly like today's (or even worse, as an impoverished version of the current research environment). In fulfilling its mission in support of science and engineering research, NSF should ensure that its programs progress and adapt to the times.

I believe that three broad options exist for the future of the National Science Foundation. As a first option, the Foundation could revert to its historical roots as a small agency predominately dedicated to the support of individual investigators and small groups at universities. This would almost certainly mean discontinuing the programs that have sought to connect basic research with the user community—science and technology centers, engineering research center, supercomputer centers, industry-university cooperative research centers, and other such activities.

A second option for the Foundation is to continue its present path, where the agency builds on its mission as a supporter of academic researchers with marginal and exploratory ventures in other areas, such as centers, initiatives in high performance computing and advanced manufacturing, and programs linking universities and industry. It is very likely that this would be a path of unstable equilibrium, because the importance of these "other areas" on the national agenda will require more than token efforts. It is likely that other agencies, new or existing, will be more than willing to devote serious efforts to such activities.

A third possibility, one that I prefer, is to build on our traditional mission and exercise new leadership across a broader spectrum of research areas. NSF would adopt an expanded portfolio of programs that would be integrated with ongoing activities and closely aligned with industry and other government agencies. While it is difficult now to provide a blueprint for NSF under this option, the agency would reflect some of the following characteristics:

The intellectual boundaries between disciplines and between types of research would be lowered and made more permeable.

[1] Based on a presentation to the National Science Board, August 13 and 14, 1992.

NSF would encourage increased interaction in areas of national concern between different institutional actors: academia, industry (large and small), Federal, state, and local government.

Human resource development and education would be integrated and expanded into all aspects of research activities and would link industry, colleges and universities, two-year colleges, and technical institutes, and precollege students and teachers.

NSF would articulate and demonstrate in a more comprehensive manner the outcomes and benefits of public investments in research and education.

Increasing the knowledge base of science in ways that can be connected to improvements in the quality of our national life enjoys broad support and provides a compelling rationale for increasing Federal investments in basic research. By expanding its function, NSF would have the opportunity to build upon its role as the premier supporter of fundamental research while it assumes further responsibility for forging the links between science and technology. In partnership with the academic community and other agencies, NSF could promote opening research programs to greater participation by nonacademic personnel, making science and engineering education programs more responsive to the needs of industry, and developing stronger working relationships in the pursuit of cutting edge technology.

NSF is uniquely qualified to mobilize such a national effort. The agency's long-standing ties to the academic research community allow it to engage the best minds in the country and capitalize on our national strength in basic science and engineering. Furthermore, a hallmark of NSF since its inception has been the coupling of research and education. This coupling must be extended to meet the increased science and technology demands of the workplace.

NSF's presence in all fields of the natural and social sciences, mathematics, and engineering position it to respond to new ideas wherever they arise. This enables the agency to identify and respond to a variety of research challenges in areas of national concern. Already, NSF-supported centers conduct research in 20 of the 22 critical technology areas itemized in the Report of the National Critical Technologies Panel.

NSF's criteria for support of research have always been based on excellence, quality, and commitment to innovation. These criteria can become a national resource for undertaking the rigorous evaluations and review essential to assess innovative ideas and programs.

NSF has forged partnerships and cost-sharing programs with industry, academia, and government, and plays a leading role in the FCCSET initiatives, a role much larger than what is suggested by the size of the Foundation. NSF also has developed effective models for industry/university partnerships that keep academic research independent while giving industry access to recent advances in knowledge. One model to be drawn upon is a recent solicitation in cooperation with the chemical industry to study environmentally benign synthesis and processing. It encourages investigators to obtain substantial intellectual input from industry. Of course, any new activities must rest upon a strong and broad base of researchers and educators pursuing knowledge in an open and vital environment. This is the foundation for discovery—and for new opportunities that emerge.

NEXT STEP

It is too soon to specify in detail what NSF might look like in the next stage of its evolution. The decisions on where, when, and how to make changes must involve the staff, the National Science Board, and the larger community. Several ways to receive input from the external community are now in place, including a request for public comment in the Federal Register. In addition, the Board has established the Special Commission on the Future of the NSF to examine options available to NSF. A broad range of academic, industrial, and government leaders will participate in this endeavor. Their findings will be of crucial importance in helping to identify a vision that can guide the agency for decades to come. NSF's vitality depends on its ability to be as creative and forward looking in the future as it has been in the past.●

ORDERS FOR TOMORROW

Mr. CRANSTON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. Thursday, October 1; that following the prayer, the Journal of proceedings be deemed approved to date; and that the time for the two leaders be reserved for their use later in the day.

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

RECESS UNTIL 9 A.M. TOMORROW

Mr. CRANSTON. Mr. President, finally, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 7:38 p.m., recessed until Thursday, October 1, 1992, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 30, 1992:

DEPARTMENT OF STATE

PAUL S. SARBANES, OF MARYLAND, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 47TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

EDWARD JOSEPH PERKINS, OF OREGON, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 47TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

ALEXANDER FLETCHER WATSON, OF MASSACHUSETTS, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 47TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

LARRY PRESSLER, OF SOUTH DAKOTA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 47TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

GLORIA ESTEFAN, OF FLORIDA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 47TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

IRVIN HICKS, OF MARYLAND, TO BE AN ALTERNATIVE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 47TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

SHIRIN R. TAHIR-KHELI, OF PENNSYLVANIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 47TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

PARKER G. MONTGOMERY, OF NEW YORK, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 47TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

PREZELL RUSSELL ROBINSON, OF NORTH CAROLINA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 47TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

MARGARETTA F. ROCKEFELLER, OF NEW YORK, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 47TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

POSTAL RATE COMMISSION

WAYNE ARTHUR SCHLEY, OF ALASKA, TO BE A COMMISSIONER OF THE POSTAL RATE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 14, 1994, VICE HENRY R. FOLSOM, RESIGNED.

FEDERAL AGRICULTURAL MORTGAGE CORPORATION

THOMAS J. TAUKE, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION, VICE JOHN R. DAHL.

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT

JOHN K. ANDREWS, JR., OF COLORADO, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT, FOR A TERM EXPIRING SEPTEMBER 30, 1994, VICE CARL M. KUTTLER, JR.

EUGENE L. MADEIRA, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT, FOR A TERM EXPIRING SEPTEMBER 30, 1994. (REAPPOINTMENT)

EUNICE N. SATO, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT, FOR A TERM EXPIRING SEPTEMBER 30, 1994. (REAPPOINTMENT)

DALE P. GOLD, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT, FOR A TERM EXPIRING SEPTEMBER 30, 1995. (REAPPOINTMENT)

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. DAVID N. BENNETT, U.S. NAVY [redacted]

THE FOLLOWING-NAMED REAR ADMIRAL (LOWER HALF) IN THE CIVIL ENGINEERING CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR TO AS PROVIDED BY LAW:

CIVIL ENGINEER CORPS

To be rear admiral

REAR ADM. (1H) PATRICK WILLIAM DRENNON [redacted] U.S. NAVY.

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 594 AND 3353:

DENTAL CORPS

To be colonel

GINO L. VENTRESCA [redacted]

MEDICAL CORPS

To be lieutenant colonel

VIJAYA V. BAPAT [redacted]
SAMUEL I. GARCIA [redacted]
ALVIN A. HARDMAN [redacted]
JERRY L. HINER [redacted]
JEROLD Z. KAPLAN [redacted]
JEFFREY M. REINES [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3370:

ARMY NURSE CORPS

To be colonel

PANDOR ANGELISANTI [redacted]
MYRNA L. ARMSTRONG [redacted]
DIANNE K. BALDWIN [redacted]
ELAINE D. BARBER [redacted]
DONNA F. BARBISCH [redacted]
PATRICIA A. BEACH [redacted]
STEPHEN BORDEN [redacted]
CAROLYN BRAUDWAY [redacted]
CAROL N. BROWN [redacted]
HARRIET K. BUSS [redacted]
MARY K. COBBS [redacted]
ELIZABETH COLEMAN [redacted]
TERRY C. COLLINS [redacted]
JANE L. COMELLA [redacted]
BARBARA L. COTTON [redacted]
ALICE A. DAVIDSON [redacted]
CAROL E. DAVIS [redacted]
RUTH M. DELOOR [redacted]
FRANCINE M. DIONNE [redacted]
BETHANY DUSENBERRY [redacted]
JUDITH M. DZYAK [redacted]
DIANE M. EANES [redacted]
CAROL J. EBERSOLE [redacted]
MARY P. EDMUND [redacted]

SARA J. FERRIL, xxx-xx-x...
SUSAN T. FLEMING, xxx-xx-x...
SHARON R. FRANKLIN, xxx-xx-x...
PATRI HIGGINBOTHAM, xxx-xx-x...
LULA B. HOLLAND, xxx-xx-x...
ROBERTSON B. HYDE, xxx-xx-x...
JOSEPH A. IORIO, xxx-xx-x...
GEORGIE W. LABADIE, xxx-xx-x...
STEPHEN W. LLOYD, xxx-xx-x...
FRANCES E. LOVELY, xxx-xx-x...
KATHALEEN J. LUTZ, xxx-xx-x...
JEAN A. MASSEY, xxx-xx-x...
CHAPMAN MATHEWSON, xxx-xx-x...
RUTH A. MOONEY, xxx-xx-x...
SUE P. MOORHEAD, xxx-xx-x...
CATHERINE A. MOZDEN, xxx-xx-x...
SARAH C. MYERS, xxx-xx-x...
PAULA NELSON MARTEN, xxx-xx-x...
DIANA L. OBENAUER, xxx-xx-x...
DONNA F. OWEN, xxx-xx-x...
KATHRYN A. PLANT, xxx-xx-x...
VIVIAN H. PRESTON, xxx-xx-x...
PATRICIA A. PURCELL, xxx-xx-x...
JUDITH A. RAHM, xxx-xx-x...
HAZEL F. ROGERS, xxx-xx-x...
CAROLYN M. RORICK, xxx-xx-x...
JERRY A. RUYBALID, xxx-xx-x...
SYLVIA C. SCALLY, xxx-xx-x...
MARY F. SEARS, xxx-xx-x...
META E. SELTZER, xxx-xx-x...
GEORGIA M. SMITH, xxx-xx-x...
SUSAN I. SMITH, xxx-xx-x...
LINDA A. SPENCER, xxx-xx-x...
MARY J. SUMMAR, xxx-xx-x...
GERALDINE THOMPSON, xxx-xx-x...
RAE L. TUCK, xxx-xx-x...
WILLIAM W. WARREN, xxx-xx-x...
BARBARA R. WOOD, xxx-xx-x...
BEVERLY E. WRIGHT, xxx-xx-x...

DENTAL CORPS

To be colonel

PAT M. BATTLE, xxx-xx-x...
WILLIAM J. BLEECKER, xxx-xx-x...
WILLIAM H. BRINKMAN, xxx-xx-x...
NORMAN E. BUSSELL, xxx-xx-x...
WILFRED D. CALKINS, xxx-xx-x...
NORMAN R. CARLSON, xxx-xx-x...
CHARLES CARPENTER, xxx-xx-x...
ALLAN H. CASH, xxx-xx-x...
JACK W. CHEEK, xxx-xx-x...
CHARLES H. CRAWFORD, xxx-xx-x...
STEPHEN M. FELDMAN, xxx-xx-x...
ROGER H. GERLOFF, xxx-xx-x...
GARY M. HELMAN, xxx-xx-x...
JAMES E. JACKSON, xxx-xx-x...
WILLIAM T. JOHNSON, xxx-xx-x...
ROBERT D. JORDAN, xxx-xx-x...
PHILIP D. LEVINSON, xxx-xx-x...
THOMAS G. MACARY, xxx-xx-x...
RICHARD T. MANGUM, xxx-xx-x...
KARL H. MARAGIDES, xxx-xx-x...
MICHAEL NORRIS, xxx-xx-x...
ANTHONY A. PESOLA, xxx-xx-x...
DANIEL M. RAIFORD, xxx-xx-x...
JON E. SHELL, xxx-xx-x...
JOHN B. THORNTON, xxx-xx-x...
LEIGH B. TOOLSON, xxx-xx-x...
ROBERT L. UTLEY, xxx-xx-x...
DEAN T. WEDDLE, xxx-xx-x...

MEDICAL CORPS

To be colonel

MOHAMED ALIBRAHIM, xxx-xx-x...
ALLEN C. ALLEMAN, xxx-xx-x...
WILLIAM R. ALLEN, xxx-xx-x...
THOMAS J. ALLRED, xxx-xx-x...
ANTHON E. ANDERSON, xxx-xx-x...
JOHN P. ANDERSON, xxx-xx-x...
ROBERT C. ANDERSON, xxx-xx-x...
PHILIP M. ANDRESS, xxx-xx-x...
OSCAR P. ANSALDO, xxx-xx-x...
JONATHAN P. BACON, xxx-xx-x...
TARVER B. BAILEY, xxx-xx-x...
GORDON L. BALKA, xxx-xx-x...
GARY G. BECKER, xxx-xx-x...
JOHN G. BERGSTROM, xxx-xx-x...
TALMAGE L. BOURNE, xxx-xx-x...
REED J. BULLEN, xxx-xx-x...
THOMAS H. BURTON, xxx-xx-x...
JOHN F. CARR, xxx-xx-x...
FRANK H. CHESKY, xxx-xx-x...
DANIELLE K. CHEUNG, xxx-xx-x...
RICHARD M. CLARY, xxx-xx-x...
TERRY P. CLEMMER, xxx-xx-x...
PETER B. COLLIS, xxx-xx-x...
DOUGLAS R. COOMBS, xxx-xx-x...
MARTIN D. CRAVEN, xxx-xx-x...
ROBERT S. CSERE, xxx-xx-x...
ROBIN DATTA, xxx-xx-x...
VIRGIL T. DEAL, JR, xxx-xx-x...
VINCENT DECIUTIIS, xxx-xx-x...
DENNIS L. DESILVEY, xxx-xx-x...
ANTHONY DIDOMENICO, xxx-xx-x...
IAN R. DUNCAN, xxx-xx-x...
JOHN E. ERPENBACH, xxx-xx-x...
BUENO C. FERNANDEZ, xxx-xx-x...
GILBERT N. FERRIS, xxx-xx-x...
ROBERT C. FLOREK, xxx-xx-x...
NORMAN P. FORESTER, xxx-xx-x...
CHARLES D. FOX, JR, xxx-xx-x...
THOMAS W. FURLOW, xxx-xx-x...
HAYWOOD S. GILLIAM, xxx-xx-x...
PATRICK A. GRIFFITH, xxx-xx-x...
RICHARD GRIFFITHS, xxx-xx-x...
OSC GUILLAMONDEGUI, xxx-xx-x...
VIRGIL L. HAYDEN, xxx-xx-x...
GUILLERMO HERRERA, xxx-xx-x...
ARNOLD J. HILL, xxx-xx-x...
BRACE L. HINTZ, xxx-xx-x...
ROBERT C. HOYE, xxx-xx-x...
JAMES G. HUNTER, xxx-xx-x...
HART JACOBSEN, xxx-xx-x...
ROBERT D. JONES, xxx-xx-x...
WILLIE L. JOSEY, xxx-xx-x...
STEPHEN KIRZINGER, xxx-xx-x...
OLEN E. KITCHINGS, xxx-xx-x...
JOHN I. LAURIDSEN, xxx-xx-x...
WAYNE M. LEDNAR, xxx-xx-x...
JOSE F. LEYSON, xxx-xx-x...
WITIZAP MARQUEZ, xxx-xx-x...
WILLIAM M. MAULDIN, xxx-xx-x...
EARL J. METTER, xxx-xx-x...
CRAIG M. MOFFAT, xxx-xx-x...
TERRY D. NEUMASTER, xxx-xx-x...
DAVID W. OXLEY, xxx-xx-x...
FRANCIS W. PARNELL, xxx-xx-x...
MICHAEL P. PARRINO, xxx-xx-x...
THOMAS G. PETERS, xxx-xx-x...
JAMES E. PHILLIPS, xxx-xx-x...
SUMATHY REDDY, xxx-xx-x...
FREDERICK L. RODDY, xxx-xx-x...
SHRIHARI SAKHADEO, xxx-xx-x...
SUSHAMA SREEKUMAR, xxx-xx-x...
WARREN I. TAMAMOTO, xxx-xx-x...
SIOK H. TAN, xxx-xx-x...
DALE G. WICKLUND, xxx-xx-x...
LIONEL WILLOUGHBY, xxx-xx-x...
ROBERT L. WILSON, xxx-xx-x...
ALVIN J. WRIGHT, xxx-xx-x...

MEDICAL SERVICE CORPS

To be colonel

DONALD O. BILLS, xxx-xx-x...
JOHN J. BOYLE, xxx-xx-x...
THERON A. BRACEY, xxx-xx-x...
STEVEN M. BYERS, xxx-xx-x...
CARL B. CHAPMAN, xxx-xx-x...
ROGER J. CLARK, xxx-xx-x...
JOE E. COLLINS, xxx-xx-x...
DONALD G. COLQUHOUN, xxx-xx-x...
DONALD T. CUTTIE, xxx-xx-x...
JOHN E. DOBBIN, xxx-xx-x...
LESLIE D. DORRIS, xxx-xx-x...
JOHN R. DURHAM, JR, xxx-xx-x...
JACK D. FROST, xxx-xx-x...
HERBERT I. GIBSON, xxx-xx-x...
DANIEL A. GOUPIL, xxx-xx-x...
BARRY A. GRIFFIN, xxx-xx-x...
TROY D. HALE, xxx-xx-x...
WILLIAM B. HARVEY, xxx-xx-x...
EUGENE G. HAYUNGA, xxx-xx-x...
DON A. HOLLIS, xxx-xx-x...
ALLAN A. KAUTZ, xxx-xx-x...
MICHAEL W. KIMBERLY, xxx-xx-x...
MILLARD J. KIMMEL, xxx-xx-x...
GEORGE A. KNIGHT, xxx-xx-x...
MARY F. KOEPPEL, xxx-xx-x...
LARRY E. LANCE, xxx-xx-x...
JOHN E. LEONARD, xxx-xx-x...
THOMAS D. LEWIS, xxx-xx-x...
ALVIN L. LIEVSAY, xxx-xx-x...
THOMAS J. MARTY, xxx-xx-x...
BRUCE D. METCALFE, xxx-xx-x...
ROBERT L. MURRAY, xxx-xx-x...
BERTRAM A. NICHOLAS, xxx-xx-x...
JOSEPH T. NIETUPSKI, xxx-xx-x...
COURTENAY OCONNELL, xxx-xx-x...
JOHN H. OGNIBENE, xxx-xx-x...
RONALD J. PUSATERI, xxx-xx-x...
DONNIE R. REVIS, xxx-xx-x...
GREGORY A. RHOA, xxx-xx-x...
THEODORE SAUNDERS, xxx-xx-x...
HAROLD C. SCHADE, xxx-xx-x...
STUART A. SIMON, xxx-xx-x...
JAMES D. SMITH, xxx-xx-x...
RODNEY R. SMITH, xxx-xx-x...
DUANE G. SONNEBORN, xxx-xx-x...
THOMAS R. SOUTHARD, xxx-xx-x...
MICHAEL D. STONER, xxx-xx-x...
LEO E. TEALDI, xxx-xx-x...
PAUL W. TIBBETS, xxx-xx-x...

ARMY MEDICAL SPECIALIST CORPS

To be colonel

BONNIE M. ATHAS, xxx-xx-x...
GERALD A. BERRIER, xxx-xx-x...
CATHLEEN A. HOLMES, xxx-xx-x...
CHARLES F. MOYER, xxx-xx-x...
MILDRED A. NOONAN, xxx-xx-x...
ALLITA D. PAINE, xxx-xx-x...
SUSAN K. ST. JOHN, xxx-xx-x...
ROGER J. WEBER, xxx-xx-x...

VETERINARY CORPS

To be colonel

GARY F. BECK, xxx-xx-x...
RUSSELL W. CURRIER, xxx-xx-x...
CARL D. HUMBARGER, xxx-xx-x...

IN THE NAVY

THE FOLLOWING NAMED COMMANDERS OF THE RESERVE OF THE U. S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF CAPTAIN IN THE STAFF CORPS, IN THE COMPETITIVE CATEGORY AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

MEDICAL CORPS OFFICERS

To be captain

RISE LAVONNE BARKHOFF
DEAN BROOKS BARNHOUSE
HOWARD C. BEAN, JR
JOHN FRANCIS BEARY, III
ROBERT JAMES BECK
JOHN W. BISHOP
MICHAEL JOSEPH BOSSE
DENNIS R. BRESNAHAN, JR
RICHARD A. BROWER
DAVID ALAN CLARK
GENE RAYMOND CONLEY
WILLIAM JOH CUNNINGHAM
THOMAS EDWARD DANIEL
DONNA PATRICIA DAVIS
GARY R. DAVIS
PAUL S. DEPAULO
MICHAEL HOBART EBERT
PAUL WILLIAM ESPOSITO
FRANCIS THOMAS FERRY
ROBERT STEPHEN FOSTER
DONALD JOSEPH HAGLER
KIM S. HAMELBERG
JOAN HARVEY
FRANCIS M. HAYES, JR
ROBERT A. HENRY, JR
JOHN ARNOLD HOUKOM
RODERICK SIDNEY KENT
ANJUM KHAN
BARBARA JEAN LEE
RONALD MICHAEL LESKO
STEPHEN M. LEVINE
WILLIAM ALAN LISTON
KARL FRENCH LOOMIS
JAMES PETER MARTIN
MICHAEL WHITF MCDONALD
JACOB WELLS MEIGHAN
JOSE P. MUTIA
CONSTANCE NAGI
NOEL FRANCIS NARUT
THOMAS E. NOLAN
MICHAEL LYNN ODELL
WILLIAM ROBERT PAGE
RUDY PANGANIBAN
RODNEY D. PEASE
LINDA JO RICE
BEETHOVEN TAGAL RUEDAS
GEORGE C. SAKAKINI
BARBARA JEA SCHEROKMAN
FRANK A. SCOTTI
MERYL A. SEVERSON, II
SYLVIA S. STROCK
RADFORD D. TANKSLEY, JR
JAMES WAYNE TERBUSH
GREGORY ALA TIMBERLAKE
KENNETH TREADWELL, JR
GILBERT HAROLD VORHOFF
FRANKLIN CARL J. WAGNER
SANFORD ELLISON WARREN
JOHN LAWRENCE WIBERG
ALAN LOUDON WILLIAMS
GARY P. ZALOGA

DENTAL CORPS OFFICERS

To be captain

MILTON FOREST BUTLER
DAVID GRAN DAUBENSPECK
DOUGLAS A. GILIO
WILLIAM A. KING
CRAIG ALAN MASON
DANIEL H. MENSER
ROBERT JOHN PHREANER
BILLY DON TINER

MEDICAL SERVICE CORPS OFFICERS

To be captain

CARL WAYNE CHILDRESS
JAMES HILLER LEWIS
JEANNE CECILE SCHEURER
JOE DAVID SIEMENS
BERNARD MARTIN WINKEL

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS

To be captain

DAVID A. AAMODT
WILLIAM DUANE BENTON
RICHARD RALPH BLOXOM
JONATHAN JOSEPH BRIDGE
GLENN R. BROWN
ROBERT H. CARPENTER, JR
HOWARD CHARLES COHEN
JOHN A. DIRKS
DAVID S. DURBIN
MICHAEL ODONNELL EDENS
GARY MAURICE FELDER
GARY ALLEN FRIEDLE
CALIPH JOHNSON
JOHN MICHAEL JOHNSON
CAIN JAMES KENNEDY
LIZANN MALL LONGSTREET
ROY JOSEPH MAURER
CHARLES MELVIL NYSTEDT
THOMAS D. WRIGHT
WALTER JAMES YUND, JR

NURSE CORPS OFFICERS

To be captain

SALLY ANN ATKINSON
ANNIE RUTH BLAND
CAROL ANN BUSER
PATRICIA KAT CHRISTMAN
SUSAN GREEN COOKSEY
MARGARET ELLE CROCKETT
JULIA YASTISHO DYCKMAN
CATHERINE SUCH GREELEY
KAREN A. HARMEYER
ARLENE JANIC HIGHTOWER
SHARON N. HIRAKO
LOIS KRAUSE HOLMES
SUSAN S. JACKSON
CHERYL ANNE JANUS
DIANE RAY KETTER
SHERRYL LEE KNOX
NANCY FERRELL MAGGI
ROSE ANN MILROY
CAROLE ANN OBYRNE
MARJORIE WITMAN SLAGLE
JANET CATH TRINKWALDER

SUPPLY CORPS OFFICERS

To be captain

ARDINE LESLIE BJERKE
RONALD HENRY BOLDING
BERT MARTIN CARMODY
GARY DAVID CLAMURRO
LANCE DAVID EHMCKE
WALTER C. FRAMPTON, JR
DAVID PHILIP GESSNER
THOMAS KEVIN HANSON
MICHAEL JOSEPH KAMIN
MARY CLARE KLINGELBERGER
LARRY DEE LEE
WAYNE RICHARD LONG
DOUGLAS HUGH MCDONALD
JOHN BRADLEY MONTGOMERY
MATTHEW PETER OCONNELL
DAVID GRAYSON POTTS
WILLIAM JOHN REIMANN
CHARLES ANTHONY ROSS
MARK WILBERT SCHOWALTER
CHARLIE LOUIS STALLINGS

ALAN THOMAS TABER
WAYNE GARFIELD THOMPSON, JR
KEVIN PORTER THURSTON
PETER BYERRUM WELCH

SUPPLY CORPS OFFICERS (TAR)

To be captain

THOMAS CHARLES BUCK
STEPHEN JOSEPH PUTNAM

CHAPLAIN CORPS OFFICERS

To be captain

GARY RICHARD ALLEN
ROBERT A. BLACK
RAYMOND ORVILLE FOSTER
SOLLACE MITCHELL FREEMAN, JR
HAROLD LEONARD ROBINSON
EGIL ARTHUR SORTLAND

CIVIL ENGINEER CORPS OFFICERS

To be captain

AL GARY ALEXANDER, JR
BRIAN KARL ANDVIK
ERIC ROBERT BERG
RUSSEL ELMER BLUME
DONALD HARYFORD COSTELLO, JR
CHARLES DOUGLAS JEWELL, II
WILLIAM BRYAN KELLER
EARL FREDERICK NAAB
THOMAS RAY REID, II
DAVID EUGENE SHEPPARD
DONALD RAY UZARSKI
DEBERALL ANTHONY VALENTINE
MELVILLE JOHN VICKERMAN, JR
JACK GERALD WARD
ARTHUR EUGENE WICKERHAM

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT COMMANDERS IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS OFFICERS

To be commander

MARK F. ABEL
JANETTE ALEXANDER
MICHAEL JAME ALLSHOUSE
GARY B. ANDERSON
SANDERS WOFFO ANDERSON
NANCY LEE BAKALAR
WILLIAM FREDERIC BELL
GERALD WARREN BOCK
TERRY JOHN BUCCAMBUSO
JOHN KEVIN BURNS
CLINTON J. BUTLER
TIMOTHY GEORGE CALL
BRUCE W. CARPENTER
TAMARA L. CHEATHAM
JOSEPH ROBERT COCKRELL
JONATHAN SCOTT COLLINS
DAVID J. CONNITO
DANA CURTIS COVEY
SUSAN C. CULLOM
DEAN S. CUNNINGHAM
CYNTHIA GAIL DAVIS
WILLIAM A. DELACEY
MICHAEL PAUL DINNEEN
MICHAEL CARLYLE DUBIK
RUSSELL EDGAR EBERSOLE
MARTIN JOSEPH EDELMAN
MAURA ANNE EMERSON
GREGORY PAUL FAZIO
STEPHEN DOUGLAS FOX
ROBERT W. FRENCK
CHERYL LYNN SMI GANDEE
RICHARD ERIC HAWKINS
CHARLES S. HAWORTH
FRASER C. HENDERSON
MALCOLM HOLMES HORRY
GARY RUSSELL HUDAK
LEONARD ALAN JOHNSON
PAUL JOSEPH JULIANO
BRIAN JOHN KELLY
KILTON DEROY KINGSMAN
RICHARD H. KOEHLER
JERONE THEOD LANDSTROM
ANTHONY LAROCCO, JR
FREDDYE M. LEMONS
MARILYN MITTL LUEBBERT
FRANCIS R. MACMAHON
JOHN M. MAHER
JESUS VELASQUE MALLARI
PETER J. MARTIN
AILEEN M. MARTY
PATRICK HAYES MCKENNA
DAVID LEE MCMILLAN
PATRICK MICH MCQUILLAN
TERESITA PADRE MENDOZA
BRUCE MICHAEL METH
JOSEPH FRAN MONDSCHEIN
GREGORY ROBERT MOORE
JOSEPH LEE MOORE
JEFFERY C. MORISSETTE
DAVID WILLIAM MUNTER
RICHARD LOUIS NEMEC
PETER N. OVE
JOHN ANGELO PERCIBALLI
HENRY OLIN PORTER, III
ANTHONY DENNIS QUINN
ROBERT FRANKLIN RASPA
ROBERT LLOYD J. RINGLER
DOUGLAS B. ROBINSON
ANGEL RAFAEL ROURE
MARSHALL ADRIAN SALKIN
RICHARD FRANCIS SALMON
RICHARD COLLIN SANBORN
MICHAEL EUGENE SAYERS
KENNETH WILSON SCHOR
JOHN WILLIAM SENTELL
MARK V. SHERIDAN
MARK BRIAN SKEEN
STEVEN MICHAEL SOVICH
STEPHANIE ANN SPINGARN
FRANCES IRENE STEWART
JOHN PHILLIP TERNES
JAMES LLEWELLY TIDWELL
DAVID BRYAN TURTON
EMILIO DE JESU VAZQUEZ
AMANDA C. ZAIDE

SUPPLY CORPS OFFICERS

To be commander

ERNEST G. ANASTOS
LARRY HUGH ARCEMENT, JR
JEFFERY PAUL BENNETT
KARL HEINZ BERNHARDT
JEFFREY DAVID BRADEN
GARY W. BURCHILL
GERALD ARTHUR BURLEIGH
GARY JON CHAPMAN
MICHAEL STEVEN CLIFT
NANCY SAGE COLE
WILLIAM E. CURTIS, JR
HARRY A. DEAMER
RICHARD MICHAEL DESCHAUER
HENRY JOHN DEVRIES
MORGAN LESLIE DONALDSON
JAMES DOUGHERTY DURSO
JAMES DAVID ELLISON
EDWARD THOMAS EVARD
JAMES ARTHUR FAWBUSH, JR
STEPHEN D. FERREE
WILLIAM M. FINK
BRUCE PRESTON GEAREY
THOMAS MICHAEL GRADY
JOHN OSCAR HAIMA
LAWRENCE HOUSTON HAMILTON
GORDON WILLIAM HANSEN
PATRICK W. HASSLER
KURT THOMAS HENDRIX
COY DAVIS HEWETT
ROBERT L. HOWARD
DONALD JEFFREY JAPALUCCI
PHILLIP MERLYN KIRCHOFF
JAMES STEPHEN KOBI
JOSEPH THOMAS LAPP
MICHAEL J. LYDEN
ROBERT NMN MASON
CHARLES DAVID MCDONALD
RICHARD BRUCE MCKENNA
GEORGE KERTZ MITCHELL, JR
EDWARD NMN MORGAN
CRAIG HOWARD NOSTRANT
HART SALBIDE ODOM
THOMAS PATRICK ODONNELL
RANDAL KIDD OLIVER
STEPHEN JEFFRY OLSON
CINDRA ELLA OTTO
JAMES ANDREW PEARSON
GLENN RAYMOND PINE
CRAIG A. PULVER
RUSSELL H. RHEA
LOUIS SCOTT RIZZO
DIANE LYNN SAGGUS
TODD RICHARD SCHONENBERG
ROBERT LOUIS SCHWANEKE
RICHARD LENARRELL SPEIGHTS
JOHN MICHAEL STANOVICH
RONALD JAY STEARNS
BRUCE WILLIAM STRYKER, JR
DOUGLAS JOHN SWEENEY
WENDELL DANIEL TANKS
SHAUN K. TAYLOR
IRENE TICHELAAR
WILLIAM MORLEY VANCLEAVE
STEVEN MICHAEL VAUSE
DOUGLAS WAYNE VERHAGEN
KEVIN R. WALTER
JEFFERY ALLEN WARMINGTON
PETER FRANCIS WILKINSON
THOMAS BROOKS WILLIAMS

CHAPLAIN CORPS OFFICERS

To be commander

ALLEN CAGLE ALLEN
MICHAEL O. BROWN
NORMAN FRANKLIN BROWN
ROBERT FRANCIS BURT
GEORGE PHILIP BYRUM
PATRICK PEARCE COYLE
TIMOTHY JAMES DEMY
JOHN LOUIS DIAZ
FREDERIC FRANCIS ELKIN
ROBERT H. FEAGLE
RONALD ARTHUR GISCHEL
JOHN MANION GUBBINS
JOHN STANLEY GWUDZ
ROBERT MILES HALE
HENRY WADE HENSLEY
LAWRENCE LEON HICKS
NORMAN DEWEY HOLCOMB, JR
EARNEST WARREN HOLLAND, JR
JOHN EDWARD KIRK
ALLEN LEE LANCASTER
RICHARD ANDREW LODGE
PAUL F. MCLAUGHLIN
ROBERT FRANCIS MILEWSKI
OLLIS JON MOZON, JR
HENRY NIXON, JR
DANIEL WILLIAMS PARRY
DAVID DEWAYNE REED
RONALD GENE SCHENK
GARY GALEN SIMONS
TIMOTHY CALHOUN SIMS
CHARLES SOTO
DAVID ALAN STARKEY
RONALD LEONARD SWAFFORD, SR
STEVEN ROBERT WINTERS

CIVIL ENGINEER CORPS OFFICERS

To be commander

JOHN LAMSON BALL
STEPHEN EUGENE BARKER
JOHN CHARLES BRANDT, III
GREGORY JAMES BUCHANAN
MARK D. CLAUSSEN
MICHAEL HAROLD CONAWAY
DONALD DUANE CURNUTT
WILLIAM M. ELVEY
GARY W. GUNTHER
JAMES LEE GUSTAFSON
RONALD W. HERTWIG
MICHAEL L. HILL
STEVEN BRANDT HINCHMAN
BRIAN ROBERT KELM
LARRY ALLEN LAWS
DIANN KARIN LYNN
PAUL G. MCMAHON
WILLIAM M. MENGEL
MARK PETER MIGLIORE
KEVIN EDWARD MIKULA
ROGER S. MUSTAIN
DENNIS ROGER PLOCKMEYER
HAROLD J. REDDISH
GERARD STEPHEN RUTKOWSKI
MARK B. SAMUELS
ERIC C. SMITH
ALBERT POL VERHOFSTADT
RICHARD A. WALL

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS

To be commander

MAUREEN ROSE BANNON
DENNIS GORDON BENGTSON
BYARD QUIGG CLEMMONS
JANE GILLILAND DALTON
THOMAS ALBERT J. DEVINS
JONATHAN PHILI EDWARDS
RICHARD THOMAS EVANS
THOMAS WILLIAM GREENE
MARY THERESA HALL
JULIAN D. MCCARTHY
HENRY RICHAR MOLINENGO
ALICIA MARIE NEMEC
STEPHEN ANTH STALLINGS
WILLIAM THOMAS STORZ
MICHAEL JOEL SUSZAN
RONALD STEPH WASILENKO
ROBERT BARRETT WITIES

DENTAL CORPS OFFICERS

To be commander

STEPHEN JOSEPH ADAMSON
RONALD PAUL BLANK
LYNDON BRUCE BROWN
WILLIAM BRENT CARROLL
CARLTON DALE CHERRY
MARK THOMAS HETZER
CHARLES EDWARD JEROME
GREGORY VAIL KEATING
WAYNE BENNETT LAPETODA
PAUL ANTHONY LINDAUER
LEAH MARIE LUDWIG
WALTER L. MELVIN
DAVID MARK SKWARA
BARTON REID WELBOURN
ALFRED HANNIBA WIEMANN
ELAINE RUTH WINEGARD
SAMUEL YOUNG

MEDICAL SERVICE CORPS OFFICERS

To be commander

EUGENE DEVINE J. BARRON
JUSTUS BENJAMIN, JR
CLAYTON A. BOENECKE
CLARENCE WILLIA BOV AN
GREG RY BRAMMER
MARCEL WILLIAM BROOKS
MICHAEL ANDREW BROPHY
HENRY MICHAEL CHINNERY
JOHN EARL DEATON
ROBERT JOHN ENGELHART
RICHARD THORP ERICKSON
RICHARD JAMES FLETCHER
DENZEL EUGENE GARNER
PAUL BERNARD GILLOOLY
BILLIE GAYLE GOFF
ERNEST ROY GUIBLE, JR
ANTHONY ROBERT GUIDO
RICHARD MICHAEL HANN
JERRY ALAN HOLMBERG
CHARLES FRA HOSTETTLER
SUSHIL KUMAR JAIN
CRAIG ALEXA JIMERFIELD
ROBERT ALLAN MANN
JAMES CONNOL MCDONOUGH
JAMES AUGUST MOOS
BARRY ARTHUR MURPHY
CHRISTIAN GERHAR MUSIC
JAMES SCOTT NEWACHECK
ROBERT THOMAS OLEARY
CAROL ANN PICKEREL
GLEN WARREN ROVIG
LYNDA ANN SALMOND
DANNY ROY SCARBOROUGH
JOYCE H. SEIDMAN
KENNETH KARL SENN
JOHN LANTZ SEXTON
JONATHAN CLAUD SHERMAN
BRIAN S. SIEGEL
JOSEPH ERNEST SOUZA
DAVID LEE STILL
PATRICK JOHN WELTER
RICHARD WALDO WILLIAMS
DONALD JAME WILLIAMSON

NURSE CORPS OFFICERS

To be commander

CHRISTINE LEE ABELEIN
WILLIAM AIKEN, JR
FRANK ANTHONY ALAMIA
PATRICIA M. ALLUSHUSKI
PEGGY JOYCE ANDERSON
PATRICIA ANN BAINTON
WILLIAM T. BALBOA
JAMES WILLIAM BANKS, JR
JEFFREY ARTHU BASHFORD
LELAND DAVID BOWEN
VICKI LYNN BROUSSARD
ELLEN GORMAN BUCK
ALICE MARIE CAHILL
MOLLIE CALVERT
DEBORAH FRANCES CARMEN
CLARENCE KIN KEO CHONG
THOMAS EDWARD COLGAN
FRANCES LOUISE COX
SANDRA LEE DEGROOT
KAREN ANNE DOYLE
LINDA CATHERINE DRABEK
MARGARET MARY F. DREW
ROSE MARIE ESCOBEDO
DEBRA G. FLOWE
MELANIE DARLENE FRANK
MICHAEL JOSEPH GALDUN
ROGER GALLAGHER
STEVEN DOUGLAS GARDNER
CHARLES EDWARD GAZOO
RHONDA KAY GIBSON
LAWRENCE JOE GIRON
KRISTINE JULIA HANSON
ANNE TERESE HANZEL
LUISA MARIA HERRERA
LARRY LEE HICKS
NANCY LEA HILL
ELLEN MARIE HODGES
JAMES ROBERT HOFFOWER
MAUREEN PATRICIA HOGAN
PAULA DONAHUE JAMES
DEBRA LEE JANIKOWSKI
GRETA LOUISE JOHNSON
MARIE ELAINE KELLY
KATHLEEN MCDONALD KENT
JUDITH ANN KILLMAN
SUSAN MARIE KNUTSON
JANET ANN KUESTER
MAUREEN ANN KUSNIEREK
NANCY GWENDOLYN LAKE
KAREN ELIZABETH LANDRY
ALENE D. LAWMAN
SUSAN MAE LITTRELL
WILLIAM EDWARD LUKASIK
SUSAN ELAINE MARSHALL
MYRON LYNN MCCLEARY
PAMELA SU MCCONNAUGHEY
CAROLYN BISHOP MCCOSH
KORT JOSEPH MEYER
ALTHEA MARY MIXBRYAN
MARILYN A. MOONEY
MAGDALENE ANN MOOS
GERARDA MARY MUKRI
ANNE MARIE MULLIGAN
WILLIAM THOMAS NUNNS
PATRICIA TAGGA OFALLON
JOAN MARIE PATE
PATRICIA GIBSO PEIFFER
RUSSELL SCOTT POYNER
HECTOR J. QUILES
DONALD L. REIFSCHNEIDER
DONALD CAREY RILLING
MARTIN MIKELL ROBINSON
SHELLEY ANN SAVAGE
MARY EILEEN SCHATZ
CAROL ANN SHINSKY
KIM ALECE SINCLAIR
FRANCES RUTH SKUPSKI
CHARLES CAMPBELL SPEAR
DANIEL JONATHAN SPEECE
NANCY LEE STARK
MARION FRANCE SZEWCZYK
PAMELA KAY TANNER
FRANK JOSEPH TESAR
HARRY JOHN TILLMAN
CARLOS A. TORRES
MARLYS GAIL TUFTIN
PENNY BRADY TURNER
CATHERINE GLE TYMENSKY
DEBORAH LYNN ULASZEK
ELI SAMUEL VEGA
PATRICIA SUE WHITACRE
KENNETH ROB WHITTEMORE
BLANE MORGAN WILSON
NANCY GREATHOUSE WINES

LIMITED DUTY OFFICERS (STAFF)

To be commander

JOHN WILLIAM BATES
AUGUSTINE CHARLES HOLSTEIN
REYNOLD ANTHON SEFTON, JR

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANTS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be lieutenant commander

GLEN CHARLES ACKERMANN
DAVID WILBER ACTON
DAVID BRUCE ADLER
LAWRENCE STEPHEN AIELLO
SCOTT HARDESTY ALEXANDER
WILLIAM HAMILTON ALL, IV
ROBERT LEE ALTEMUS
CHARLES JOSEPH ALTMAN
DAVID LAVERN ANDERSLAND
EMILE RENOIR ANDERSON
ROBERT GLENN ANDERSON
SCOTT WILLIAM ANDERSON
JOHN SCOTT ANDREWS
KENNETH TYRONE ANGEL
KEVIN SHAWN APEL
WILLIAM BENSON ARCHER
SCOTT BURNETT ARMACOST
CLAYTON LEE ARMSTRONG
HERB IRVING ARNOLD
ROBERT AUGUST ARONSON
MICHAEL LUCAS ARTURE
ELIZABETH ANN ASHLEY
JOSEPH SAMUEL BAEHR
KATHERINE CHARLOTTE BAKER
STEPHEN MICHAEL BAKER
MICHAEL BALKUS

TERESA SUSAN BANDURDUVALL
CHUCK HOWARD BANE, JR
KATHY ANN BARAN
JANE ANN BARCLIFT
PETER EUGENE BARELLO
ROBERT DALE BARKUS
ROY THUMP BARNES, JR
PAUL EUGENE BARNEY, III
TRUDY JEAN BARNUM
SHARON LEIGH BARRETT
ROBERT JOHN BARSANTI, JR
MARK THOMAS BASICH
DAVID WAYNE BASTIEN
MICHAEL JOHN BATEMAN
DARRYL WAYNE BATES
PATRICIA MARA BATT
TIMOTHY ALAN BATZLER
THOMAS REAGAN BEALL
DAVID FAIRCHILD BEAN
BRIAN LOWELL BEATON
DAVID RAY BECKETT
FREDERICK ANTHONY BEDNARSKI
BRIAN KEITH BELCHER
DAVID PAUL BENN
ANN TODD BENNETT
JEFFREY LEE BENSON
JANE ELIZABETH BENTLEY
CHARLES JOSEPH BERDAR
KEVIN J. BICKEL
WILLIAM PERRY BINGHAM
GILMORE NUNN BIRKLUND
DOUGLAS ALAN BISCHOFF
JOHN KEVIN BISHOP
CRAIG RICHARD BLACK
RANDAL DEAN BLACK
MICHAEL JAMES BLASIK
VELLA MARIKA BLOOM
WILLIAM STANLEY BLYTHE
DEBRA ANN BODENSTEDT
ROBERT ALEXANDER BONNER
JAMES ROBERT BOORUJY
BRIAN PETER BOTHWELL
THOMAS AIDAN BOTHWELL
ELECHIA JOYCE BOTTCHER
IRVING GUSTAVUS BOUGH
ROSA SUSAN BOURGEOIS
STEPHEN JOSEPH BOWDREN
STEPHEN RAYMOND BOYCE
DANIEL TAYLOR BRACKETT
DANIEL EDWIN BRASWELL
STEPHEN GEORGE BRENNAN
BONNIE SUE BREWER
ROBERT ALLEN BREWER, JR
JAMES HENRION BRITTON, JR
RONNIE DEWAYNE BROADFOOT
STEVEN GRANT BROCKETT
STEPHEN LAWRENCE BROWN
THOMAS LEE BROWN, II
ROBERT DOUGLAS BUCHY
JOHN LEE BUCKLES
EDWARD J. BUCKLEY
NICHOLAS FREDERICK BUDD
DONALD DEAN BUDDEN, JR
JAMES LOWEL BUMGARNER
HARVEY BLAKE BURGESS
STEPHEN VERZA BURKE
WILLIAM NICHOLS BURNETTE
JERRY KEITH BURROUGHS
CLAUDIA SPENCER BUTLER
PETER BELOAT BUTLER
WILLIAM FREDERICK BUTTRUM
WILLIAM HOWARD CAMERON
ALFRED JOE CAMP, JR
JAYNE ELIZABETH CAMPBELL
MICHAEL ANTHONY CAPASSO
RONALD RAY CARLSON
EDWARD POLLISTER CARROLL, II
JAMES PAUL CARSON
EVON BERNARD CARTER
ROBERT LEE CARTER
DAVID FRANCIS CASHIN
SUE ANN CATHERMAN
BENJAMIN ANDREW CATHEY
NEIL ANDREW CATLETT
RICHARD GERARD CATOIRE
ERIC WEAVER CAUDLE
RICHARD CRAIG CECCONI
SIDNEY MICHAEL CHEEK
NICHOLAS STEPHEN CHEKAN
TERESA JANE CHERRY
JAY MADDOX CHESNUT
CURTIS SCOTT CHESNUTT
GREGORY ALLEN CLANCY
MARK DOUGLASS CLAPP
DAVID J. CLARK
ROBERT PATRICK CLARK
MICHAEL JOSEPH CLAYTON
MICHALE DERRELL COBB
KENNETH CHARLES COGGINS
DANNY JOE COHN
ALFRED COLLINS
ARNOLD EUGENE COLLINS
HAROLD JOHN COLLINS, III
KENNETH BRIAN CONLEY
CHRISTOPHER GERARD CONNORS
TRACY MICHAEL CONROY
HUGH H. COOK, III
TIMOTHY EARL COOLIDGE
WILLIAM THOMAS COONEY
JUSTIN DAVID COOPER, II
JOHN PETER CORAY
JOHN JOSEPH COSTELLO
JOHN EDWARD COSTER, JR
JOHN MICHAEL COUGHLIN
DALE MICHAEL COURTNEY
DAVID LAWRENCE COURTNEY
DAVID ROSS COVERDALE, JR
AMRY STOUT COX
PAMALA MARLINE CRAGO
THOMAS RUSSELL CRIGER
CAROLYN DYKE CROSBY
TIMOTHY BLAIR CROSS
RICHARD MANSFIELD CROWELL
JEFFREY S. CROY
HARRY MADDOCK CROYDER
ROBIN LEE CSUTI
STEVEN DREW CULPEPPER
JEFFREY SCOTT CURRER
RICHARD BARCLAY CUTTING
ERIC MARTIN DAHL
MICHAEL NOE DALFONSO
FRANK DUDLEY DALTON, JR
JEFFREY ROGER DANSHAW
MARK WAYNE DARRAH
JOSEPH WILFRED DARWOOD
PETER RAND DAVENPORT
STEPHEN FAIRBANK DAVIS, JR
WILLIAM GEORGE DAVIS
WILLIAM JOSEPH DAVIS, JR
ROBERT CHARLES DEES
EDWARD JOHN DELANEY
RENE RECENO DELROSARIO
SERGIO ALBANESE DIEHL
BRUCE ARCHIE DILLARD
NANCY ROSE DILLARD
FRED DAVID DILLINGHAM
KARL LEONARD DINKLER
KAY LYNN DINOVA
DAVID ROBERT DIORIO
DANIEL NOEL DIXON
JAMES CHARLES DIXON
STEVEN HOWARD DOHL
RICHARD PATRICK DOLAN
LISA CHRISTINE DOMBROSKIE
BRIAN THOMAS DONEGAN
KATHERINE MARIE DONOVAN
DAVID WAYNE DORNBIRER
THOMAS JAMES DOUGHTY
SCOTT DALE DOWNEY
JOHNNIE EARL DRAUGHON
STEVEN ANTHONY DREISS
CHRISTOPHER JOHN DRENNEN
MICHAEL AUGUSTUS DUDZINSKI
GERARD DUFFY
RICHARD ALLEN DUMAS
DAVID MATTHEW DURYEA
ERIC CHARLES DYSON
STEVEN ALLEN EATON
ANDREW WAYNE EDDOWES
MICHAEL JOHN EDDY
LAURA NELL EDWARDS
KENNETH OSCAR EKELUND, III
CAROL POPHAM ELLIOTT
MARK EDWARD EMMONS
DIANE MARIE ENBODY
MARK CHRISTIE ENDERSON
DELL WAYNE EPPERSON
CHERYL L. LANGLOIS ERICKSON
ALBERT VINCENT ESCOBEDO
DEBRA LYNN ESKRIDGE
MYLES ESMELE, JR
ROBERT FLOYD ESSMANN
MARY RUTH EVANS
RICHARD TAVELLE EYDE
EYTCHISONHARVEY EUGENE EZELL
DAVID CHARLES FALK
PETER JOSEPH FANTA
BRIAN LOUIS FAULHABER
NANCY KING FERNEZIAN
DOROTHY LUCILLE FILBERT
ALAN LEE FINK
ROBERT LEE FIREHAMMER, JR
WILLIAM JOSEPH FLANAGAN, JR
DOUGLAS JAMES FLOYD
GARY LEE FOLK
KAREN PAULA FONDREN
SCOTT EDWARD FOOS
WILLIAM CHARLES FORGE, II
DOUGLAS LAMOINE FOSTER
MICHAEL A. FOX
STEVEN CHESTER FRAKE
DOUGLAS DAVID FREESEMAN
ORMAN KEITH FULLER
STEVEN PAUL FULTON
MARY ALICE FULTS
ROBERT JAMES GAINES
FRANK MICHAEL GALLO
ANTHONY RICHARD GALLOP
PAMELA JEAN GALLUP
CLAUDE VINCENT GALLUZZO
BRIAN RUSSELL GALVIN
TERRY KEITH GANTENBEIN
BRIAN ROBERT GATES
ROBERT KENT GERBERDING
JOHN BERNARD GIESSNER
LEE SCOTT GINGERY
ROBERT PAUL GIRRIER
TIMOTHY REID GLASOW
CURT WALTER GOLDACKER
WILLIAM HAUPT GOODALE, II
CHERYL ANN GOODMAN
DARLENE MEDLIN GOODWIN
JOHN FRANCIS GOUGH, JR
DAVID ERIC GOURLEY
KEVIN HIGHLEY GRAFFIS
JACQUELINE ANN K. GRAVELL
DONALD JOE GRAVES
JAMES GREGORSKI
CAROLYN LOUISE GREIFE
STERLING RAY GRENI
MICHAEL JACK GRIFFITH
KATHLEEN MARIE GRIPMAN
ANTHONY MARK GRUBER
THOMAS MICHAEL GUINN
ROSMARI RULAND GULICK
MATTHEW ALOYSIUS GUNTHORPE
MARK HAYES GYORGY
FRANK JOSEPH HALLER
JERRY WAYNE HAMM
JOSEPH WAYNE HANKINS
CHRISTOPHER DAVID HANNEMANN
JAMES C. HANSON
STEPHEN WILLIAM HARDGRAVE
JEFFREY A. HARLEY
ROBERT LACHLAN HARNED
RONALD LEE HARRELL
SINCLAIR MISCHAL HARRIS
ROBERT EDWIN HARRISON, JR
GARRETT JEFFERSON HART
SCOTT ALBERT HASTINGS
WILLIAM DECKER HATCH, II
DAVID WILBER HATTERY
TODD ALLEN HAUGE
ROBERT WILLIAM HAYES
MARK JOSEPH HELLSTERN
DAVID MURRAY HENDRICKS
THERON J. HENRY
RONALD LEE HERNDON
MICHAEL WILLIAM HEWITT
DAVID A. HILDEBRANDT
CHARLES R. HILL
JEFFREY MCNEIL HILL
PAUL DAVID HILL
JEFFREY ALLEN HILLIARD
MARTIN ROBERT HIRSCHKOWITZ
THOMAS HAYES HODGSON
JERRY MICHAEL HOEKSTRA
GEORGE FRANKLIN HOFFER
JANE ELLEN HOFFMAN
JAMES EDWARD HOGAN
JOHN MICHAEL HOHL
DONALD ALAN HOLCOMB
JAMES FRANCIS HOLDENER
NICHOLAS HAMPTON HOLMAN, IV
OWEN PAUL HONORS, JR
TERRY HOWARD HOPKINS
ELDRIDGE HORD, III
DAVID BENTON HORTON
JONATHAN PAUL HOUSER
RANDALL STEPHEN HOWES
JOSEPH STEPHEN HUEY
ROBERT ALFRIEND HUNT
JAMES FLETCHER HUNTER
CECILE ALLENE HUTTO
ELIZABETH JILL IHDE
BRICK ROGER IMERMAN
MICHAEL JOSEPH JACOBSEN
DOROTHY MARIE JANSON
PATRICK LESTER JECK
MICHAEL KEVIN JEFFRIES
JAMES MICHAEL JENISTA
DAVID DWIGHT JENNINGS
HAROLD DEAN JENNINGS, JR
JAMES MELVIN JEPSON
BRADLEY DEE JOHNSON
BRUCE LINLEY JOHNSON
KELLY MARK JOHNSON
STEPHANIE YVONNE JOHNSON
WILLIAM HART JOHNSON
JAY TODD JONES
BURNICE ELLIOTT JORDAN
WALTER SCOTT JOSEPHSON, IV
JOHN ALLEN JOYNER
GLEN EDWARD KAEMMERER, JR
HEIDI WHITE KALLIO
ROBERT CRAIG KALLIO
TIMOTHY TAKEHIKO KANEGAE
ERIC GREGORY KANIUT
CHARLES THOMAS KEEN, III
TERRY RON KEITZER
WILLIAM JOHN KELLERHALS
JAMES EDWARD KELLY
ROBERT DONALD KELSO
PAUL ROBERT BONNER KENNEDY
RONALD WALTER KENNEDY
BERNADETTE ANNE KERNEN
HAROLD SPENCLEY KING
BRIAN JOSEPH KINGSBURY
STEVEN EDWARD KLEMENCIC
EUGENE NMN KLIMSON
JAMES ERROL KNAPP, JR
LEO EDWIN KNAPP, JR
DANIEL TAYLOR KOACH
ALBERT HANS KOHNLE, JR
MARK STEPHEN KOROMHAS
KEVIN JOHN KOVACICH
SCOTT DAVID KRAMBECK
SCOTT EDWARD KREBS
MICHAEL MARTIN KRECHEL
GARY LYNN KREEGER
CAROLYN MARIE KRESEK
JAMES HENRY KRUSE
RODNEY LEE KRUSE
JAMES KENDEL KUHN
JOHN ALLEN KUMMER
HOLLIS HEIDE KUNIMURA
MICHAEL JOSEPH KURTZKE
BRYAN HENRI KUST
MARK THOMAS LAGIER
CHARLES W. LAINGEN
ROBERT ARTHUR LALLY
ELIZABETH CATHERINE LAPE
JOHN DALLAS LAPE
WILLIAM EARL LARGIN
JOSEPH A. LAROSE
STEVEN M. LARSON
MARK MICHAEL LEARY
MARGARET ANN LEE
YONG HO LEE
DAVID MICHAEL LEONARD
STEPHEN WINTER LESLIE
BERNARD OSCAR LESSARD
PHILIP GEORGE LEVASSEUR
DURWOOD LEE LEWIS
MERRILEE PATRICIA LIEB
DAVID LYLE LILLY
EDWARD NMN LINSKY
DESIREE DENESE LINSON
JOHN J. LITHERLAND
JOHN DEWITT LITTLE
JOHN WILLIAM LITTLE, JR
CHARLES M. LIVINGSTON, SR
MICHAEL LOCKETT
JOHN PATRICK LONG
LEWIS J. LONGENBERGER
BRIAN THOMAS LOONEY
BRIAN LEE LOSEY
JAMES ALTON LOWDER
FRANCIS CHARLES LUKENBILL
ANTHONY MICHAEL LYONS
ROGER MATTHEW MABE
DUNCAN JOHN MACDONALD
BRIAN XAVIER MACK
LEO SIDNEY MACKAY, JR
STEVEN CLEMENT MACKIE
ANDREW THOMAS MACYKO
RANDOLPH LOUIS MAHR
MARK RANDALL MAINES
STEVEN ANTHONY MALLOY
JAY ARTHUR MALMSTROM
ELIZABETH ARLINE MANNING
JOHN KENNETH MANNING
JOHN GARY MARCINIAK
JAMES MARK MARTENS
BRADLEY DEAN MARTIN
HELEN HELM MASEK
LAURA ELIZABETH MASON
DAVID FRANK MATAWITZ
PHILLIP CHRISTOPHER MAULDIN
ROBERT DONALD MAY, II
GERRIT LIVINGSTON MAYER
ARTHUR JAMES MAYFIELD, JR
JEFFERY MCGOWAN MAYGER
GARRY ROSS MAYNOR
DONALD RAY MCBRAYER
LOWELL V. MCCLINTOCK
ROBERT MILES MCCLOSKEY
LUKE MARTIN MCCOLLUM
WILLIAM CAMERON MCCOOL
PATRICK FRANCIS J. MCCORMACK
MARK THOMAS MCDONALD
JOHN DOUGLAS MCGARRY
SALLY ELAINE MCGINTY
FENTON THOMAS MCGONNELL, III
PAUL EDWARD MCGREEVY
PHILIP JOSEPH MCKENNA
JEFFREY ERIC MCLEAN
SCOTT WILLIAM MCLELLAN
RICK MARK MCQUEEN
PETER JAMES MCSHEA, JR
ROBERT BRUCE MCWHORTER
DAVID AUSTIN MEE
LOUIS ORVILLE MEIER, JR
KEITH BRIAN MENZ
MICHAEL FRANCIS MERCER, JR
CHARLES K. MERKEL, JR
MARK DAVID MIDLAND
JOEY ALAN MILLER
JOSEPH RAMON MILLER
MARK STEVEN MILLER
ROBERT WARREN MILLER
PATRICK MICHAEL MILLETT
JOHNNY ALLAN MINCE
ENRIQUE FRANCO MIRANDA
RUTH ANN MOHR
FREEMAN LESLIE MOORE, JR
LEONARD HAROLD MOORE, JR
RONALD BLAKE MORANVILLE
PAUL SCOTT MORGAN
JEFFREY ANDREW MORRIS
JOSEPH SAMUEL MORROW
MICHAEL LOUIS MORUA
JOSEPH DONALD MOSKAL, III
MARK DARYL MOULIN
DONALD CHARLES MUELLER
GREGORY COOLING MUIR
KEVIN PATRICK MULCAHY
STEPHEN PATRICK MULLOY
JOYCE CHRISTINE MUNLIN
LYLE VERNON MUNN
WILLIAM N. NAGY
DAVID JEFFREY NAMEROFF
MARK EDWARD NAVARRO
THOMAS JOHN NEEDHAM
SCOTT LAWRENCE NEGUS
SEAN GERARD NEILAN
DAVID ELROY NELSON
KEVIN PATRICK NEWMEYER
BRUCE ALAN NEWPORT
JONATHON ROBERT NICHOLLS
JOHN ROBERT NICHOLSON
WESLEY S. NIELSEN
DAVID WILLIAM NIEMY
JAMES ERIC NOCK
PAUL DAVID NORRIS
RONALD JOSEPH OARD, II
JOHN CARL OBERST
ANTHONY THOMAS OBRIEN
JAMES PATRICK OBRIEN
KENNETH GERARD OBRIEN
PAUL GERARD OCONNOR
JOHN ROBERT ODONNELL
CLIFFORD IRVING OLSEN
JONATHAN JAMES OLSON
MARK JARL OLSON
PAMELA JEAN OLSON
WAYNE DOUGLAS OLSON
BARRY KEITH OLVER
HENRY SPENCER ONEAL
DAVID MARK OSMUNDSEN
JOHN THOMAS OSTLUND
WILLIAM CARL OURAND
BRIAN JEAN OVERVIG
ROBERT LAWRENCE PACKER
HOWARD EDWARD PALMATIER
BURT TROY PALMER
GAIL J. F. PALMISANO
KIM ALAN PARKER
IONE IRENE PARSHALL
PHILLIP GEORGE PATTEE
JAMES TAYLOR PATTERSON
DAVID DEAN PAULS
DAVID SCOTT PAUTSCH
THOMAS JEFFREY PAYNE
JAMES ANTHONY PELKOFSKI
ALAN NEIL PEPPER
DAVID ARTHUR PERRETTA
ROBERT DONALD PETERSON
DAVID LEE PEVELER
DAVID TAYLOR PHILLIPS
MARK R. PILLING
JONATHAN RAY PITTMAN, III
JAMES RICHARD PLOSAY
JOHN MURPH POLLIN
RICHARD RUBIN PORTNOY
CRAIG DEAN POWELL
WALTER ANDREW POWELL
MARIONETTE DENISE PRIDE
DANIEL EDWARD PRINCE
MATTHEW JAMES PRINGLE
DEBRA DENISE PULLEN
ROBERT MILEY PURDOM
SEAN AVERELL PYBUS
LOYD EUGENE PYLE, JR
RAMON NMN QUINTANILLA
RAOUL A. RALL
DAVID GORDON RANDALL
FRANCIS FITZ RANDOLPH
DANIEL MARTIN RATLIFF
WILLIAM SAMUEL REID
KEVIN DUNHAM REILLY
THERESA SPRING REISENFELD
WARREN EDWARD RHOADES, III
PAUL JUDE RICCIUTI
CHRISTOPHER WAYNE RICE
MARKHAM KIKER RICH
RANDALL GEORGE RICHARDS
ALAN RUDOLPH RIEFFER
JOHN FORREST RIGGS
CATHERINE DEBORA RIPLEY
FRANZ JOSEF RITT
KATHLEEN ANN RIVINIUS
WILLIAM JOHN ROBERTSON
SUE FRANCES ROBERTSONTRUXAL
MATTHEW THOMAS RODAKIS
ANTHONY CARL RODGERS
DAVID SCOTT RODGERS
PHILIP DEAN RODGERS
MARIA ROGERS
RAYMOND BERNARD ROLL
KAREN LEE ROLSON
JOHN BRADLEY ROSANDER
WILLIAM HERBERT ROSS, JR
JAMES EDWIN ROWLANDS
GREGORY NMN RUCCI
JOHN LOUIS RUCK
DAVID ALAN RUTH
STEPHEN SCOTT RUTH
PAUL EDWARD RUUD
ANNA LOUISE RYBAT
EDMUND KENNETH RYBOLD, JR
SCOTT EDWARD SAGE
SUSAN BETH SALE
ADLIN HAYDEE SANCHEZ
MARK JEFFUS SANDLIN
PATRICK JAMES SCANLON
SHEILA ANNE SCARBOROUGH
MICHAEL DAVID SCAVONE
PAUL ANTHONY SCHACK

NATHAN BRUCE SCHLEICHER
CLAUDIA JANE SCHMIDLY
ANTHONY PETER SCHMIDT
ROBERT JOHN SCHMIDT
KEVIN LEE SCHMITZ
JOHN EBERHARDT SCHWERING, JR
JAMES GEORG SCOTT
EDWARD BENJAMIN SEAL
MARK TIMOTHY SEELEY
RICHARD STANLEY SEELEY, JR
ROBERT DAVID SELIGMAN
CLAY WILLIAM SELLERS
PETER FAIRFIELD SERGEANT
CHARLES HENRY SEWALL
ALBERT ROY SHARLOW, JR
CLIFFORD SEAWELL SHARPE
JOHN BRADLEY SHAULIS
JOHNATHAN DAVID SHAW
MICHAEL GEORGE SHEA
WILLIAM AUGUSTINE SHEEHAN
LINDA MAUREEN SHERFEY
PETER SANDS SHERMAN
SUSAN LEE SHERMAN
BERNARD VINCENT SHINAL
GARY LEE SHIPLE
WESLEY MILLS SHUMAKER
EDWIN ARTHUR SHUMAN, IV
DONALD RAYMOND J. SHUNKWILER
PAUL WILLIAM SIEGRIST
JAMES GLEN SIMERVILLE
JOHN BALLARD SIMMONS
MICHAEL THOMAS SIMMONS
ROBERT ANTHONY SIMS
JAMES ALLEN SINKIEWICZ
CHARLES JOSEPH SITARSKI
ALAN BARTOW SMITH
CAROLE JANET SMITH
CHARLES DONALD SMITH, JR
GREGG KELTON SMITH
HENRY CLAYTON SMITH
JACQUELYN BEATTY SMITH
JOHN WESLEY SMITH, JR
MICHAEL EDWARD SMITH
PAUL CHRISTOPHER SMITH
ROBERT ERWIN SMITH
ROYCE LEE SMITH
STEPHEN MICHAEL SMOOT
THOMAS CHARLES SNEAD
RICHARD PAUL SNYDER
JOHN DOUGLAS SOMMERS
ROBERT STEFAN SOMMERS
SEAN DOUGLAS SORENSEN
JAVIER SOTELO
JAMES DAVID SPERBECK
DAVID ROSS SPOERL
NANCY ANN SPOTTS
LOWELL SCOTT STANTON
MARK TAYLOR STAPLES
GLEN DAVID STEELEY
SEAN ALAN STEEVES
JOHN LEWIS STEINBERGER
PATRICK JOHN STEMRICH
JOHN CARL STERLING, JR
JOHN JASON STEVENS, III
NORA GAYE STEVENS
JANET DEANN STEWART
JAY THOMAS STOCKS
JOANN MARY THERESA STONE
LAWRENCE JOHN STREIFF
THOMAS DEAN STUART
GREGORY JOHN SULLIVAN
DANNY JOE SUTHERLAND
PETER BOWMAN ROUTH SUTHON
MICHAEL JOSEPH SWEENEY
STEVEN RIGHTON SWICEGOOD
CHARLES CLAYTON SWICKER
MEGAN ELISSA TABER
SUSAN GAIL TALLEY
MATTHEW THOMAS TAMMEN
MARGARET ANNE TAYLOR
DEBORAH SUGGS TENNANT
JAMES RUBLE THOMAS
DOUGLAS ALAN THOMPSON
LEROY DAVID THOMPSON
ROGER KENNETH THORSTENSON
JAMES AYOUB TINGLE
FRANK JOHN TINKER
VANCE SEAN TISDALE
BRUCE ANDREW TOMPKINS
MICHAEL ELVIS TOW
M. K. TRIBBIE
CHRISTOPHER TROEDSON
HENRY VIVIAN TURNER
DEBORAH SUE VALLEZ
RICHARD EDWARD VANDENHEUVEL
PERRY FRANKLIN VANHOOSER, II
RAYMOND EDWARD VANZWIENEN
JOHN THOMAS VARGO
WILLIAM AUGUST VAUGHN
ROBERT SCOTT VEENHUIS
DOUGLAS JAY VENLET
GREGORY VICKERS
EDWARD ALAN VINCZE
MICHAEL TERENCE VOGEL
ANTHONY ALLEN VRAA
WILLIAM ARTHUR WACHOLZ
MICHAEL JOHN WAGNER
WILLIAM BRADLEY WALKER
ELIZABETH ANNE WALLACE
CARL ROLAND WALLSTEDT
RICHARD WILLIAM WALTER, II
CHRISTINA CUMMINGS WARD
WILLIAM DOWNEY WARD
GARY KENNETH WARING
LAWRENCE ALBERT WARKENTIEN
TIMOTHY MARTIN WATERFIELD
NANCY HERRIMAN WATSON
RICHARD WARREN WATSON
CATHERINE RUTH WDOWIAK
MALCOLM LEAVITT WEATHERBIE
ALBAN WEBER
THOMAS ELLIS WEDDING
HARPY EDWARD WEDEWER
DENNIS EDWARDS WELLS

RANDALL WAYNE WENDE
CHRISTIAN P. WESTERMANN
PETER MATHEW WEYRENS, II
AILEEN ELIZABETH WHITAKER
MICHAEL STEPHEN WHITE
PETER SCOTT WHITE
JAMES LEE WHITTINGTON
MICHELE LYNN WILLIAMS
CARLENE DIANE WILSON
KEVIN JAY WILSON
WILLIAM HARBINSON WILSON, II
THOMAS ROSS WINCKLER
WILLIAM DOUGLAS WINEGAR
SCOTT JOSEPH WISE
GEORGE GRESHAM WOMACK
RANDOLPH LEE WOOD
ROBERT ANTHONY WOOD
CHARLES WILLIAM WOODARD
THOMAS JAMES WOODFORD
JAMES STUART WOODSON
BRUCE LEROY WOODYARD
DAVID DONALD YACKEL
MARION DOUGLASS YANCEY
DAVID JOHN YODER
JOSEPH BENNET YODZIS
ANDREW MORGAN YORK
STEPHEN ERIC YOXHEIMER
LANCE LEON ZAHM
JOHN ANTHONY ZANGARDI
STEVEN CARLSON ZARICOR
LINDA NMN ZINNIKAS
CLAY ARNOULD ZOCHER
ERIC ALLEN ZOEHRER
KEVIN SCOTT ZUMBAR

ENGINEERING DUTY OFFICERS

To be lieutenant commander

MARK RONALD ACHENBACH
BRIAN KENT ANTONIO
TIMOTHY ATKINSON
GARY ROBERT AYERS
ROBIN LYNN BELEN
TERRY JOSEPH BENEDICT
RICHARD DENNIS BERKEY
KRISTIAN PEDERSEN BIGGS
HOMER G. BLALOCK, III
BRYAN MICHAEL BLANCHETTE
JAMES LEE BOSSERMAN
NEIL ROBERT BOURASSA
LEO JOSEPH CARLING, IV
MATTHEW BENITEZ CISSEL
LAWRENCE WHITLEY COMERFORD
JAMES MATTHEW COUMES
STANLEY CUNNINGHAM
DWAYNE HAZEN CURTISS
DAVID FRANKLIN DAVIDSON
JAMES ALAN DAVITT, JR
NORBERT HENRY DOERRY
WILLIAM ALEXANDER FIELDS
CANDONINO PAGADUAN FRANCHE
WILLIAM JOHN GALINIS
ALBERT JOSEPH GRECCO
MARY ELIZABETH GWIN
VALERIE RUTH HOCKGRAVER
RICKY ROHEROLD HOLLAND
GUY VICTOR HOLSTEN
RICHARD JOHNSON
PATRICK JOSEPH KEENAN, JR
DANIEL ALLEN KELLETT
DAVID HOWARD KIEL
JOHN SAMUEL LASZAKOVITS
KAREN KAY LEHMAN
STEPHEN DOUGLAS LEWIA
ROBERT WALTER MAZZONE
JAMES JEFFREY MCGLOTHIN
SCOTT JOHN MCKERNAN
DOUGLAS PAUL MILLER
ANTHONY JOSEPH MULLARKY
TIMOTHY BUCK NACHTSHEIM
JOHN BAKER NEWELL
MARK JOSEPH OLECHOWSKI
GERALDINE LOUISE OLSON
CHRISTOPHER RAYMOND PIETRAS
JOHN WILLIAM RIPPON POPE, II
GERARD JOSEPH REINA
RICHARD ERIC REINKE, III
ROBERT OSCAR ROBLEDO
PAUL EDWARD ROWE
THOMAS JOHN SCHAUDER
DOUGLAS SCOTT SCHROEDER
DAVID MICHAEL SENDEK
JOHN SEROCKI
SOLOMON RAND SHERFEY, III
MELISSA CANNON SMOOT
MICHAEL BRIAN STANTON
JOSEPH FRANCIS STIGLICH
ELIZABETH HOLLEY STITZ
NEIL CHARLES STUBITS
JOHN WESLEY TAYLOR
GREGORY ROBERT THOMAS
PETTEN THOMAS LOUIS VAN
RICHARD EUGENE VOLKERT, JR
JAMES JAY WRIGHT

AEROSPACE ENGINEERING DUTY OFFICERS (ENGINEERING)

To be lieutenant commander

MATTHEW R. KERCHER
MARK M. RHOADES

AEROSPACE ENGINEERING DUTY OFFICERS (MAINTENANCE)

To be lieutenant commander

STEVEN LLOYD ARMSTRONG
ROBERT FRANKLIN BARR
RAYMOND S. BEDNARCIK, JR
WILLIAM JOHN BERGIN
KENT GEOFFREY CALDWELL
KENNETH RALPH CAMPITELLI
ELIZABETH ANNE CARLOS
JAMES KEVIN COLTON
DAVID IVIE DEEN
RICHARD JAMES DORN
JERRY LYNN GODDING
MICHAEL TROY HABERTHUR
TIMOTHY ALLEN HOLLAND
LISA JANE HOLLIDAY
AVGI IOANNIDIS
CINDY LOUISE JAYNES
GEORGE FRANCIS KILIAN
JERI SUE KING
STEVE ALLEN LUCAS
TIMOTHY STIRLING MATTHEWS
VINCENT MARSHALL SCOTT
FERNANDO TIRONA VILLANUEVA
JOHN DAVID WAITS
STEVEN EUGENE WEAVER

AVIATION DUTY OFFICERS

To be lieutenant commander

EDWARD ADOLPH CONTRERAS
LARRY EDWARD HEHR
KENNETH ALAN LILES
ANDREW WILLIAM ROBINSON
WALTER ALAN ROSSI

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be lieutenant commander

ROBIN CLAIRE BEDINGFIELD
JEFFREY JOSEPH BURTCH
STEVEN OSCAR CARDER
LEE STEPHEN CARDWELL
WILLIAM J. CUNNINGHAM
JAN ROLAND DRAY
JEAN MARY EBERHARDT
GERALD STANLEY FREESE
TIMOTHY LEE HOBBS
RICHARD THOMAS IRWIN
WILLIAM ROBERT JANIS
MARK CHARLES JOHNSON
CHARLES BRIAN JOHNSTON
CANDACE MARIE KNOWLES
KIM LESLIE KOTLAR
DAVID LYNN LEU
FORBES OWEN MACVANE
RICHARD DANIEL MCNAMARA
MARK DOUGLAS NEIGHBORS
GARY JOHN NELSON
ROY AMOS OBER, III
AMADO MICHAEL PARRA
ALLEN VINCENT POLLARD
DAVID WILLIAM STENDER
JAN ELIZABETH TIGHE
IAN RAMSAY SHERIDA TOWNSEND
JERRY LEROY WARWICK
CYNTHIA LUANNE WIDICK
LEON ELLIS WILDE
MARK ALAN WILSON
JAIME YSLAS
JAMES STANLEY ZMYSLO

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be lieutenant commander

RACHEL LYNNE APPLE
VERNON DALE BASHAW
PAUL BRIAN BECKER
JOEL PRESSLEY BRADBERRY
EDWARD NICHO BRANDSTOETTNER
CHRISTOPHER ELLSWORTH BROWN
CAROL LYNN CANBY
JEFFREY LEE CANFIELD
EUSTAQUIO CASTROMENDOZA
RAYMOND BRIAN CORRIGAN
THOMAS RAMSEY CROMPTON, JR
EDWIN JOSEPH DAUM, JR
JENNIFER ELIZABETH DYER
ERIC DOUGLAS EXNER
KAREN WINERING FAUL
JOSE ADAN GUTIERREZ
DEBORAH ANN HEADRICK
JAMES PATRICK HELD
ROBERT JOSEPH HIGGINSON
KEVIN MARK JOHNSON
THOMAS PARKER JONES, JR
STEPHEN ANDREWS KAPPES
BEVERLY JANE KELSEY
HEATH RICHARD KEMMAN
RICHARD DANA LEE, JR
TERENCE EUGENE LEEDS
THOMAS BENNETT LUKASZEWICZ
MARIA LYLES
ERNEST BRETT MARKHAM
ROBERT PRICE MARSTON
CHRISTOPHER GRANT MATTHEWS
JAMES FENTON MCDOUGALL
JEFFREY CURTISS MOULTON
BRADLEY THAYER MURPHY
ROBIN KEITH MYERS
ERIC KEMP PETIPRIN
STEPHEN PAUL RECCA
CHARLES ELPHICK SANFORD
JOHN MERRITT SANFORD
JOHN THOMAS SEGURA
JAMES JOHN SHAW
STEPHEN FOSTER TOOLE
ELIZABETH LANGDON TRAIN
PAUL WARD TRUESDELL
MARK KEVIN WARD
NEIL RICHARD WILEY
MICHAEL CHARLES WISNIEWSKI

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

To be lieutenant commander

SCOTT DAVID CAMPBELL
KENNETH H. CRONK
LAWRENCE TERRELL EVANS
WARREN CURRY GRAHAM, III
DAVID MARK KOONTZ
STEVEN CHARLES LOWRY
WARREN GAIR MACKENZIE, JR
MARVIN STEFFAN MASCHKE
ROBERT DOUGLAS RAINE
GREGORY JOHN SMITH
KATHERINE ELIZAB STEFANSSON
ROXIE MARIE THOMSEN

SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

To be lieutenant commander

CHRISTOPHER LYNN ABBOTT
STANLEY AKINOBU AKAHOSHI
FRANK WILLIAM BAKER, JR
KEVIN FREDRIC BEDELL
ANDREW BROWN, III
CHRISTOPHER LEWIS BUTLER
JESSIE CATON CARMAN
STEPHANIE WARD HAMILTON
PAUL KARL HEIM, II
JOHN EDWARD JOSEPH
DENNIS RAY MILLER
ANTHONY NEGRON
MARJORIE ZAP NORDMAN
DONNA MARIE SENGELAUB
WILLIAM CHRISTOPHER SWETT
DONALD WALTER TAUBE
ERIC LEX WESTREICH
JONATHAN WICKLIFFE WHITE
KENNETH ALLEN WOS
JOSEPH AMOS YETTER, JR

LIMITED DUTY OFFICERS (LINE)

To be lieutenant commander

JON CHARLES ALLEN
TERRY EVAN ASHER
JOHN WILLIAM BABER
HERMAN FRANCIS BANKS
WAYNE D. BARCOMB
DAVID FRANCIS BAUMAN
COULSON CHARLES BEACH
FRANCIS ROY BEADLE, JR
JAMES LARRY BEAN
KAY LYNN BEARDSLEE
STEPHEN SHERMAN BISHOP
KENNETH RAY BOONE
JOHN LESTER BOTINE
HENRY KING BROOKS
ALBERT MICHAEL BROWN
THOMAS WAYNE BROWN
WAYNE ALAN BROWN
LAYTON MELDRIN CALLOWAY, JR
ALAN CLAY CAMPBELL
LAWRENCE MYERS CAUBLE, JR
PETER C. CHAPMAN
DONALD WOODROW CHEWNING
DOUGLAS WILLIAM CLARK
H. LAWRENCE CLARK, JR
FREDERICK JOHN COOPER
MARK E. CREP
MITCHELL DEAN CULBERT
BART ARTHUR DEVINE
DENNIS LAWRENCE DIUNIZIO
WILLIAM CHARLES DOUGLAS
PETER UWE DREXLER
MARY DIANE DUBAY
JERI DIANE EZELL
JAMES EDWARD FERRELL
DENIS MICHAEL FINNEGAN
JOHN BENJAMIN FUNKE
DONALD RONALD GALLUZZI
JACK ALAN GUSTAFSON
DAVID MICHAEL HARRIS
GILBERT WILSON HEIM, JR
JAMES G. HICKS
JOSEPH EARL HILYER
BARRY WAYNE HOLMAN
KEVIN ROBERT HOOLEY
GENE THOMAS HOWARD
MICHAEL DUANE JACKSON
PETER F. JOHNSON
FREDERICK ABSOLAN JONES, III
JAMES PETER KEMP
BILLY DEAN KENNEDY
OWEN MARTIN KINK
JAMES PHILLIP KISER, JR
DEAN RUSSELL LAIRD
JON THOMAS LAIRD
ALAN DALE LANE
TODD MILO LARSON
ROBERT ERNEST LILLGE, JR
MICHAEL EARL LOEBS
JOHN CHARLES LOWKE
SCOTT ALLEN MACDONALD
WILLARD ALEXANDER J. MALONEY
JIM DAN MANSFIELD
WILLIAM ROSS MARSHALL
FRANCIS JOSEPH I. MCLAUGHLIN
DAVID KARL MELGES
JOHN P. MILLS
DAVID LEE MORTENSON
THOMAS EDWARD MUELLER
JOHN PHILLIP MURRAY
MYRON EDWARD NELSON, JR
DION ALLAN NEWHOUSE
JACK MICHAEL PAVLAT
JOSEPH MICHAEL PAWELCZAK
GREGORY J. PETERSON
DALE WAINO PIIRAINEN
MICHAEL DAVID RIVENBARK
ROBERT LEWIS ROBIE
MARK CLINTON RUDDEFORTH
GEORGE SANDOR, JR
CLIFFORD HERMAN SCHILKE
ROBERT JOSEPH SHANNON, JR
ROBERT R. SHELDON
GORDY ANTHONY SPIRES
JACK L. SPRAGUE
LARRY EDWIN STANFORD
DONALD P. STEACY
TOMMY WAYNE STITES
WILLIAM GERALD STRINGFELLOW
DARYL DOUGLAS JOHN SWIGGS
MICHAEL TERRY THORNBURG
ROBERT CHARLES THORNE

STEPHEN LEE TOTTERER
BENNY LEE VANN
EUGENE THURMAN VEST, II
LARRY ELBERT WALLACE
KATHRYN BRANSON WEBB
MICHAEL LEE WEST
WILLIAM JAMES WHALEN
PAUL DIXON WHITE
MICHAEL EDWARD WHITEHEAD
JOHN MICHAEL WHITEHILL
DAVID MICHAEL WILHITE
JOSEPH STANLEY WOJTUNIAK
WILLIAM FRANKLIN WRIGHT
MICHAEL THOMAS ZANSKI
JOHN EDWARD ZARBOCK

IN THE NAVY

THE FOLLOWING NAMED LIEUTENANT COMMANDERS OF THE RESERVE OF THE U. S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF COMMANDER IN THE STAFF CORPS, IN THE COMPETITIVE CATEGORY AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

MEDICAL CORPS OFFICERS

To be commander

JOEL MICHAEL ALCOFF
KEVIN PAUL ANDREWS
PATRICIA AGNES ASSAN
ANDREW J. AUERBACH
ROBERT C. BARNES
WILLIAM LLOYD BERRIDGE
MARK JOSEPH BULT
JAMES BENJAMIN BURKE
STEVEN MCGUIRE CARLTON
JOAN CHENG
MICHAEL ZANE CHESSER
RICHARD EDWIN CHINNOCK
WILLIAM B. CLARK
ANITA L. CLAYTON
JR JACK ANDREW COLEMAN
JOHN P. CONNOLLY
MICHAEL ELLIOT CURTIS
PAUL CARL DELL
SUSAN ELLEN DICKERSON
JOHN DOHM
WAYNE LA MARNE EASTER
GARY M. FEINBERG
MARVIN FRANKL FOJTASEK
DAVID N. GEIGER
DAVID BLACK GILLIS, JR
GARY S. HARRIS
THEODORE JOHA HEYNEKER
LESTER LEO HIMMELREICH
JOSEPH HOBSON
LOUIS WILLIAM IRMISCH
ANDY SAM JAGODA
CHRISTOPHER FRAN JAMES
ALAN HENRY JOHNSON
CLEMENT K. JONES
WILLIAM J. KEMERER, JR
KESTUTIS VIKT KURAITIS
DANIEL P. LAVERY
ROBERT C. MARTIN
VAN STEVEN MASK
JAMES T. MCGLYNN
BARRY ROSS MEISENBERG
NESTER EDWARDO MILIAN
GREGORY L. MILLER
RUBEN NEPOMUCENO
SAMUEL ROBERT NEWSOM
CATHRYN PENNINGTON
CLYDE WILLIAM PRAY, JR
JOHN DUDLEY PYEATT, III
JAMES ROBERT RAPPAPORT
RAMON SANCHEZ
ANDREA MA SCALISEGORDY
GEORGE RIC SCHOEDINGER
MELANIE BROOKS SHARPE
ERIC WYGANT STARK
JOHN A. STERBA
ROBERT JAMES TELLO
RAYMOND TOM
DANIEL PATRICK WALSH
HARRY JAMES WARD
ANDREW DAVID WEINBERG
MICHAEL DEE WELCH
JOHN M. WILLIAMS
ERIC JOSEPH ZANGHI

DENTAL CORPS OFFICERS

To be commander

ROBERT WILLIA ANDERSON
GARY WAYNE BACKER
DOUGLAS ALLEN BATDORF
DONALD EDWAR BELLEBAUM
MICHAEL GEORGE BENAC
LORNA MILLAR BRUNHOFER
JULIUS FRED CASE
OLLIE CHRISTOPH FISHER
PATRICK JOH FITZGERALD
DENNIS CALVIN FOSTER
STEVEN CHARLES FOX
JOHN PATRICK GIDDINGS
DOUGLAS CARL GLESMANN
REUBEN ARTHU JAMHARIAN
JOAN KUTZ KNUTH
ALAN KENDALL KULP
LISA TONI DAVIS KULP
DANA ROBERT MCMASTER
WILLIAM FRA MOLLENHOUR
RONALD EUGENE MYERS
TIMOTHY JOSEP NAWROCKI
GEORGE CHARLE ROHRBACH
ADDISON BERKLEY SALES
PAUL RICHARD SANTOYO
DANIEL MICHAEL SHEPARD
ROY A. SMITH
CRAIG WINSOR SPENCER
BARBARA QUICK STURTZ
DAVID HALL STURTZ
TODD RICHAR WELLENSIEK
DOUGLAS GRI WOERSCHING
DAVID SEYMOUR WOOD

MEDICAL SERVICE CORPS OFFICERS

To be commander

WILLIAM RICHARD BAKER
JAMES M. BEISLER
ROBERT ALAN BOOTT
JACK EVAN BRAUN
VINCENT LEE BROWN
WILLIAM RILEY CAMPBELL
THEODORE JOSEP COMMONS
LAWRENCE HAYES COPPOCK
DAVID DOYLE, JR
RONALD ALLEN FINK
STUART LEWIS FRANKEL
CHARLES FRED GALER
ARTURO AN GEIGELBUNKER
KAREN A. GINTZIG
LADISLAUS GOLLESZ
RICHARD BRIAN HETRICK
THOMAS F. HILTON
SALLIE BETH HOLLOWAY
DAVID MARCUS HUNT
JEFFREY ARNOLD LARSON
ZYGMUNT AN MAKSYMOWICZ
CARL DOUGLAS PATRICK
DAVIS ARBUTHN RICHARDS
GEORGE MACE SUMMERS
VIRGINIA JEANNE SWARTZ
JOHN OLIVER I. VINEYARD
DENNIS MERLE WAGNER
BRUCE DOUGLAS WEBSTER
MICHAEL WENDLING
JOHN ALBERT WILDIE
WALTER ABNER WILLIAMS
KIM RAYMOND WORKING

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS

To be commander

WILLIAM THOMAS ALBERTI
JOSEPH MICHAEL ANGELO
JORGE L. ARROYO
HENRY WIGGS AUSTIN, JR
STEPHEN FREDERI BELDEN
CLARENCE BELL
ERIC RAWSON BREDEMEYER
LANCE CRAIG CANTOR
MICHAEL A. CASAUS
TIMOTHY KIRKPATR CHISM
STEVEN LAWRENCE COHN
THOMAS WILLIAM CONNORS
KEVIN PAUL COOK
LOEVA JANE COOK
JAMES BRUCE COVINGTON
MAYNARD THOMAS CURRY
MICHAEL W. CURTO
DONEL LEE DAVIDSON
JOHN ALLEN DERIVAUX
CHARLES WILLIAM DOBRA
GENE WADE ELKINS
TIMOTHY THOMAS FLYNN
CHARLES LLOYD FORD
JEROLD ANSON GODDARD
MARTINEZ CARL GONZALEZ
RICHARD ALAN GRINLEY
LAURA S. GROCE
WILLIAM PAGE HARBESON
DIANE CAMPBELL HOWARD
JOHN KEVIN IANNO
SANDRA MCLEA JABLONSKI
RAY NMN JOHANSMEIER
BRUCE CHARLES KMOSKO
KENT MICHAEL LATSHAW
ANITA MARIE LEBLANC
VINCENT L. LEIBELL, III
ROGER DAVID LINN
ARTHUR FRANCIS LOEBEN
TERRY MILTON LOUIE
MILTON KIT LOW
FREDERIC EUGE MATTHEWS
RUSSELL RAYMO MCKINNEY
DAVID MERLE MCQUISTON
KATHLEEN PATRI MCTIGHE
JOEL KEVIN MEESE
JOHN GRATTAN METZ, JR
NEAL HENRY NELSON, JR
ELLEN MAREN NEUBAUER
TERRY LEE NORTON
STANLEY ANDRE OSTAPSKI
JAMES JOSEPH PARIS
ROBERT FRANCIS PARKER
JERRY DEANE PARR
MARIE E. PECKLLEWELLYN
THOMAS ROBER PERKERSON
CORNELIUS DURREL PERRY
JOHN WILLIAM PITCHER
BRITANYA ELLEN RAPP
ROBERT LEO RAWLS
CHERYL KAY RIFE
MICHAEL DEAN RIGG
EILEEN CARR RILEY
TERRY JO ROMINE
MICHAEL STEVEN ROYS
JEFFREY RICHAR RUSSELL
NORMAN AMBROSE RYAN
DAVID FRANCIS SANDERS
JUDITH ANN SCHEVTCHUK
RANDALL KEITH SCHMITT
WAYNE S. SHIMIZU
PHILIP MICHAEL SMITH
SUSAN L. SMITH
WALTER LEWIS SMITH, JR
PIETER G. STRASSER
RICHARD NORRIS SWANSON
STEVEN M. TALSON
THOMAS ROBERT TARBOX
ARTHUR F. THIBODEAU, III
LUCIE ANNE DION THOMAS
SEAN PATRICK WALSH
JAMES MARSHALL WARDEN
PAUL M. WASSERMAN
DAVID GERARD WEAVER
JAN MICHAEL WHITACRE
CHRISTOPHER S. WILLIAMS
MARK HENRY WOERNER

NURSE CORPS OFFICERS

To be commander

ROBERT CURTIS AHRENS
BRUCE EUGENE BALFOUR
RUTH BARROW BAR
JEAN M. BENNETT
RAY ALLEN BIAS
CAMILLA ANN BICKNELL
CLAUDIA ANN BODNAR
CHRISTINA MARTI BONNER
KATHRYN ESTHER BONNER
RANDAL TRAVIS BOSTON
MARY CATHERINE BOYD
SHEILA SUPPES BRACKETT
KATHERINE M. WI BRADLEY
PAULINE F. BRAULT
NANCY EDWARDS BRENNAN
JAMES THOMAS BROWN, JR
WILLIAM LAWRENCE BURT
REGINA CLAIRE BUTLER
MARY ANNE CHVALA
ELLEN MAE CITRANO
BONNIE BADER CLARK
LUCINDA LUCAS COLLIER
COLETTA BROST CROOMS
EVE APRIL CUSHING
PATRICIA A. DELANEY
JUDY ANN DIXON
MARGARET ELIZAB DOWNEY
DOREEN TRYON ELD
MARGARITA ENDLESS
PAMELA J. ERTEL
DIJON HARTMAN FASOLI
ROX ANNE VILENDR FRANK
JANET SHEA FULLER
NADA ROZI GALLAWAY
SUZANNE WEST GERLACH
JANET M. GIBBS
DELLA APOSTOLO GLASSON
LYNN PATRICIA GORMLEY
MICHAEL KENT GOULD
MARILYN CLARK GREGG
EVELYN BROWN HALL
BEATRICE ESTEL HARROLD
KATHERINE AN HUTCHISON
LETITIA MAE JACKSON
MARY KATHER JANCZEWSKI
ROBERT DEAN JOHNSON
WILLIAM LELAND JOHNSON
RUTH ANN KIRALY
MARGARET KNAPPENBERGER
JOANNE LOUISE KRAMER
MARY LOU KRAMER
KATHLEEN REYNDERS LANE
CAROLYN JANE LASSETER
ANNE ELLEN LEASE
GEORGENE SHEARY LEITER
GAIL LAND MANKO
DELANOR ANN MANSON
MARGARET MARY MARTIN
DOUGLAS R. MAUPIN
KATHRYN BRADSHAW MCGEE
STEPHANIE MARIE MIKULA
MARCIA ANNE MODICA
CLARICE ALDINE NASH
DEBORAH COUNSEL NORTON
BETTY ANN POWERS
CLAIRE BERNADET POWERS
SUZANNE VANGORD PRINCE
CHRISTINE ANN QUINONES
CATHERINE HADEN RATTO
PAMELA JEAN RAYBURN
JOHN EDWARD RETZLAFF
SANDRA LEE RICABAUGH
HEATHER ELIZA RICHARDS
EVELYN KAY RICHARDSON
MARGARET MARY ROES
ELIZABETH DAY ROLAND
SANDRA ANN ROYBAL
PATRICIA DAV SCHNEIDER
SUE ANN SEEMANN
MARIE ANN SHEEDER
CHRISTINA LORE SHELTON
SUSANNE BONNIE SILVIA
MARILYN ELIZABET SMITH
SUZANNE M. SMITH
LANA MARIE SPETHMAN
MARILIN BARBARA STATES
CYNTHIA DIVENS SWEENEY
DEBORAH GLEASON TAYLOR
RUTH KIYOMI TERASHIMA
ELIZABETH DOOLEY TRACE
JOAN WALSH TRELEASE
KAREN G. TRUEBLOOD
JOHN GERARD TWOMEY, JR
KAREN SU TYSON
MARIA TERES VALENZUELA
KEARNEY REED VEAZEY
NANCY JEAN VONTERSCH
DOROTHY JOY WADE
KATHRYN MONSEES WARD
DIANNE WATTAM
KRISTINE WARNER WHALEN
BARBARA JEAN WILLIAMS
SUSAN LYNN WOODRUFF
GRETCHEN RONITA WYATT
PATRICIA LEE YAMADA
KAREN ELIZABETH YERKES

SUPPLY CORPS OFFICERS

To be commander

DAVID WILLIAM ALEKSON
HARRIETTE CLAIRE ATKINS
JEFFREY JEROME BENKO
VANCE DAVID BERRY, JR
KENT DALE BROSTROM
WALTER W. BROWN
SEAN FRANCIS CREAN
CATHERINE M. CUNNINGHAM
STEVEN DEVLIN DODGE
ROBERT PATRICK DOLAN
PATRICK GEORGE DONOVAN
SARA GARLAND DRAPER
JOHN ROBERT EICH
PAUL CHARLES FERGUSON
CATHERINE ANN FISH
GREGORY ALLYN FISKE
FREDERICK GENUALDI
DAVID WILLIAM GERETY, JR
RICHARD MARSHALL GREENWOOD
DAVID DUANE GRIFFITH
WILLIAM T. GUICE
STEPHEN MARTIN HICKEL
JOHN RANDALL HICKMAN
MARTHA AILEEN HILL
LOUIS H. HLEBICZKI
GAIL MARIE HOERT
DENNIS DAVID HORSELL
JACK NEIL HOSTETTER
RANDALL CLARK HUGHES
STANLEY H. JOHNSON
TIMOTHY LEE JOHNSON
WESLEY H. JOHNSON
ALAN LOUIS KARTY
MICHAEL JAMES KING
JAMES PHILIP MAKOFSKE
CHARLES JOHN MARDEN, JR
DANIEL EDWARD MARTINEZ
JAMES GREGORY MAYO
ROGER WILLIAM NADEAU
JOSEPH HENDRIK ODEKERKEN
DENNIS JAMES OFFNER
JOSEPH ALAN PASQUALUCCI
PAUL ANTHONY PAYNE
THOMAS J. PETERS
JAMES NORMAN POND
CHARLES ALLEN REICH, JR
JOHN W. RICHMOND
MITCHELL LEE ROBINSON
RONAL ROGALSKY
TIMOTHY DANIEL SCHULER
EDWARD ROBERT SCHULTZ
GEOFFERY WILLIAM SEAVER
TIMOTHY OLOF SHERER
ALLAN MICHAEL STANCZAK
CALVIN C. STAUDT, JR
ERIC E. STEVENS
JANE CARLL TANT
JAYNE ALSTRUP TAYLOR
CHARLES HOWARD VAUGHAN
FRANKLIN NMN VENINGER
JOHN WILLIAM WALKER
TRACY JEANNE WHITAKER
JOEL TEAGUE WILLIAMS
JAMES CASSOW WILTSE

SUPPLY CORPS OFFICERS (TAR)

To be commander

ERIC WILLIAM CARLSON
RICHARD HOWARD ETT
BRUCE PHILIP NEUBECK
RONALD ROSKOWSKI

CHAPLAIN CORPS OFFICERS

To be commander

THOMAS DALTON BAIRD
CALDWELL A. BARRON, JR
M. KATHY BROWN
ROBERT JAMES BURNS, JR
GLEN ALBERT BUSBY
LARRY DOYLE CRIPPS
REX G. DARLING
JAMES LEE DOSS
JAMES DANIEL DWYER
DAVID CHRISTIAN HACKMANN
EBEN THEALL CAREY HEDMAN
CHARLES DOUGLAS KROLL
WILLIAM ANDREW MAHLOW, JR
MARTIN GEORGE MCCAIN
PLEASANT LAWRENCE MURPHY, JR
LESLEY ARMSTRONG NORTHUP
KENNETH EDWARD PEPPER
DAVID AMEDEE POUCHOT
RICHARD M. POWERS
MICHAEL LEE SPANGLE
PAUL WILLIAM STEEL
MARIAN JULIAETTE WILKERSON

CIVIL ENGINEER CORPS OFFICERS

To be commander

JAMES MARSHALL BAKER
KEVIN KENT BALL
THEODORE W. BEIDLER
ALLAN J. BELLACICCO
JESSE DEES CANNON, JR
GARY FRAZER CARVER
RODERIC LANCE ELDER
ALBERT NMN GARCIA, III
GREGORY WILLIAM GEBHARDT
LAWRENCE ALLEN GILBERTSON
JERRY GLENN HOWELL
PAUL DEAN HUNSICKER
VERNON CLAYTON NEWTON, III
TIMOTHY LEE ORTEL
NORMAN WILLIAM SCHLEIF, JR
LARRY WAYLAN STARR
THOMAS WILLIAM STEVENS, JR
CARL ERIC SYVERSEN
JOHN PATRICK WALKER
ISAAC RAY WILLIAMSON

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANTS IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS OFFICERS

To be lieutenant commander

BRADLEY MCINT ANDERSON
NILS ANDERSON
STEPHEN H. ARGUE
NICHOLAS C. BAKRIS
DAVID A. BEATTY
JOHN LEWIS BERLOT
ROBERT G. BISHOP
RICHARD KEITH BRYCE
TERRENCE M. CALDER
LLOYD SCOTT CLEMENTS
MICHAEL J. COSTA
BRYAN K. DARLING
JOHN C. DAVIS
ANDREW C. DIRMEYER
JONATHAN EDG DOMINGUEZ
OLIN K. FEARING
ALAN P. GEGENHEIMER
MARJORIE B. GWYNN
BRETT HART
DAN CARLOS HUNTER
JOHN O. JOYCE
KIP L. KAERCHER
ROBERT J. KASTNER
JOHN H. KELLOGG
JOSEPH R. KILIANSKI
STEVEN M. KOPPEL
FRANK K. KUWAMURA
SCOTT T. LUCHSINGER
TIMOTHY LYONS
STEVEN L. MACKEY
KENNETH L. MENDELSON
DARREN M. NEAL

MARK E. REED
BARRY A. RIDDLE
JOSEPH M. SAENZ
RAY E. SANTOS
STEVEN J. SAPYTA
STEVEN J. SHERIS
STEVEN D. SMITH
TOWNSEND SMITH
ALAN R. STANFORD
ELIZABETH ANN TONON
MARK ROBERT VARGA
EDWARD J. WALSH
DALE L. WING

SUPPLY CORPS OFFICERS

To be lieutenant commander

SCOTT WILLIAM BAILEY
ROBERT WILLIAM BAIRD
CHRISTOPHER JOHN BARBER
DONALD LEE BROWN
TRACY LEE BROWN
CHARLES LEONARD BRYANT
DAVID STUART CAFFREY, JR
MANUAL CAPELLO, JR
BRIAN MICHAEL CERWONKA
WILBUR KEITH CHAPMAN
EDWARD SAMSON CLEMENTE
STANLEY KEITH CROZIER
CHARLES HENRY CUTSHALL
JAMES FRANCIS DOLAN
PAUL JOSEPH DOUR
ROBERT MICHAEL DRYER
KENNETH DANIEL DUNSCOMB
MICHAEL ELMER DYER
JACK ALAN DYKSTRA
TIMOTHY FRANCIS FRENCH
JOSEPH WHITNEY GREEN, JR
DENNIS THARON GREY
PARKE LELAND GUTHNER
WILLIAM CHARLES HARGROVE
SHERMAN TRAVIS HAYES
MICHAEL DAVID HOLCOMB
GARY DOUGLAS HOUGLAN
THOMAS EDWARD JABLONSKI
JOEL WILLIAM KERNEN
RONALD GLENN KINEMAN
LEONARD RICHARD KOJM, JR
KURT LANCE KUNKEL
BRUCE NEIL LEMLER
DIANA FRANCES LENDLE
FRANK ANDREW LINDELL
TERRY ALAN MCCUNE
THOMAS ARTHUR MUSICK
MICHAEL JOHN NEUMILLER
RICHARD TODD PALMER
STEVEN HOWARD POWELL
JOSE PUBILLONES
KARL FREDERICK RAU
CLARENCE DANIEL RICKARD
DAVID NEILL ROBERTSON
CALVIN ROBERT SCHEIDT, JR
DANIEL MARTIN SORENSEN
GLENN EDWARD TERRY
PAUL STORMER VANHOOSEN
THOMAS FREDERICK WIECHELT
MARK CHARLES WILSON
JACK FRANCIS WRIGHT
DANIEL FREDERICK ZEISE

CHAPLAIN CORPS OFFICERS

To be lieutenant commander

CHARLES JAMES ANDERSON
THEODORE RAYMOND BORGER
WALTER MALCOLM BROWN, JR
WILLIAM D. BROWN
ROBERT MILTON DAVIS, JR
KENNETH MIKE FRANKLIN
PHILLIP EDWIN GWALTNEY
CHRISTOPHER LYNN HUNT
JAMES W. JOSLYN
CHARLES ROBERT KESSLER
GLEN ALLEN KRANS
JUDY ALAIDE LAMB
TIMOTHY SPENCER LANTZ
JAMES CHARLES LEIBOLD
THOMAS WILSON STEARLY LOGAN
KENT MCCORD
AN BINH NGUYEN
JOSEPH CHARLES PAUL
CHARLES DAY QUARLES
JEFFREY ELLSWORTH RHODES
DEREK KEITH ROSS
RENDELL RAY ROZIER
WILLIAM THOMAS JAM SHUPPERT
RICHARD JAMES SILVEIRA
JAMES SHELDON TWAMLEY
CHRISTOPHER CLAI VANINWAGEN
BRYAN JAY WEAVER
ROBERT CARROLL WHEATLEY

CIVIL ENGINEER CORPS OFFICERS

To be lieutenant commander

PETER MORRIS ARN
DAVID CHARLES BRUNER
EVERETT LESTER BUTCHER
FRANCIS P. CASTALDO
THOMAS MARSHALL CUNNINGHAM
ANTHONY DIDOMENICO
PAUL THOMAS FULIGNI
WAYNE ORVILLE WALKER
APRIL FENTON HEINZE
HUGH RAME HEMSTREET
KEVIN ALAN LINDSEY
STEPHEN JOSEPH MARKEY
MICHAEL JUSTUS OCONNOR
CHARLES SCOTT SMITH
JAMES MICHAEL TEATE
RONALD UNGARO
ROBERT PAUL WALDEN

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS

To be lieutenant commander

BRENDA ANN ARMSTRONG
DAVID LEE BAILEY
BRIAN JAMES BILL
MARGARET MARIE CARLSON
THERESA KERWI CRANFILL
MARSHA ANN DEERE
NANETTE M. DERENZI
WALTER MARTI FREDERICK
CATHERINE SUE KNOWLES
PAMELA ANN WHITE
RICHARD EARL WOOTTON

DENTAL CORPS OFFICERS

To be lieutenant commander

CHARLENE MELISSA AULD
TIMOTHY GAYLO BATTRELL
JEFFREYALAN BLOCH
DAVID D. CARRIER
EDWIN RAY CONNELLY
DANIEL OTIS ELLERT
ANN L. GILMORE
STEPHEN JOHN GLAWSON
GINA LOUISE HITCHCOCK
DONALD G. HOOIE
AUBREY RUSSELL HOPKINS
JOHN J. HUDGINS
WENDY STAVRIDES HUPP
JOSEPH W. KARITIS
CHARLES IRA KNAPP
MARC DAVID LEFTON
SYLVIA ROSEMARY MILLER
MICHAEL L. MINTEN
TIMOTHY JAMES MORRIS
HARVEY DWIGHT MOSS
CRAIG HUGH MULLETT
TIMOTHY JAMES NEUMANN
MICHAEL L. POTTER
THOMAS SAKO
PAUL DAVID SCHWARTZMAN

MEDICAL SERVICE CORPS OFFICERS

To be lieutenant commander

DEBORAH WEDGEWOOD AUTH
JOSE COLICO BELTRANO
ANN BOBECK
MICHAEL GERARD CAMPHOR
FLORENCE MARIE CROSBY
JOSEPH PAUL DAVIS
MICHAEL LEE DAVIS
RONALD ANTHONY DEIKE
RAYNARD KOON SUNG FONG
VINCENT DEPAUL GLOVER
STANLEY WILL GODLEWSKI
PAUL RICHARD GRASSO
PHILLIP CHAR HEINEMANN
THOMAS EUGENE HULL
RANDALL WAYNE KILLIAN
RONALD LEFFERTS
CURTIS MATTHEW LORDS
LOUIS LOUK, JR
JEANNETTE LUCAS
RONALD DEAN LUKA
KEVIN LEE MAGNUSSON
CHRISTOPHER JOHN MANN
HARRY JAMES MOORE
ROBERT C. MORASH, JR
JOHN RICHARD MORRISON
TERRY JOE MOULTON
ROBERT JOHN MULVANNY
TYRONE DANIEL NAQUIN
DONALD RICHARD PLOMBON
CORLEY ELGIN PUCKETT
CHRISTINE MARIE RADOIU
GARY LOUIS REBHOLZ
JOHN ROBERT RUMBAUGH
EDUARDO MARIA SALVADOR
VERNON RUSSELL SANFORD
GREGORY TERAN SMITH
DANNY DEAN URBAN
SALLY ELLEN VEASEY
FRANK ALEXANDER WALKER
DEBRA LYNN WARD
FRANCIS PAUL WARD, JR
POLLY ANNE WELLS
REX DEAN WERKING
EDWARD JOHN WOOD
MARIA DE LOS ZAYASHOOD

NURSE CORPS OFFICERS

To be lieutenant commander

JUDITH WILLEY ANDERSON
SUSAN MARIE ANDERSON
CHARLES DODDS BEVIS
JUANITA IRENE BISHOP
KARIENA JANE BROSTEN
JAMES FRANCIS CARROLL
JOHN HENRY CLARK
BRIAN LANE DAVIS
ROSA OBREGON DIRING
LINDA JEAN ETCHILL
MARY CHAFFEE HAMBIDGE
MARTHA JILL HANSEN
JOSEPH AUGUST KOLLY
JOHN WAYNE LARUE
RICK ALAN MADISON
KAREN RUTH MARKERT
KEVIN JAMES MARTY
KENNETH PETER MILLER
MICHAEL ALEXAND MILLER
JANICE MARIE PETERSEN
WANDA CASTLEB RICHARDS
ANNA REHMANN RIEGLE
JEAN LOUI ROBERTSHOULE
AUDERY ELAINE SANTANA
KATHRYN MARY SERBIN
MICHAEL DEWAIN STACY
TOMMY CURTIS STEWART

LIMITED DUTY OFFICERS (STAFF)

To be lieutenant commander

CARLOS G. BERNARDO
JOHN DAVID JENKINS
RICKY LEE SIBLEY
JOHN MICHAEL SOCHA
RANDELL LEE VANBUREN

CONFIRMATIONS

Executive Nominations Confirmed by the Senate September 30, 1992:

U.S. INSTITUTE OF PEACE

THOMAS E. HARVEY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE U.S. INSTITUTE OF PEACE FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 19, 1993.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

COMMUNICATIONS SATELLITE CORPORATION

BARRY M. GOLDWATER, SR., OF ARIZONA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMUNICATIONS SATELLITE CORPORATION UNTIL THE DATE OF THE ANNUAL MEETING OF THE CORPORATION IN 1995.