HOUSE OF REPRESENTATIVES—*Wednesday, January 26, 1994*

The House met at 12 noon.

The Rev. Richard Gowty, St. David's Episcopal Church, Austin, TX, offered the following prayer:

Almighty and everlasting God; we praise You for all that You have done for this Nation, calling it to a position of trust and responsibility among the nations of the world. On this day, the National Day of Australia, we give thanks for the special relationship between Australia and the United States. Strengthen that bond between us, Lord, as we both strive to deepen our national roots in Your everlasting righteousness.

Guide with Your eternal wisdom all who sit in this seat of Government. Give them wisdom and integrity, that they may be equal to their high calling. Make them respectful in the use of freedom, just in the exercise of power, and compassionate in the protection of the weak.

All this we ask in the name of our God, the Ruler and Sovereign Lord of all nations. Amen.

THE JOURNAL

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

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

Mr. TRAFICANT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. TRAFICANT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 5 of rule I, further proceedings on agreeing to the Chair's approval of the Journal will be postponed. The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair recognizes the gentleman from Georgia [Mr. LINDER] to lead the House in the Pledge of Allegiance.

Mr. LINDER led the Pledge of Allegiance as follows:

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

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Kalbough, one of his secretaries.

APPOINTMENT AS MEMBER OF TASK FORCE REGARDING MILITARY BASES SCHEDULED FOR CLOSURE

The SPEAKER. Pursuant to the provisions of section 2923 of Public Law 101-510 and section 125(b)(2) of Public Law 102-380, the Speaker and the majority leader of the Senate jointly appoint Mr. Paul O. Reimer to the task force to make findings and recommendations for environmental restoration at military bases scheduled for closure, effective January 26, 1994.

WELCOME TO THE REVEREND RICHARD GOWTY

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, I am proud to welcome to the floor today our guest chaplain, the Most Reverend Richard Gowty, assistant rector of the St. David's Episcopal Church in Austin, TX.

He refers to himself as the Australian minister, temporarily in Austin. He is joined today here by his lovely and loving wife, Maggie.

I am especially happy that Reverend Gowty has joined us today, since he is a native of Australia and today is their national holiday. It was on this date 206 years ago that the British fleet landed in Botany Bay, and the past two centuries have seen Australia grow into one of the most stable and vibrant democracies on Earth and a great ally of the United States.

So, I am pleased to welcome my constituent, Reverend Gowty—he may hail from the land down south down under, but he and his Austin congregation today are on top of the world.

Australians and Texans have a great deal in common. We understand each other—even occasionally we can understand their language as we do today.

THREE STRIKES AND YOU'RE OUT

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, today I introduced an anticrime bill that is aimed at curbing the rising tide of crime in this country by getting our most violent criminals and drug dealers off the streets for good. My legislation is a three strikes and you're out bill that will put violent criminals and drug dealers away for life—no exceptions—if they have three felony convictions. Every law-abiding American is sick and tired of hearing horror stories of convicted violent felons released on parole committing unspeakable acts of violence and drug dealers getting off easy. Our inability to keep the most violent felons and drug dealers in jail is a serious problem that we must address now. President Clinton strongly supports three strikes and you're out and so do many of our colleagues. Let us act now and send a strong message to murderers and drug dealers that we will not tolerate this any longer. Let's make three strikes and you're out the law of the land.

□ 1210

THREE-TIME-LOSER LAWS GAINING POPULARITY

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, that was a great idea, a great speech, and I applaud the gentleman that just preceded me.

On January 24, Mr. Speaker, the Washington Post front page story reported on the popularity of the three-time-loser laws against violent repeat offender criminals. Thirty State legislatures are considering the sensible idea that a third-time violent felon should be jailed for life, and Governors, such as California's Pete Wilson and New York's Mario Cuomo agree.

Yet, Mr. Speaker, that very same paper on that same day reported that my three strikes and you're out lifer bill, which has been in the House for the last year-and-a-half to 2 years, faces a very difficult time in the House of Representatives. Why? I do not know.

The President of the United States just last night endorsed the concept. One hundred eighty-seven Members

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have cosponsored my bill. I ask, "Don't my other colleagues know that 6 percent of violent criminals commit 70 percent of all violent crime? Doesn't it make sense to lock up the worst of the people in our society forever?"

Mr. Speaker, I think it does make sense. It is something we must do so that our families can walk their neighborhoods and their streets without fear.

Let us stop making excuses and posturing politically. Let us pass a lifer bill, a meaningful lifer bill, now.

OUR COUNTRY NEEDS JOBS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, President Clinton hit a home run last night. That is exactly the way it is, and the President must be given credit for placing health care, welfare, and crime reform on the agenda.

However, my colleagues, Congress can provide health care for all, but what really is needed is a job. Congress can throw the book at all these young offenders, but what really is needed is a job. Congress can reform welfare all they want. What is really needed is a job. And with a tax law right now that penalizes investment in achievement and a trade law policy in this country that ships jobs overseas and lays people off, that is not going to happen.

Congress, it is about jobs, and Congress has made jobs a real four-letter word. I give the President credit, but this cyclical economic turnaround can turn the other way. We have systemic problems.

Mr. Speaker, our country needs jobs.

STATE OF THE UNION AND HEALTH CARE

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, last evening President Clinton delivered a marvelous campaign speech that is certain to give Americans great hope about what he will deliver this year. However, the campaign is over and Mr. Clinton must deliver and be held accountable on his campaign promises. His track record is not very good.

Candidate Clinton promised middle class tax relief, but President Clinton delivered the largest tax increase in U.S. history.

Candidate Clinton promised to "grow" the economy, but President Clinton has delivered more unfunded mandates on small businesses, higher taxes, more regulation, and a new health care payroll tax that will kill jobs, full-time employment opportunities, and put small businesses out of business.

Candidate Clinton promised health care reform, but President Clinton wants to deliver a monstrous, government-run, bureaucratic nightmare that is not reform.

The President promises the American people the Moon but delivers higher taxes, more regulation, and less effective government. My constituents have told me they hope health care reform will not hurt them too much. Mr. President, take a page out of the Hippocratic Oath and create your own bureaucratic oath: First do no harm.

Keep the promises to the campaign trail and let us do no harm. Deliver no harm to hardworking Americans, who already pay 40 percent of their incomes in taxes; no harm to employers who are in the best position to create new jobs; and no harm to our health care system.

TIME TO PUT THE EMPHASIS ON CRIME AND HEALTH CARE REFORM

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, last night President Clinton outlined his plans for this Congress, and in doing so he brought the demands of the American people to this body for action. During this past year, we cut the deficit growth and kept interest rates low. It is time we put that same emphasis on the problems of crime control and health care reform.

The President should be congratulated for his proposal to put repeat criminal offenders away for good. This is a real first step toward taking our streets back, and I hope that my colleagues from both sides of the aisle will work together to make this plan a reality.

Aside from crime control we must also begin to look past the rhetoric and enact meaningful health care reform for all Americans. Health care reform will mean stability for American families as well as our economy. The rising cost of health care is crippling the ability of American companies to compete and inaction by this body can no longer be excused.

Over the last several days we have been preoccupied with the retirement announcements that various Members have made, so I ask you to consider the retirement prospects of the typical American worker who faces a stagnant retirement income that is constantly eroded by the rising cost of prescription drugs and increasing Medicare premiums. The uncertainty this retiree faces is unnecessary and avoidable if we do right by our senior citizens during our deliberations on health care reform.

The President's plans are ambitious and far-reaching and this body has a chance to give the American people safe streets and sound health care by acting on them without delay.

AMERICAN TAXPAYERS, REJOICE!

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, it is a new year and we can rejoice! Rejoice that the taxpayers of America are rid of Lawrence Walsh! He is no longer at the public trough.

Seven years he lived off the fat of the land.

Seven years of limousines, room service, the most expensive place to live in Washington, and posh office space.

Seven years of trying to prove his preconceived notion that Reagan and Bush were guilty of something—please anything.

Seven years and 40 million of our tax dollars—and for what? A 566-page report costing $70,641 per page without one shred of evidence of wrongdoing on the part of either Reagan or Bush and no new revelations that we did not know from the start.

So what does he do? He says Reagan, while not guilty of anything, created the atmosphere for wrong doing. Come on.

Mr. Walsh is a disgrace to himself, his profession, his native Oklahoma, and his Nation, a very expensive disgrace who milked us unmercifully. He should be ashamed of himself and we are ashamed of him.

PROTECT THE PUBLIC FROM NUCLEAR WASTE

(Mr. KREIDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KREIDLER. Mr. Speaker, we can never be too careful when dealing with nuclear material. That is a lesson we have just learned again with the disclosure of our Government's radiation experiments.

That is why I am introducing legislation to restrict the shipment of spent nuclear fuel—the waste generated by nuclear reactors.

In order to keep foreign countries from developing nuclear weapons, the United States agreed to provide fuel for foreign reactors and to take back the waste.

Shipping this fuel poses serious risks to workers who handle it and to the public.

Before this material is transported through our communities, workers and residents must be assured that adequate safeguards are in place.

My bill would allow local port authorities to require the Department of Energy to meet specific safety guidelines set by the port before it can ship this material.

I urge my colleagues to join me in helping our communities protect themselves from hazardous nuclear waste.

THREE STRIKES AND YOU'RE OUT

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I rise today to urge Americans to give President Clinton a third chance to show that he can follow through his words with action. Because so far, the President's been like a baseball player who's all talk and no stick.

The President took a good looking stance as he climbed into the box last year to give his budget message. But, he swung and missed by offering a budget that included an enormous tax increase, few real spending cuts, and no middle-class tax cut.

Last fall, he gathered himself up and took a sweet-looking stance on health care. But again, he missed by a mile. Taking his eye off the ball, he proposed a plan that will raise taxes, increase bureaucracy, and increase regulations.

And last night, he stood in for the third time and made a lot of good-sounding promises. He talked about ideas that conservatives have espoused for years, ending welfare dependency, and getting tough on crime.

Has he finally seen the light? This time, will he get a hit? We've all heard the President make good promises before, only to swing and miss with his actions.

Well, I think he should remember the first rule of baseball, three strikes and you're out.

□ 1220

CRIME BILL IS NO PLACE FOR PARTISANSHIP

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise his remarks.)

Mr. RICHARDSON. Mr. Speaker, the reviews on the State of the Union message are in. President Clinton hit not just a home run but a 400-foot home run.

Why did the biggest ovation last night go to the New York City cop with the tough beat and when the President endorsed the three strikes, you're out? That is because the American people want us to make fighting violent crime our top priority.

Let us get the partisanship out of the crime issue. Why we may have honest differences on health care and welfare reform, surely we can get together and pass a crime bill as soon as possible.

Mr. Speaker, the public wants us to pass mandatory minimum sentences for violent offenses and cut down on parole. They want more cops on the beat and more resources to fight crime in their own neighborhoods.

Mr. Speaker, let us get the partisanship out of the crime issue.

Last night President Clinton came to the Congress and showed the American people what it takes to be a leader. He presented his priorities to the country and, in the opinion of most Americans, they overwhelmingly agreed.

The President knows that the people are demanding action on crime with tough sentencing and effective prevention.

They are demanding we pass a health care plan providing universal coverage that can't be taken away or denied due to preexisting conditions.

And the people want us to get to work on reforming the welfare system, as the President said last night, to make welfare a second chance, not a way of life.

The President and the American people can demand action, but its the Congress that must act. Public opinion shows that the American people don't think we can put their interests above partisan politics. Now is the time for us to prove them wrong.

A SHORTER STATE OF THE UNION

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute.)

Mr. THOMAS of Wyoming. Mr. Speaker, as most of us have, I spent the last month and a half in my district, in Wyoming, in town meetings and in group and personal meetings, and let me share with the Members the thoughts that I picked up in sort of a State of the Union Message. It will be shorter than the one last night.

First of all, there are four issues that came to most of us, and one was health care, and the point the folks in Wyoming made was that they do want a government-controlled program. They want to make fundamental changes and fix those things that are broken. They want to make sure the poor are helped but that the middle class does not pay more for less.

The second point was gun control. Folks were pretty irate about taking guns away from honest citizens, and they are not a bit into the notion that the bad guys are going to go to Gambells and come back in 5 days to get their guns; they will get them somewhere else.

The third point is sort of a regional issue, an assault on the West, and that is the idea of using their resources in a multiple use way. Fifty percent of our State belongs to the Federal Government. If you do not use it that way, we do not have an economic future.

Finally, too much Government and too much regulation. Government cannot solve all the problems. We need less taxes and less regulation and a private sector that is encouraged to grow.

THE RADIATION EXPERIMENTATION COMPENSATION ACT

(Mr. FROST asked and was given permission to address the House for 1 minute.)

Mr. FROST. Mr. Speaker, today I am introducing the Radiation Experimentation Compensation Act to compensate those individuals who were the subjects of secret Government radiation tests.

Over the last few months, we have been hearing about some of these experiments. We have learned, for example, that mentally retarded children were fed food containing radioactive material. We learned that pregnant women were given radioactive medication. We have learned about radiation experiments conducted on veterans in VA hospitals. And we have learned about 18 people who were injected with plutonium.

All of these experiments were performed on these people without their ever being informed about the nature of the tests, or the likely risks.

What the Government did to these people was outrageous. Experiments like these happened in Nazi Germany and the Soviet Union, not here. Unfortunately, we are now learning that they did happen here.

We can never fully compensate these people for what their Government has done to them. However, we can provide some measure of relief with compensation and recognition that the U.S. Government was wrong to conduct secret experiments on its citizens.

HEALTH CARE REFORM

(Mr. ALLARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLARD. Mr. Speaker, the health care reform decisions that this Congress makes will have tremendous impact on the lives of working Americans.

Unfortunately, the path of mandated Federal premiums that the Clinton administration wants us to follow is the wrong path.

The administration plan will cost far more than is advertised and will deliver far less than is promised.

While Congress has been in recess, the administration has been working hard to convince the Congressional Budget Office to score health care reform off-budget.

This is not fiscally honest. Congress cannot stand before the American people and tell them that the largest expansion of Federal entitlement spending in history should be hidden off-budget. Even Congress cannot hide $400 billion.

It is our responsibility to let CBO know where we stand. I invite all of my colleagues to join TIM PENNY and me on a resolution directing that all Government mandated health care reform be on-budget where the American people can see its true cost.

TRIBUTE TO THE HONORABLE WILLIAM D. FORD

(Mr. CLAY asked and was given permission to address the House for 1 minute and to revise his remarks.)

Mr. CLAY. Mr. Speaker, I am deeply saddened by the announcement by my good friend BILL FORD that he will not seek reelection next fall.

BILL FORD will be sorely missed around this institution. When he ends his long and brilliant career in Congress next January, America's working men and women and America's youth will lose one of their greatest legislative champions. Few men or women who have served in the Congress have done more to protect and advance the well-being of working men and women. His political acumen and influence is reflected in nearly every important labor law enacted by the Congress during the last 25 years. The son of a factory worker who died as a result of a workplace accident, he became the chief guardian of the occupational safety and health of our Nation's working men and women. He was chiefly responsible for enactment of the plant closing law and the family and medical leave act and is a tireless advocate for the striker replacement bill, OSHA reform, and the President's health care reform bill.

The Nation owes him a debt of gratitude for his contributions to educating several generations of Americans. Throughout his 29 years on Capitol Hill he championed the Higher Education Act. It was BILL who during the 1980's not only protected, but expanded college loan and grant programs. By making college education a reality for millions of Americans, his work contributed greatly to the economic prosperity and social equality of the United States.

As my predecessor as chairman of the Post Office and Civil Service Committee, he was a staunch and unabashed friend of Federal and postal workers. To the degree that the Federal Government is a model employer today, it is because of his tenacity and his conviction that there is no greater calling than public service.

There is a very simple explanation for his undying commitment to protecting American workers and expanding educational opportunities: He has never forgotten his own humble beginnings and the opportunities he had along the way. He has given back to his country by making it his lifework to honor the dignity of labor and to expand the horizons of young people.

BILL will still be here for the 2d session of the 103d Congress. His work here is not finished. I believe that his efforts this year in navigating the President's health care reform bill through Congress and passing the long overdue Ford OSHA reform bill will firmly establish both his place in history and his place in the hearts of working men and women everywhere. While BILL will not be serving in the next Congress, I know he will continue to be a powerful force on labor and education issues. He will be heard from, and that is all for the better for those of us who stay on to fight the good fight. He will always be with us in the fray.

Finally, Carol and I have known BILL for over a quarter of a century. He is foremost my friend and then one of my respected colleagues. I will miss him. The Congress will miss him. The citizens of this Nation who are the beneficiaries of his diligence, his convictions, and his generosity of spirit will miss him. I wish BILL and his wife Mary a happy and productive future.

SUPPORT FOR BALANCED BUDGET AMENDMENT

(Mr. CAMP asked and was given permission to address the House for 1 minute and to revise his remarks.)

Mr. CAMP. Mr. Speaker, one item we did not hear anything about from the President in his State of the Union, and one of the key votes that should come up early in this session, is the balanced budget amendment.

The President did not endorse the balanced budget amendment, nor did he even mention it. But the balanced budget amendment will change the way Washington works. It means that Government will have to operate responsibly the same way individuals, families, and businesses do.

In 1992, Congress failed to pass the balanced budget amendment by only nine votes. That same year we elected 110 new freshmen Members of Congress. Many came here with a pledge to reform Congress and change the way Government works. They wanted to cut spending and reform how Government spends our tax dollars.

Mr. Speaker, now is our greatest chance and the American people's chance to pass a balanced budget amendment.

CAMPAIGN REFORM IS VITAL

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise his remarks.)

Mr. MAZZOLI. Mr. Speaker, the President today is receiving kudos, and deservedly so, for the delivery of his State of the Union speech from the platform just behind me. He is receiving those compliments based not just on the solid content of his speech but also on his very animated and effective delivery.

I was pleased as I sat in the audience to hear him recount many of the successes of his first year in office—the passage of the North American Free-Trade Agreement, the adoption of deficit reduction measures, and passage of the Brady bill—all of which I helped the President to achieve, and I was proud of that.

I am, however, disappointed and sad that only one very peripheral mention was made last night by the President about campaign finance reform, because, unless and until we reduce the money spent on campaigns and reduce the influence of the special interests in how Members of Congress are elected, then it seems to me we really have not dealt with the issues facing the American people. Their faith and trust and confidence in government have ebbed, and we need to reassure them. Passage of campaign reform will do it.

Mr. Speaker, I hope there is time for us to do this during this very busy session of Congress.

THE PRESIDENT'S TAX INCREASE

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise his remarks.)

Mr. EWING. Mr. Speaker, the President glossed over the biggest tax increase in history. I do not think we ought to let that happen without reminding the American people that there was a lot more in that tax increase than just an increase on wealthy Americans.

There was, of course, the gas tax which will be paid by every American in several different ways, at the pumps and with everything they buy. There were new marginal rates which will take some $220 million out of the median taxable income of every district of America. Some of this is even retroactive to before people died.

Then, of course, there is the increase in the corporate tax rate which will affect jobs in America, and there is the increase in the Social Security taxes that will affect Americans with as little as $34,000.

Finally, we are going to tax parking on our staff people if it is worth over $155 a month. Certainly that is not a perk but a safety measure.

Mr. Speaker, I hope the President will become a little more candid with the American people when he talks about his tax policies.

TRIBUTE TO THE LATE FRED SNOWDEN

(Mr. TUCKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TUCKER. Mr. Speaker, last night the President addressed the country in the State of the Union Address, and made many excellent points. But perhaps the most compelling point that I recall came at the end of the speech when he talked about the breakdown of the family, the breakdown of our community, and, in fact, the breakdown of our work force.

Mr. Speaker, I rise today in memoriam and in tribute to a young man who just last week was here in Washington, DC, on the way to meet the President of the United States, and unfortunately had an untimely demise, a

heart attack. This young man is known to many as Coach. His name is Fred Snowden. He was the first African-American coach to coach at a major university in the United States of America, the University of Arizona at Tucson.

Fred Snowden in my mind typifies all of those things that the President was talking about last night. He was a family man, a dedicated family man. He was an entrepreneur. Fred Snowden embodied many of the things that the President talked about in terms of education. He went on to get his higher education, but then he gave back to his community.

In conclusion, Mr. Speaker, I hope that Fred Snowden will live on forever in the hearts of all of us as a role model for our young people, to not only go into athletics, but to achieve higher education and to give back to their community. And then when the President or any future President addresses this body about how we can become more responsible leaders of our society, they can know that we have all taken a part to do just that.

ABOLISH NEW TAXES

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, a year ago at the dawn of a new Presidential administration, Americans eagerly awaited enactment of the promised middle-income tax cut.

We all know what happened.

No tax cut. Instead, retroactive tax increases—even on the dead.

I am sure if Members of this body were asked a year ago today, "Are taxes going to be raised retroactively back to the Bush administration?," all of us would have said "No."

Yet, that is exactly what Congress did.

This should never happen again. That's why I introduced House Resolution 247, which would amend the House Rules to establish a point of order against considering any measure that contains a retroactive tax increase.

Even though House Resolution 247 has been cosponsored by 135 Members from both sides of the aisle, the Rules Committee has refused to hold a hearing on this resolution.

Accordingly, I have been compelled to file a discharge petition. I urge all of my colleagues, Democrats and Republicans alike, to sign it today.

Let us abolish retroactive taxes.

COMMENTS ON DR. RICHARD V. MOORE

(Ms. BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BROWN of Florida. Mr. Speaker, I rise today in honor of the life and work of Dr. Richard Moore who died on January 2, 1994, at the age of 88. Dr. Moore was the third president of Bethune Cookman College in Daytona Beach, FL, which is in my district. Bethune Cookman College was founded in 1904, by Dr. Mary McLeod Bethune to serve the needs of the African-American community in Florida.

Dr. Moore was born on November 20, 1906, in Quincy, FL. He earned his bachelors degree from Knoxville College in 1932, and a masters degree from Atlanta University in 1944. Early in his distinguished career, Dr. Moore became the first African-American to serve as the Florida Department of Education's State supervisor of black secondary schools, a position previously held only by whites. He held this post until Bethune Cookman lured him to Daytona Beach. Dr. Moore served as president of the college from 1947 to 1975. During his tenure, Bethune Cookman became fully accredited, full time enrollment increased by more than 1,000 students, and he more than tripled the size of the school's endowment fund.

Dr. Moore inspired the lives of thousands of African-American students and an entire community. He considered his greatest achievement as providing educational opportunities for young men and women. Dr. Moore once said: "I have the responsibility to myself, my family, my country, and my God to so live as to make this world a better place by my having lived here." He lived by these words.

STAND AND DELIVER

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, last night, the President stood and spoke.

He spoke well about the problems of crime and welfare. He spoke convincingly about the dire impact of the Great Society, about how the family unit has broken down over the last 30 years.

He spoke about values. He talked about national security. He copied the sentiments of Ronald Reagan and George Bush.

In fact, his State of the Union speech, with the exception of health care reform, was a broad endorsement of the Republican agenda. Now is the time for the President to stand and deliver.

The American people were impressed with the President's rhetoric. But mere words do not leave a lasting impression. Now is the time to stand and deliver.

Deliver us a real welfare reform bill that will replace the current corrupt system of dependency and helplessness. Deliver us a crime bill that take repeat offenders off the street for good.

Mr. Speaker, now is the time for the President to stand and deliver.

TRIBUTE TO THOMAS C. McGRATH

(Mr. HUGHES asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, I rise today with great sorrow to pay tribute to a former Member of the House, and a personal friend, the Honorable Thomas C. McGrath, who passed away last week.

Tom McGrath represented New Jersey's Second Congressional District in the House from 1964–66. Although he only served one term, he developed an outstanding reputation both in Washington and back home for hard work, unquestioned integrity, and a deep commitment to public service.

After serving in Congress, Tom went on to serve as legal counsel for the Department of Housing and Urban Development, before finally returning back home to the Jersey shore.

Tom was a fine lawyer, an outstanding public servant, and a wonderful human being. I am grateful to have the opportunity to know Tom McGrath, and to follow in his footsteps in the House. My heart goes out to his wife, Betty and other members of his family on the loss of this outstanding American.

PRESIDENT'S ACTIONS DON'T MATCH WORDS

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, the President said many good things in his speech last night, particularly about the need to reform our welfare system and to crack down on violent crime.

The President is very good about giving speeches with which almost everyone agrees.

The problem is that his actions seldom ever come close to matching his words.

For instance, he says he is against crime and who isn't, but then he appoints some of the most liberal, soft-on-crime judges this country has ever seen to our Nation's highest courts.

The prime example of this was choosing a person who was the chief lawyer for the ACLU for 8 years as his first appointment to the Supreme Court.

In addition, the President still clings to the out-of-date, discredited belief that the Federal Government can solve all our problems.

There is a clear majority today that knows the Federal Government really does little more than help those who work for it.

They know that Government cannot give us anything without first taking something from us.

They want the cost and size of the Federal Government decreased so that they have more money left to spend on themselves and their families.

Unfortunately, the President is taking us exactly in the opposite direction, toward a much bigger and much more expensive Government.

REPUBLICANS UNCOMFORTABLE WITH CLINTON'S SUCCESS

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, my Republican colleagues looked down right uncomfortable last night. They were sitting here listening to the President's State of the Union Address and realizing that their dire predictions about the first year of the Clinton administration didn't come true. President Clinton came into office and inherited a pretty bad state of the economy. We had had the slowest economic growth in half a century under President Bush, the slowest job creation in 50 years under President Bush's administration, and President Clinton inherited the biggest deficit any President has ever inherited.

□ 1240

He rolled up his sleeves, working with Democratic Members of Congress, passed a deficit control measure which is starting to bring about dramatic results. Ask Americans across this Nation how many have refinanced their homes because of lower interest rates and businesses which are now investing and creating jobs, 1.6 million new jobs created last year under President Clinton, more than the 4 years preceding under President Bush.

And there is a lot more to do. The President set out an ambitious agenda last night on health care reform, welfare reform, and a tough crime bill. It will take a bipartisan approach to get this done. I hope both parties can work together in this Chamber to end the kind of gridlock we were used to so many years ago.

THE GREAT DEBATE OF 1994

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, although part of the speech of the President was delegated to welfare reform, there are certain measures that we can take now without waiting for the great debate of 1994 on welfare reform.

For instance, Mr. Speaker, do Members know that we, as taxpayers, are subsidizing drug addiction and drug addicts when they qualify for SSI payments and benefits. Because of the disability caused by drug addiction, many times they continue to draw their benefits, SSI, even though a condition was placed on them to receive drug treatment. But because of abuses of the system, they can go without that drug treatment, avoid it altogether and continue to receive benefits, welfare, SSI benefits from us, the taxpayers.

We are subsidizing their addiction. On the other hand, there are some where the condition is not even placed on them and because of the disability based on drug addiction, which we could possibly cure with a program of treatment, the wording of the statute is such and the practices of this administration are such that they can go for a lifetime, the rest of their lives being subsidized by us, the taxpayers, on welfare, SSI without ever having to undergo drug treatment.

We can move next week, not wait for the great debate of 1994, to cure this flaw in our SSI system.

A REAL CRIME FIGHT

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, last night in his State of the Union Address, the President suggested we put 100,000 more policemen on the beat. That is something that he had suggested in his 1992 campaign, and yet not one piece of legislation came out of his administration to do that job. Why? Because his administration could not prioritize the funding needed to put those 100,000 more policemen on the beat.

It is not just here that the President could not find the necessary funding. The fact is that this administration has not given a priority to crime fighting anywhere. There are less Federal prosecutors on the job than were there when President Clinton took office. There are 250 fewer FBI agents on the beat. There was no new graduating class of FBI agents in 1993.

The drug czars' office, where drug crime fighting is coordinated, has been emasculated. Meantime, the Surgeon General in this administration is running around the country talking about legalizing drugs.

Middle-class America wants a real crime fight. This administration has not even gotten into the ring.

REPUBLICANS ARE WILLING TO WORK WITH THE PRESIDENT

(Mr. GINGRICH asked was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I hope that the Democratic leadership will decide to bring to the floor a crime bill which reflects the President's goals as outlined last night. We, on the Republican side, would like to ensure that people convicted of three felonies get life imprisonment.

We would like to ensure that there are enough prisons for State and local communities and the Federal Government to lock up violent offenders.

We would like to take the steps necessary to ensure, for example, by releasing the unfunded mandates so that cities and counties could direct resources to fighting crime, to hiring policemen, to building prisons, to hiring prosecutors.

We believe it is possible to write a genuine crime bill matching what the Senate has done. But so far, the Democratic leadership has only brought forward tiny little pigmy bills, traveling across for press release purposes, and they have refused to schedule a crime bill like the one the President was alluding to last night.

We, on the Republican side, stand ready and eager to work with the Democratic leadership, if they will only schedule a crime bill to meet the objectives the President outlined.

INTRODUCTION OF THE CHILDREN'S SECURITY ACT OF 1994

(Mrs. MINK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MINK. Mr. Speaker, today I am introducing a bill which adds children to the category of persons eligible for supplemental security income [SSI] benefits.

Currently, the disabled, blind, and low-income elderly are eligible for SSI benefits.

Last night President Clinton drew attention to the need for welfare reform and emphasized the job-oriented plan which his administration is urging. In order to get families off of welfare he fully understands that first, jobs must be available for which welfare recipients qualify; second, job training must be provided to help these people qualify for higher paying jobs because below poverty wages is not the answer to welfare; and third, in order for welfare recipients to leave home there must be child care services available otherwise the children will be the innocent victims of this reform.

Somehow when people target welfare as a way of life which must be changed by reform, they forget that these families are made up of young children.

Today in one of my subcommittees we heard home-based care highlighted as the basis of our family ethic.

Yet when we talk about the welfare family we seem to forget they too are families where caring and nurturing of their own children takes place. The President said last night "governments don't raise children, parents do." It is just this concern that parents should have primary priority in raising their children that requires me to express

my concern over the current avalanche of proposals which would require all welfare parents to go to work, even to the extent of some saying any kind of work has a higher societal value than parenting.

I do support the goal of family self-sufficiency and I know that to achieve this, opportunities for jobs must be offered, together with job training and education. But I do not support the arbitrary 2 year cut off of benefits.

My view is that our children cannot be left out of our discussion about welfare reform.

Thus far welfare reform is discussed as though welfare only affects adults.

AFDC is for children. That is what the "C" stands for. Yet the children are forgotten.

I am introducing this bill today because I want to be sure that these children are not forgotten in this welfare debate.

Children should have income security regardless whether their parents on welfare work or do not work or are unable to work.

SSI payments allocated to children from welfare families could be assigned directly to pay for their education, child care, mental health services, housing, and other support services.

If welfare parents are to be cut off welfare after 2 years, surely this country cannot mean to make its children indigent, homeless and hungry.

I urge my colleagues to join me in protecting our innocent children by cosponsoring my bill to include them under SSI.

THOUGHTS ON THE STATE OF THE UNION SPEECH

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, the President gave a nice speech last night. Much of what he had to say I and my fellow Republicans agreed with. Why? Because the principles, the values that were contained in the President's speech were things that we as Republican Members of Congress agree with strongly.

If the President is sincere about his efforts to fight crime, Republicans in this House are willing to stand shoulder to shoulder to help him. If he is sincere about his words with regard to welfare reform, we are here, ready and willing to help.

The programs that he wants to cut in the budget, we have hundreds of programs as well that we think we can eliminate from the Federal budget.

We are willing to help the President, if he is sincere about what he said last night. If the President is sincere about improving the lives of Americans, Republicans are willing to stand shoulder to shoulder. It is time to do it, and it is time to do it now.

But I am reminded of the words often heard in this Chamber and around the world: Actions speak louder than words.

ANNOUCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MENENDEZ). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on both motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such roll call votes, if postponed, will be taken after debate has concluded on both motions to suspend the rules.

RELATING TO TREATMENT OF HUGO PRINCZ BY FEDERAL REPUBLIC OF GERMANY

Mr. HAMILTON. Mr. Speaker, pursuant to the previous order of the House, I move to suspend the rules and agree to the resolution (H. Res. 323) relating to the treatment of Hugo Princz, a United States citizen, by the Federal Republic of Germany.

The Clerk read as follows:

H. RES. 323

Whereas Hugo Princz and his family were United States citizens residing in Europe at the outbreak of World War II;

Whereas as civilians, Mr. Princz and his family were arrested as enemy aliens of the German Government (not prisoners of war) in early 1942;

Whereas the Government of Germany, over the protests of Mr. Princz's father, refused to honor the validity of the Princz family's United States passports on the grounds that the Princz family were Jewish Americans and failed to return the Princz family to the United States as part of an International Red Cross civilian prisoner exchange;

Whereas the Princz family was instead sent to Maidanek concentration camp in Poland, after which Mr. Princz's father, mother, and sister were shipped to Treblinka death camp and exterminated;

Whereas Mr. Princz and his two younger brothers were transported by cattle car to Auschwitz to serve as slave laborers, where Mr. Princz was forced to watch as his two siblings were intentionally starved to death while they lay injured in a camp hospital;

Whereas Mr. Princz was subsequently transferred to a camp in Warsaw and, then, by death march, to the Dachau slave labor facility;

Whereas in the closing days of the war, Mr. Princz and other slave laborers were selected for extermination by German authorities in an effort to destroy incriminating evidence of war crimes;

Whereas hours before his scheduled execution, Mr. Princz's death train was intercepted and liberated by United States armed forces, and Mr. Princz was sent to an American military hospital for treatment;

Whereas although the actions of the United States Army saved Mr. Princz's life, he was sent to an American facility and was never processed through a "Center for Displaced Persons", a development which would later affect his eligibility to receive reparations for his suffering;

Whereas following his hospitalization, Mr. Princz was permitted to enter then-Communist-occupied Czechoslovakia to search for family members, and, after determining that he was the sole survivor, Mr. Princz traveled to America where he was taken in by relatives;

Whereas in the early 1950s, the Federal Republic of Germany established a reparations program for "survivors", to which Mr. Princz made timely application in 1955;

Whereas Mr. Princz's application was rejected, and Mr. Princz has argued that his rejection was based on the grounds that he was a United States national at the time of his capture and later rescued and not a "stateless" person or "refugee";

Whereas Mr. Princz has not received relief from the Federal Republic of Germany in the intervening 40 years;

Whereas Mr. Princz's diplomatic remedies were exhausted by late 1990, forcing him to sue the Federal Republic of Germany in the Federal District Court for the District of Columbia in 1992;

Whereas the Court denied Germany's dismissal motion and determined that Mr. Princz's situation to be sui generis, given Germany's concurrence with the material facts in the case and its simultaneous failure to accept financial responsibility with respect to Mr. Princz, when it has distributed billions of dollars in compensation to other Nazi death camp survivors, simply because of his American citizenship at the time of Mr. Princz's capture and later rescue;

Whereas the trial is now stayed pending Germany's appeal to the District of Columbia Circuit to require the case to be dismissed on grounds of sovereign immunity; and

Whereas Germany's refusal to redress Mr. Princz's unique and tragic grievances and to provide him a survivor's pension undercuts its oft-voiced claims to have put its terrible past behind it: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the President and the Secretary of State should—

(1) raise the matter of Hugo Princz with the Federal Republic of Germany, including the Chancellor and Foreign Minister, and take all appropriate steps necessary to ensure that this matter will be expeditiously resolved and that fair reparations will be provided Mr. Princz; and

(2) state publicly and unequivocally that the United States will not countenance the continued discriminatory treatment of Hugo Princz in light of the terrible torment he suffered at the hands of the Nazis.

□ 1250

The SPEAKER pro tempore (Mr. MENENDEZ). Pursuant to the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

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

Mr. Speaker, first, I would like to commend the gentleman from New Jersey [Mr. PALLONE] and the other original cosponsors to the resolution, for introducing House Resolution 323 and

bringing this issue to the attention of the House.

House Resolution 323 is identical to Senate Resolution 162, which was passed by unanimous consent in the Senate during the last days of the first session.

This resolution is straightforward—it urges the President and the Secretary of State to raise the issue of Mr. Princz's claims for compensation arising from his imprisonment in a Nazi concentration camp at the highest levels of the German Government and to take steps to ensure that this issue is expeditiously resolved.

As most of you may be aware, Mr. Princz and his family—all of whom were U.S. citizens—were arrested as enemy aliens of the German Government in 1942.

Despite their American citizenship, the Princz family was separated and sent to a series of concentration camps.

Mr. Princz was the only member of his family to survive—his mother, father, and sister were executed at Treblinka and his two brothers starved to death at Auschwitz. Mr. Princz was on his way to almost certain death when rescued by U.S. Armed Forces.

I believe that it is time for the German Government to resolve this situation and to come to an agreement with Mr. Princz on adequate compensation payments.

I would note for the Members that there is an ongoing court case with respect to this issue—this resolution is in no way meant to influence or affect ongoing legal proceedings.

It is my understanding that this issue will be on the agenda for the President's meeting with German Chancellor Helmut Kohl next week.

It is my hope that this expression of congressional support, coupled with the administration's bilateral efforts, will help to move this issue to a satisfactory conclusion between Mr. Princz and the German Government.

I would also note for the Members that the committee has received comments from the State Department which support this resolution.

I urge my colleagues to support this resolution.

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

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

Mr. Speaker, I rise in strong support of House Resolution 323, now being considered under suspension of the rules. This resolution expresses the sense of the House regarding the treatment of a claim for reparations by a U.S. citizen by the Federal Republic of Germany.

Mr. Hugo Princz was an American Jewish citizen living with his family in Czechoslovakia when World War II broke out. His family was arrested, and except for Mr. Princz, all of them perished in concentration camps. Mr. Princz was liberated by American soldiers and applied for reparations from Germany after returning to the Untied States. These reparations were denied because he was an American citizen and therefore considered ineligible for refugee or stateless status.

Mr. Speaker, German Prime Minister Helmut Kohl will meet with President Clinton on Monday, January 31. Adoption of this legislation on the eve of his visit is an important indicator of congressional intent and support. As a cosponsor of this measure I believe the Federal Republic of Germany should fulfill its obligation to right the injustices endured by Mr. Princz. Accordingly, it is hoped that President Clinton will raise Mr. Princz' case with Prime Minister Kohl during this visit and take all appropriate steps necessary to ensure that this matter will be expeditiously resolved and that fair reparations will be provided Mr. Princz and therefore urge my colleagues to support House Resolution 323.

Mr. Speaker, I urge my colleagues to support the measure, and I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I rise in strong support of House Resolution 323, which seeks to help right a wrong that has existed for more than 40 years. Hugo Princz and his family, as we have already heard, were American citizens residing in Europe during World War II. Despite their American citizenship, they were arrested by the Nazis.

The entire family was sent to the concentration camps where all of the family faced tragic death by extermination except Princz himself. He survived, but with that survival spent time in the hellish death camps of Auschwitz and Dachau.

For his suffering and the death of his loved ones, Mr. Princz sought war reparations from the German Government. He has been denied.

Reasons given for this denial have been that he does not "fit" the German criteria for reparations eligibility. This is not acceptable.

There is, in my opinion, no additional criteria needed for this man to receive reparations. He suffered. Every day he witnessed the death of men, women, and children, including his own family. And he endured.

He now seeks compensation for the horrors of his lifetime and I urge German authorities to provide this compensation.

I personally raised this issue with Secretary of State Christopher prior to his departure for Europe, late last year, hoping that a resolution could be worked out. My colleague, FRANK PALLONE, has worked tirelessly in seeking the justice Hugo Princz deserves. Not only has he pushed for this resolution to come to the floor, but he has talked with Members of this body, members of the administration, and members of the German Government, and he is to be commended.

In this resolution, we call on President Clinton and Secretary of State Christopher to raise this issue with German officials and seek a speedy resolution of this case.

This opportunity will come next week, Mr. Speaker, when administration officials, including the President, meet with their German colleagues.

In closing, I urge all in this body to support this resolution and end this horrible injustice for an American who has suffered for so long, Hugo Princz.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. PALLONE]. He is the principal sponsor of the resolution, and should be commended for his work on it.

Mr. PALLONE. Mr. Speaker, I would like to thank Chairman HAMILTON and the House Foreign Affairs Committee for taking action today on House Resolution 323. Adoption of this resolution could go a long way to right a wrong that has been outstanding for more than 40 years.

I introduced the resolution on behalf of one of my constituents, Mr. Hugo Princz of Highland Park, NJ. Mr. Princz and his family were American citizens living in Europe at the outbreak of World War II. In 1942, his family was arrested by the Nazis. Because they were Jewish, the Nazi regime refused to allow the Princzs' to return to the United States. The Princz family was separated and Hugo's parents and sister were sent to the Treblinka death camp where they were killed. Hugo and his brothers were sent to Auschwitz as slave laborers. His brothers died at Auschwitz, and at the end of the war, as the Nazis tried to cover up evidence of the camps, Hugo was sent by train for extermination.

Hugo Princz's life was saved when his death train was intercepted by U.S. forces. The American soldiers, recognizing him as an American by the U.S.A. stenciled on his clothing, sent him to a U.S. military hospital. Upon his release from the hospital, Mr. Princz searched for his family. After he learned that his entire family had perished in the Holocaust, Mr. Princz came to the United States.

In 1955, Mr. Princz made a timely application to the reparations program set up by postwar Germany to provide restitution for victims of the Holocaust. However, because he did not meet the criteria that Germany had set up for eligibility, his application was denied. German officials do not deny that Mr. Princz is a Holocaust survivor but have consistently refused to compensate him because they claim that his status as a U.S. citizen at the time he was captured, and the fact that he was liberated without being processed

through a displaced persons camp make him ineligible for reparations.

I have introduced House Resolution 323 to provide the assistance of the United States Government to Mr. Princz in his efforts to obtain the reparations that are due him. This resolution calls upon President Clinton and Secretary of State Warren Christopher to raise Mr. Princz's case with the German Government and to take all appropriate steps necessary to ensure that he receives fair reparations.

I believe that the Federal Republic of Germany should take action to correct this omission. Mr. Princz should not be denied compensation on the basis of a technicality. His suffering and the loss of his family are as painful as that of any other Holocaust survivor. The German Government should put aside the technical rules of the reparations program and acknowledge this injustice. Germany has paid out billions of dollars in compensation to other victims of the Holocaust. It is time for Germany to do justice and provide Mr. Princz with the reparations that he has sought for so long.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California [Ms. SCHENK].

□ 1300

Ms. SCHENK. Mr. Speaker, as the daughter of a Holocaust survivor, I know firsthand how difficult it has been for survivors seeking compensation. For 12 years, my father fought to obtain the compensation he was entitled to. In comparison to Mr. Princz, my father was lucky. Mr. Princz has been embroiled in the controversy for 39 years.

My father is a Holocaust survivor. He was a German slave. He was used like an animal. He was beaten, he was abused. His physical and mental suffering cannot be imagined by any one of us who did not live through it. He applied for reparations to the Germans. There were "technicalities." Those technicalities only served to magnify his suffering by adding humiliation to it.

My father and our family were luckier than Mr. Princz. We finally won. The money is not a great deal, but the vindication, the vindication is beyond any measure and beyond any description.

The Holocaust, Mr. Speaker, was not a technicality. Mr. Princz should not live out the rest of his days, and he is about the same age as my father, in his eighties, he should not pass from this Earth without his own vindication. Mr. Princz has suffered enough. The payments he seeks can never truly compensate him for what he endured.

It is unconscionable after once depriving him of his family, his home, his dignity, and his possessions, the German Government is now attempting to deprive him of the small amount he unquestionably deserves. This is not about money, this is about justice, it is about accepting responsibility. Matters of morality cannot be based on technicalities, and I urge my colleagues to adopt this resolution. Let us help Mr. Princz get his vindication.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. MENENDEZ], who was a chief cosponsor of the resolution.

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman for yielding the time, and I thank my colleague, the gentleman from New Jersey [Mr. PALLONE] for bringing this to our attention. It is a rightful cause, and I was happy to have participated.

Mr. Speaker, as we approach the 50th anniversary of the end of the Holocaust, we have before us a reminder of that sordid period.

For the story of Hugo Princz is a story of human tragedy. In 1942, Mr. Princz, his mother, his father, his sister, and his two younger brothers—all American citizens—were arrested by the Nazis and sent to the Maidanek concentration camp in Poland. It was not long before both his parents and sister were sent to be killed in the infamous Treblinka death camp. He later was transported to Auschwitz, where he was forced to watch his brothers starve to death.

The story of Hugo Princz is a story of survival. He was not supposed to live. Hugo Princz was living evidence of Nazi atrocities, and so was sent to be exterminated at the Dachau slave labor facility.

The story of Hugo Princz is a story of heroism. Just hours before his scheduled execution, U.S. Army soldiers intercepted his death train and saved Mr. Princz' life.

The story of Hugo Princz, unfortunately, is a story of neglect—of shameful neglect. It seems that redtape has prevented the German Government from paying Mr. Princz his rightfully due reparations for which he applied in 1955.

And finally, Mr. Speaker, the story of Mr. Princz is a story of great irony. What has prevented Mr. Princz from receiving these benefits all along has been his American citizenship.

And so, I ask my colleagues to support this sense of the House resolution. It states first, that the U.S. Government should urge the German Government to take all steps necessary to resolve this matter, to fairly compensate Mr. Princz; and, second, to state publicly and unequivocally that the United States will not countenance the continued discriminatory treatment of Hugo Princz.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentleman for yielding, and want to thank him for scheduling this resolution in such a timely and quick way. I also want to thank and congratulate the gentleman from New Jersey on his resolution which I rise in support of.

We have heard the story before from the previous speakers, and I guess what I would like to do is share with my colleagues that fact that we can never really forget. I do not know how many of my colleagues have had the opportunity to see the movie, "Schindler's List", but I commend it to everybody.

The horror of the Holocaust, of course, fades in most people's minds as we move in history. But it cannot fade in the mind of a Mr. Princz, it cannot fade in the minds of hundreds of thousands whose parents survived the Holocaust and of millions like myself who had relatives perish in the Holocaust. It cannot fade in our minds.

For the German Government not to listen to the deserved cries from Mr. Princz is an affront. It is not just an affront to the Princz family and to Mr. Princz himself, it is an affront to the memory of all of those who perished and suffered in the Holocaust, Jew and non-Jew alike. Nothing is ever going to erase the brutality and the horror that happened there. But at least it is a little bit mollifying to know that the rest of the world and the German nation in particular understands that horror and is willing to make some small recompense for it.

So this resolution is an important resolution. It urges the Chancellor, Mr. Kohl, to do the right thing, to do what is just and fair, and I hope that it will not fall on deaf ears.

Mrs. MALONEY. Mr. Speaker, I rise in strong support of the resolution, and I commend the chairman for bringing this important bill to the floor and the gentleman from New Jersey and others for sponsoring it.

Mr. Speaker, in my district in New York City I am proud to represent thousands of Holocaust survivors and their families. These men and women suffered through the worst episode of man's inhumanity to man.

Nothing we could ever do or say could erase the searing memories of this horrible trauma. Nothing we could ever do or say could bring the 6 million who died back to life.

But as the magnificent new museum just 1 mile from this Chamber teaches us, we must do everything in our power—even little things—to ensure that the lessons of the Holocaust are not forgotten.

And we must do whatever we can today to correct the injustices of yesterday.

Hugo Princz' American citizenship didn't protect him from years of hell in Auschwitz and Dachau. It didn't protect him from seeing his family taken away and murdered.

After he was liberated by American GI's from a train taking him to certain executing, Mr. Princz' American citizenship saved his life. Yet this stroke of good luck has prevented him from his rightful participation in the reparations program.

For nearly 40 years, he has suffered the indignity of having to wage bureaucratic battles against the German Government.

He is the only known survivor to live in this bureaucratic purgatory. The time for technicalities is over. The time for justice is now.

Let's pass this resolution. Thank you.

Mr. NADLER. Mr. Speaker, I rise today in support of House Resolution 323 expressing the sense of the House of Representatives that President Clinton and Secretary of State Christopher should publicly and quickly resolve the case of Hugo Princz with the German Government. The support of our Government, at the highest levels, is what is needed to ensure that Mr. Princz finally obtains the compensation he deserves.

The story of Hugo Princz and his family is, by now, well known. Although he was a U.S. citizen, he and his family were arrested by the Nazis and deported to concentration camps. Only Mr. Princz survived his internment at Auschwitz and Dachau.

Unlike many survivors of the Holocaust, Mr. Princz has been denied reparations by the German Government because he was never formally processed as a refugee through a center for displaced persons. Ironically, it was his American citizenship which landed him instead in an American military hospital rather than a D.P. center.

Mr. Speaker, Hugo Princz has diligently pursued his every legal option since 1955 without success. His case is compelling. The injustice he has suffered—first at the hands of the Nazis, then through the indifference of the post-war government—is enormous. It is not too late to provide Hugo Princz with the compensation he rightfully deserves.

As the representative of a district with what is quite possibly the largest population of Holocaust survivors in the United States, I understand that compensation will never heal the wounds of that terrible era. Compensation will never restore the families slaughtered, the communities obliterated, the refugees scattered, the homes destroyed. But compensation is nonetheless owed to every survivor, it is owed, Mr. Speaker, to Hugo Princz.

I urge my colleagues to vote for House Resolution 323 and I urge President Clinton and Secretary Christopher to act quickly and with conviction to press the German authorities to recognize their debt to Hugo Princz.

Mr. BERMAN. Mr. Speaker, I rise in strong support of House Resolution 323. The issue here is a very simple one. While the German Government has distributed billions of dollars in compensation to survivors of the Nazi death camps, for some inexplicable reason it has refused to compensate Hugo Princz, an American citizen who was a victim of the concentration camps in Maidanek, Auschwitz, and Dachau. His father, mother, and sister, all U.S. citizens, were exterminated at the Treblinka death camp. At Auschwitz, Hugo Princz watched as his two brothers, also U.S. citizens, were intentionally starved to death. Mr. Princz himself was saved from death only by the last minute interception by U.S. troops of the train that was carrying him to his death.

Mr. Princz complied with all requirements for applying for reparations for concentration camp survivors from the German Government. It appears highly likely that the only reason for the denial to him of such benefits were circumstances related to his U.S. citizenship. All he now seeks is that this injustice be rectified. This resolution merely asks the President and the Secretary of State to support his efforts. It is outrageous that a U.S. citizen who suffered the worst of the Nazi death camps should be denied compensation which has been granted to other victims.

The House has already expressed its agreement with this principle, and its concern about this case, when it approved H.R. 2333, authorizing appropriations for the Department of State, the U.S. Information Agency, and related agencies. In adopting this resolution separately, we have an opportunity to draw attention to our particular concern about this injustice.

Mr. HUGHES. Mr. Speaker, I rise in support of House Resolution 323 which seeks to correct a wrong that has existed for far too long.

Hugo Princz is a man who has suffered the tragedy of a lifetime. As Jewish Americans living in Czechoslovakia, he and his family were arrested and forced to endure the unspeakable horror of the Holocaust. He alone survived as a slave laborer in Auschwitz and Dachau.

After being liberated by American soldiers, Hugo Princz returned to the United States. He filed for war reparations and found that as an American citizen he did not meet the German criteria of having been displaced. I can think of no more terrible displacement than to lose one's family in the Holocaust.

This resolution calls upon President Clinton and Secretary Christopher to press the German Government to ensure that Hugo Princz receives the reparations to which he is entitled. The Senate has already passed a companion resolution. Now more than 40 years later, let us correct this injustice.

Mrs. LOWEY. Mr. Speaker, I rise in strong support of House Resolution 323 which would begin the process of righting a historic injustice.

The facts about this case are nothing less than amazing.

Hugo Princz, of Highland Park, NJ, is a survivor of the Nazi death camps. The rest of his family were murdered in those camps.

After liberation, Mr. Princz made his way to the United States where he married, raised a family, and somehow found the strength to rebuild his life.

In 1955—having learned that the Federal Republic of Germany had agreed to pay reparations to survivors of the Holocaust—Mr. Princz made application for compensation.

His application was denied.

And denied again. And again. And again.

For 40 years, the German Government has refused to recognize their obligation to compensate Hugo Princz.

Its reason was simple.

Mr. Princz was an American citizen.

And that was true. At the time that the Princz family was arrested by the Nazis, they were Jewish Americans residing in Europe.

That made no difference to the Nazis when they threw them in the camps.

It has made every difference to the post-war German Government when it denied Hugo Princz reparations on the ground that, as an American, he didn't fit the German criteria for reparations.

This bill calls on the United States Government to raise the Princz case with the German Government at the highest levels.

President Clinton will be meeting with Chancellor Kohl on January 31 and passage of this resolution will give him additional leverage in pressing the Chancellor to reverse this injustice—an injustice that casts a shadow on our relationship with Germany.

So let's pass this resolution and right this terrible wrong.

Mr. TORRICELLI. Mr. Speaker, today I join my colleagues in urging President Clinton and Secretary of State Christopher to engage in strong and swift diplomatic action with the German Government to resolve the case of Hugo Princz. I am proud to be a cosponsor of House Resolution 323 and to lend my strong support to its passage.

First, I would like to commend Chairman HAMILTON and my colleagues on the Foreign Affairs Committee for their swift and forthright action in bringing this resolution to the House floor. The story of Mr. Princz is one of an American citizen who needs the help of this Congress and I am glad we could be there to provide it.

Mr. Princz was an American Jew living in Czechoslovakia with his family during the outbreak of World War II until Nazi authorities arrested him and his family and sent them to the concentration camps at Dachau and Auschwitz. Mr. Princz was the only one who survived. In 1945 on a train to certain death, Mr. Princz was liberated by American soldiers. Army officials recognized Mr. Princz as an American and brought him to an Army hospital for treatment. While this action probably saved his life, it has prevented Mr. Princz from receiving the reparations paid by the German Government to Holocaust survivors.

Astonishingly, the German Government has refused Mr. Princz' request because he is an American citizen and was never processed by German officials as a refugee or stateless person. Mr. Princz, with assistance from the U.S. Congress and the State Department, has attempted to rectify this injustice over the past 40 years.

It is incomprehensible that the German Government could deny Mr. Princz the reparations to which he is entitled. His pain and suffering was equally as horrific as that of any other survivor who has received compensation. Mr. Princz has already suffered enough. Please join me in sending a message to the Clinton administration and the German Government to take the appropriate steps to ensure that Mr. Princz receives the reparations he deserves.

Mr. RICHARDSON. Mr. Speaker, today the House of Representatives has the opportunity to go on the record in support of righting an historic wrong. The tragedy of the Holocaust is well known. Not so well known are the individual stories that make up the larger horror. The tragedy that surrounds Hugo Princz is one of those unknown stories. Mr. Princz is an American citizen who survived the camps of Auschwitz and Dachau, though his wife and children did not.

In 1942, Mr. Princz and his family were U.S. citizens living in Europe. He and his family were arrested by the Nazis who ignored their valid U.S. passports on the grounds that they were Jews. Princz and his family were deported to concentration camps where all but Princz were exterminated.

Following the liberation, Hugo Princz, as an American, was sent to a U.S. military hospital

and did not go through a displaced persons camp. Because Princz bypassed the DP camp, he has been refused German reparations for over 40 years.

Mr. Speaker, it appears that Mr. Princz' case is unique. Nonetheless, that fact in no way diminishes the horror Mr. Princz experienced nor the loss he incurred. It is wrong that the German Government has not paid reparations and I thank my colleagues for bringing this issue to the attention of the House.

It is my hope that the House of Representatives, acting as did the Senate, to call upon the German Government to release reparations payments to Hugo Princz, will help resolve this dark chapter. Reparations can never diminish the loss that Hugo Princz experienced. They can, however, acknowledge his loss and suffering and therefore, I urge my colleagues to support House Resolution 323.

Mr. GEPHARDT. Mr. Speaker, I want to express my strong support for House Resolution 323—a bill to secure reparations from the German Government for Hugo Princz, a Jewish United States citizen interned in a German concentration camp during World War II.

Hugo Princz and his family were U.S. citizens residing in Europe during World War II. In 1942, they were arrested by the Nazis who, ignoring their valid U.S. passports on the ground that they were Jewish, deported them to concentration camps where all died except for Mr. Princz. Mr. Princz survived his internment as a slave laborer at both Auschwitz and Dachau concentration camps.

In 1946, Mr. Princz was liberated by U.S. Armed Forces and was sent to a U.S. military hospital for treatment. After returning to the United States, Mr. Princz pursued a pension through the German program established to compensate survivors of the Holocaust. For the past 40 years, his claim has been repeatedly refused. Because his internment was not processed through a center for displaced persons in Germany following the war, Mr. Princz was not considered stateless or a refugee and thus did not meet the German eligibility criteria for the reparations program.

In 1992, after exhausting diplomatic channels, Mr. Princz, brought a lawsuit against the Federal Republic of Germany in Federal Court in Washington, DC. Germany's motion to dismiss the suit was denied by the district court, and its appeal of that decision was recently heard by the D.C. Circuit. On December 15, 1993, the appellate court issued an order instructing the parties to advise it in 90 days of the status of executive and legislative branch activities bearing on this outstanding case.

This unusual directive gives added impetus to already underway appeals made by both the executive and legislative branches. Congress and the State Department have made repeated efforts to persuade the German Government to settle Mr. Princz' case. The introduction of House Resolution 323, and its companion resolution, Senate Resolution 162, together sent a clear message to the German Government of American concern for the prompt resolution of this issue.

Furthermore, I join my colleagues in urging President Clinton and Secretary of State Christopher to raise this issue with Chancellor Kohl in their upcoming bilateral meeting on January 31 and to take all appropriate steps necessary to ensure that Mr. Princz' case is satisfactorily resolved by extending full and fair reparations for this gross injustice.

Mr. KING. Mr. Speaker, I rise to express strong support for House Resolution 323. This measure expresses the sense of Congress that the U.S. Government should actively intervene on behalf of Mr. Hugo Princz. Passage of this resolution by the House is a positive step to correct a terrible injustice and a reaffirmation of our desire to ensure that horrors of the Holocaust are never forgotten.

Specifically, House Resolution 323 urges President Clinton and Secretary of State Warren Christopher to raise this matter with the German Chancellor and Foreign Minister when they visit Washington next week, and state publicly that the United States will no longer tolerate "continued discriminatory treatment of Mr. Princz." As many in this Chamber know, Mr. Princz, a survivor of the Holocaust, has unsuccessfully sought reparations from the German Government for 40 years. I am very pleased that this institution is going on record in support of Mr. Princz.

For those who are not familiar with Mr. Princz's plight, I welcome this opportunity to provide the facts. As Americans living in Europe, Mr. Princz and his family were taken prisoner by the Nazis in 1942 as enemy aliens. They were officially considered civilian prisoners and not prisoners-of-war. Despite protests by Mr. Princz' father that they were United States citizens, the Nazis refused to honor the validity of their passports since they were Jewish. Mr. Princz' parents and siblings were subsequently murdered in Nazi death camps and, Mr. Princz, after being forced to watch his brother starve to death in Auschwitz, was marched to the Dachau slave labor camp. Just hours before his scheduled execution, he was saved by American forces liberating the area and sent to an American military hospital for treatment.

In the 1950's, the Federal Republic of Germany set up a reparations program for Holocaust survivors to which Mr. Princz made timely application. His application was rejected on the grounds that he was an American citizen at the time of his capture and not a stateless person or refugee. After exhausting all diplomatic efforts to obtain compensation, in 1990 Mr. Princz filed a suit against the German Government in Federal court, where it is still pending.

Mr. Speaker, as a member of the Congressional Human Rights Caucus, I am pleased that the House has acted today and passed House Resolution 323. I look forward to working with my colleagues on the Caucus in monitoring the German Government's actions in this matter.

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

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

The SPEAKER pro tempore (Mr. MENENDEZ). The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rules and agree to the resolution, House Resolution 323.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 323, the resolution just agreed to.

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

There was no objection.

MAKING IN ORDER MOTION TO SUSPEND THE RULES ON TODAY

Mr. DE LUGO. Mr. Speaker, I ask unanimous consent that it be in order today for the Speaker to entertain a motion to suspend the rules and pass H.R. 2144, the Guam Excess Lands Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Virgin Islands?

There was no objection.

GUAM EXCESS LANDS ACT

Mr. DE LUGO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2144) to provide for the transfer of excess land to the Government of Guam, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2144

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 "Guam Excess Lands Act".

SEC. 2. TRANSFER.

(a) IN GENERAL.—The Administrator of General Services shall, subject to section 3, transfer all right, title, and interest of the United States in and to the parcels of land described in subsection (b) (together with any improvements thereon) to the Government of Guam for public benefit use, by quitclaim deed and without reimbursement. Such transfers shall take place after a determination by the head of the Federal agency controlling a parcel that the parcel is excess to the needs of such agency.

(b) DESCRIPTION OF PARCELS TO BE TRANSFERRED.—Unless a parcel of land described in this subsection has been disposed of under other authority on or before the date of the enactment of this Act or is transferred for further Federal utilization as a result of the screening required by section 3(a), the parcels of land required to be transferred under subsection (a) shall consist of the following:

Navy Parcels

South Finegayan	445 acres
Nimitz Hill Parcels and 1 and 2B	208 acres
NAVMAG Parcel 1	144 acres
Apra Harbor Parcel 7	73 acres
Apra Harbor Parcel 8	6 acres
Apra Harbor Parcel 6	47 acres

Apra Harbor Parcel 9	41 acres
Apra Harbor Parcel 2	30 acres
Apra Harbor Parcel 1	6 acres
Asan Annex	17 acres
NAVCAMS Beach	14 acres
ACEORP Msui Tunnel	4 acres
Agat Parcel 3	5 acres
Air Force Parcels	
Andersen South (portion of Anderson Admin. Annex)	395 acres
Camp Edusa (Family Housing Annex 1)	103 acres
Harmon Communication Annex No. 1	862 acres
Harmon Housing Annex No. 4	396 acres
Harmon POL Storage Annex No. 2	35 acres
Harmon VOR Annex	308 acres
Harmon POL Storage Annex No. 1	14 acres
Andersen Radio Beacon Annex	23 acres
Federal Aviation Administration Parcel	
Talofofo "HH" Homer Facility	37 acres

(c) LEGAL DESCRIPTIONS.—The exact acreages and legal descriptions of all parcels of land to be transferred under this Act shall be determined by surveys which are satisfactory to the head of the controlling Federal agency referred to in subsection (a). The cost of such surveys, together with all direct and indirect costs related to any conveyance under this section, shall be borne by such controlling Federal agency.

SEC. 3. TERMS AND CONDITIONS.

(a) FURTHER FEDERAL UTILIZATION SCREENING.—Parcels of land determined to be excess property pursuant to section 2 shall be screened for further Federal utilization in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) and such screening will be completed within 45 days after the date on which they are determined to be excess.

(b) APPRAISALS.—The Administrator shall promptly appraise those parcels that are not needed for further Federal utilization to determine their estimated fair market value. The head of the Federal agency which controls such parcels shall cooperate with the Administrator in carrying out appraisals under this section. The Administrator shall submit a copy of the appraisals to the committees of the Congress specified in subsection (d). The cost of such appraisals shall be paid for under section 204(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(b)).

(c) LAND USE PLAN.—The parcels of land to be transferred under this Act shall be eligible for transfer after the Government of Guam enacts legislation which establishes a detailed plan for the public benefit use (including, but not limited to, housing, schools, hospitals, libraries, child care centers, parks and recreation, conservation, economic development, public health, and public safety) of such parcels and the Governor of Guam submits such plan to the committees of the Congress specified in subsection (d).

(d) SUBMISSIONS.—The appraisals and land use plan required to be submitted to the committees of the Congress under subsections (b) and (c) shall be submitted to the Committee on Natural Resources, the Committee on Armed Services, the Committee on Government Operations and the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Energy and Natural Resources, the Committee on Armed Services, and the Committee on Governmental Affairs of the Senate.

(e) REVIEW BY COMMITTEES.—Parcels of land may not be transferred under this Act until 180 days after the submission to the committees of the Congress specified in subsection (d) of—

(1) the appraisals provided for in subsection (b), and

(2) the land use plan provided for in subsection (c).

(f) GOVERNMENT OF GUAM LANDS WITHIN THE WAR IN THE PACIFIC NATIONAL HISTORICAL PARK.—Parcels of land may not be transferred under this Act until after the Government of Guam enters into a cooperative agreement with the Secretary of the Interior, acting through the Director of the National Park Service, which grants to the Secretary, at no cost, the administrative jurisdiction over all undeveloped lands within the boundary of the War in the Pacific National Historical Park, except those lands at Adelup Point, which are owned by the Government of Guam. The lands covered by such cooperative agreement shall be managed in accordance with the general management plan of the park and in the same manner as lands within the park that are owned by the United States.

SEC. 4. OBJECTS AFFECTING NAVIGABLE AIRSPACE.

The conveyance document for any land transferred under this Act located within 6 nautical miles of an airport shall contain a provision that requires a determination of no hazard to air navigation to be obtained from the Federal Aviation Administration in accordance with applicable regulations governing objects affecting navigable airspace or under the authority of the Federal Aviation Act of 1958 (Public Law 85-726, as amended) in order for construction or alteration on the property to be permitted.

SEC. 5. SEVERE CONTAMINATION.

Notwithstanding any other provision of this Act, the Administrator of General Services, in his discretion, may choose not to transfer any parcel under this Act on which there is severe contamination, the remedy of which would require the United States to incur extraordinary costs.

SEC. 6. APPLICATION OF FEDERAL AND TERRITORIAL LAWS.

All Federal and territorial environmental laws and regulations shall apply to the parcels transferred pursuant to this Act during and after the transfer of such parcels.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Virgin Islands [Mr. DE LUGO] will be recognized for 20 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from the Virgin Islands [Mr. DE LUGO].

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

Mr. Speaker, this legislation is of great significance to the territory of Guam and is also important to the Defense Department.

It should have been enacted a few years ago * * * not only because the need for it is pressing but also because there has been a general consensus on accomplishing its main purpose for years.

In fact, it would authorize completion of a process begun during the Carter administration that has been supported by each succeeding administration.

Additionally, this legislation, which was developed through the cooperative efforts of the Natural Resources, Government Operations, and Armed Services Committees, is similar to provisions that passed both Houses in 1990.

Unfortunately, however, this legislation has been delayed for reasons that do not relate to its essential parts.

The delays have been especially unfortunate since this measure would positively address what has become such an issue in Guam that it is damaging Federal relations with the territory and is undermining military interests there.

The issue is that the Federal Government continues to hold a substantial portion of the land acquired from Guamanians in the wake of World War II although it is not using most of the land and Guamanians need it.

The Nation—and the people of Guam—are fortunate to now have the leadership on this issue of Guam's new Delegate, ROBERT UNDERWOOD. He has astutely approached both this legislation and the overall issue.

What H.R. 2144 would do is establish a special process to transfer ownership to Guam of 22 parcels totaling some 3,219 acres that are now controlled by the Air Force, the Navy, and the Federal Aviation Administration.

This special process is warranted by the special circumstances of the situation and is precedented. It would be more expedited than the normal dispoal process and provide broader possible uses.

The transfers would take place after: other agencies confirm that they do not need the property; it is appraised; we have had 180 days to review the insular government's plans for its use; and the National Park Service is given control over local government inholdings in the national park on Guam.

The precedents I mentioned include acts regarding Guam as well as recent base closure law. The special circumstances primarily related to how the Federal Government acquired the 30 percent of Guam it owns.

After Guam was liberated from a brutal enemy occupation during World War II—which was marked by the unflinching loyalty of the Chamorro people of Guam—our Armed Forces acquired most of the island in transactions that were often unfair.

Islanders sold their land for a pittance, sometimes under pressure or not understanding terms, and often out of a sense of patriotism or gratitude for freedom. There was also an assumption that the property would only be used for the Nation's defense.

Congress has acted to right the wrongs of the acquisitions themselves. Individuals whose land was unfairly acquired have been authorized to sue for fair compensation.

But this did not resolve the problem of too much land being withdrawn from the community * * * a big problem for a small island.

And there is no debate that the Federal Government holds more land in Guam that it needs. Guam's legislature recently noted that only about 12,000 of the approximately 44,000 federally owned acres are even fenced and, of these, only half are apparently being used.

So that is where this legislation comes in. And it would really return land taken for a specific purpose that no longer exists rather than simply give it to Guam.

Mr. Speaker, the 1950 law that organized Guam's civilian government included an initial effort to address this problem. Under it, land was returned to resettle and rehabilitate the island as well as help establish the government.

But it has long been clear that more needs to be done. Much of the land that the military owns on Guam was not used even during the height of the Vietnam war.

While it has remained idle, however, the people of Guam have developed an increasing need for land for housing and other essential purposes. Additionally, they have been priced out of the market as Japanese investment has escalated values.

And Guam, it should not be forgotten, as a territory lacks the leverage that a State would have to force Federal attention to its needs.

Its pioneering first Delegate, my late friend, Tony Won Pat, was able to set the stage for this bill, though, by working with the Carter administration to identify land not needed by the military.

In 1980, he got special legislation enacted to transfer some 927 acres to local control. But his effort regarding a few thousand other acres identified by the Defense Department was delayed when the incoming Reagan administration wanted to review the Carter administration's decisions.

After it finally concluded that most of the land could be released, Guam's Delegate at the time, Ben Blaz, proposed a transfer bill in 1987.

Unfortunately, the bill was handicapped by unrealistic provisions. Even more unfortunately, the Interior Department's territories office stymied passage by proposing an even more complicated alternative.

While their proposals were unrealistic, however, what they sought to address is a very real feeling among many former landowners that the land ought to be returned to them. Many are unhappy with the $39.5 million settlement of their unfair takings cases.

One problem with this idea, of course, is that the former owners have already been given the opportunity to obtain fair compensation through the courts for land taken unfairly. The settlement was hundreds of millions of dollars less than even Federal estimates of what it would be. But this will not convince many here that former owners should now be given land back.

Another problem with the idea of returning land to former owners is that much of the land will never be able to be returned since it will continue to be retained by the military or has been given to the local government.

I, and others, sought to break the stalemate by working out a compromise in 1990. It provided the best balance possible between the view in Guam that the land should be given to individuals for their private use and the general Federal policy of requiring that land given for free be used for public purposes. It would allow the land to be used for a broader array of purposes that benefit the people of Guam.

Although this compromise passed both Houses, it was not enacted, however, after final action on the other side of the Capitol came too late in the 101st Congress.

Delegate Blaz sponsored a bill based on the 1990 compromise in 1992. Interior's territories office then again effectively stymied passage by raising questions which were not essential to it.

Meanwhile, tensions related to the continued Federal control of so much of Guam intensified during these years of unnecessary delays. Frustration grew as original land owners passed away.

The discontent has become so great that it has led to occupations of military land and become a dominant issue on the island.

The current gentleman from Guam [Mr. UNDERWOOD], has approached this difficult situation intelligently and aggressively.

He resurrected the 1990 compromise through this bill. He has also organized talks related to other land issues among all concerned Federal and local parties. And he has passed the Defense Department to identify more land that it does not need.

So, his efforts may require action on our parts in the future in addition to this bill.

Mr. Speaker, the Insular and International Affairs Subcommittee held a hearing on H.R. 2144 last July 29th. There was general support expressed for this compromise with one exception that I mention because it has affected the consideration of this legislation.

Interior's territories office, which, I should note, does not have authority over the matters covered by this legislation, proposed that the land be transferred to it for disposal. It wanted to use the land, first, for exchanges for private inholdings in the national park and also require the government of Guam to transfer ownership of its inholdings in the park to the Federal Government before it would receive any of the land not used for these exchanges. It also wanted to have to approve of Guam's plans for using any land it did get and the power to require Guam to pay the Federal Government if it used this land in a way not approved by the office.

The subcommittee did not agree with the territories office's proposal and approved the legislation essentially as planned. But the office did get other issues to be raised. The leadership of the National Parks, Forests, and Public Lands Subcommittee insisted that the issue of the government of Guam's inholdings in the national park be addressed. The chairman of the Merchant Marine and Fisheries Committee wanted to ensure that land could be used for conservation purposes.

We have worked up until shortly before we came on this floor today to address the national park issue. My own view was that it is an unrelated issue that should be handled separately, if possible. I recognized that the territorial government's land within the park must be maintained in a manner consistent with the park. But I also recognized that this did not require a transfer of ownership; that such a transfer would be objectionable to Guam given the emotions surrounding the issue of Federal land ownership; and that Guam would only be willing to compromise so much to obtain the land that would be transferred by this legislation.

Additionally, though, I recognized the reality of the strong sentiment among Members for ensuring that Guam's obligations regarding the park are fulfilled. The gentleman from Guam also recognized it.

Thanks to his leadership and work, as well as the consideration and efforts of the distinguished gentlemen from Minnesota and Utah, we have, therefore, developed the fairest compromise possible. It would retain Guam's ownership of the land involved and provide Guam with an opportunity to work out matters relating to management of the land with the National Park Service.

Mr. Speaker, the text of the substitute that I have presented have been worked out with the chairmen of the two other committees to which the bill was referred—Government Operations and Armed Services—as well as the Merchant Marine and Fisheries Committee.

One of the changes made from the language reported by the Natural Resources Committee is the deletion of a provision that would have made clear that a law providing the homeless a priority claim to disposed of land does not apply to the land covered by this bill.

We have agreed to delete this provision because it is not necessary. Regulations already make clear that the law that would have been cited does not apply when land is transferred pursuant to special legislation, which is what this measure is. Further, the other provisions of this measure should already provide sufficient guidance regarding the land's future use.

In concluding, Mr. Speaker, I want to note that the executive branch also supports this measure.

The Defense Department recognizes that finally returning the land involved to Guam is critical to gaining the community acceptance necessary for its continued use of land that it does need there and that acceptance is important since our national security mission in Guam is vital.

The Air Force and Navy commanders on the island, Deputy Assistant Secretary Stanley Roth, Under Secretary Frank Wisner, and others have been helpful in explaining the importance of this legislation.

The Interior Department has also come to support this measure.

So, as I hope that I have made clear, this measure also deserves this House's support.

□ 1310

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

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

Mr. Speaker, I thought the remarks of my friend, the gentleman from the Virgin Islands, [Mr. DE LUGO], were excellent remarks, and I especially liked the point where he said the Federal Government holds more ground in

Guam than the Federal Government needs. We could easily add to that the 11 Western States, and I hope that we keep that in mind when we start doing that with some of the Western States. I greatly appreciate that statement and hope that it is emblazoned in marble somewhere.

Mr. Speaker, I rise in support of H.R. 2144, a bill to transfer excess Federal lands to the Government of Guam. As the committee report on this bill correctly points out, excessive Federal land ownership often creates adverse local and regional economic impacts. As a general rule, I believe that transferring more control over Federal lands to State and local governments will result in more economic opportunity as well as better land management. Therefore, I support the basic premise of this bill.

However, I was concerned that the original version of this bill permitted the Government of Guam to continue to administer lands inside War in the Pacific National Historical Park, a park established nearly 15 years ago to commemorate the American liberation of Guam. It seemed reasonable to me to require the Government of Guam to facilitate National Park Service management over these key inholdings by transferring them to the Secretary of the Interior. While the version we are acting on today does not transfer title to the lands, it does ensure the protection and management of these lands as key components of this important national park.

I appreciate the willingness of the gentleman from Guam in working with me to address my concerns and I encourage my colleagues to support this bill.

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

Mr. DE LUGO. Mr. Speaker, I yield 5 minutes to the gentleman from Guam, the Honorable ROBERT UNDERWOOD, sponsor of this legislation.

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, today's House consideration of H.R. 2144, the Guam Excess Lands Act, is a significant event for Guam, not just because this bill transfers 3,200 acres of excess Federal lands back to the people of Guam, but more so because by our actions we begin to unravel a history of land takings on Guam.

I want to recognize the support and hard work of Chairman MILLER, Chairman DE LUGO and Chairman VENTO in helping me to bring H.R. 2144 to this point. I also want to acknowledge the efforts of Mr. YOUNG, Mr. HANSEN, and Mr. GALLEGLY in finding acceptable solutions to some very difficult issues that this bill deals with.

The parcels of land being transferred by this bill were identified as excess over 15 years ago, but this bill is not about the past, it is about the future. It is about a commitment from this Congress to address the land problems on Guam, and the land history of Guam. This bill is about a commitment from the administration to seek workable solutions to these problems with the Congress and the people of Guam. This bill is about good faith efforts and patience.

Those good faith efforts extend back to Guam's venerable statesman, Mr. Antonio Borja Won Pat, Guam's first Delegate to Congress. They include the efforts by my predecessor, Mr. Ben Blaz, to find solutions. These efforts include my work with the House committees and the Government of Guam to find the common ground where our interests converge.

The effort to find solutions and justice for the people of Guam begins here today. It is a good sign, and a good start that this bill addresses lands excessed 15 years ago, because we are saying to Guam that we can make a break with the past, and we can begin the difficult task that confronts us as the prospect of more Federal excess lands heightens the tensions on Guam and increases the demands for a comprehensive land solution.

While this bill is not that comprehensive solution, it does show that solutions are possible. Ultimately, the best solution is to give Guam as much authority as possible to resolve land issues on Guam, where land issues are most clearly understood.

Just last week I convened a land conference on Guam to begin the task of forming a consensus on land issues. While there was frustration and disappointment expressed by the people of Guam, there clearly was also hope for the future. Our action today conveys that there is reason for that hope and there is reason to believe that change is possible.

I sincerely thank Chairman MILLER, Chairman DE LUGO, and Chairman VENTO for their work on this bill, and I urge my colleagues to pass H.R. 2144.

This is a momentous occasion for the people of Guam and I cannot let it pass without remembering the faces of the Chamorro people from whom this land was originally taken and for whom it should ultimately benefit.

Land is a critical issue for a small island; I recognize that land issues throughout the nation are difficult and raise thorny issues of local control, private property rights, public interest, constitutional rights and condemnation procedures.

In this regard, it is important to understand that Guam is not just a microcosm of the confluence of these interests and perspectives. Inevitably, some will see this bill and the interest that is has engendered only in this fashion. We do not argue with that perspective.

But there is more, there is lots more. Guam does have a unique history with respect to land and Guam shares along with other Pacific islands a view of the land which intimately connects to our fiber as a people, as a culture—and when we call refer to ourselves in the ancient way—we say taotao tano—people of the land.

Because of the strategic nature of our island—our land—our dot in the middle of the ocean, we have been traversed by pirateers, so-called discoverers, interlopers and strategists all eager in some way—so it seems to disposes us of our land for some grander purpose which we understood only imperfectly.

The land which is being returned through this bill was taken by the military after World War II from families and individuals who are still very much with us today. Their saga is filled with stories of false promises and the inability to contest in a civilian court the military's takings. The land in question has not been used for decades. The land has been declared excess by military strategists over 15 years ago.

It is about time that we return it to the people of Guam; it is about time that we do the right thing.

There is bitterness, anger, and rage over the how the land was originally taken in Guam. But there is also hope and opportunity. It is up to us here today to demonstrate that such hope and opportunity can override bitterness and rage through responsible public policy which says that we hear the people of Guam and the House is willing to do the right thing.

Dankulo na si Yu'os ma'ase' todos hamyo.

□ 1320

Mr. DE LUGO. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO], the chairman of the Subcommittee on National Parks, Forests, and Public Lands, one of the gentlemen that I am going to really miss around here.

Mr. VENTO. Mr. Speaker, I, first of all, want to comment on the generous comments made by my colleague. He will certainly be missed as he has announced in the last week his decision not to seek or stand for reelection in the Virgin Islands after his nearly 30 to 40 years of service to the people of the Virgin Islands and to this Nation. So, he continues on this year working on the issues of the territories that are so important to us.

Mr. Speaker, I rise in support of H.R. 2144. As explained by chairman DE LUGO, this bill would transfer approximately 3,200 acres of excess Department of Defense land to the government of Guam for such public benefit uses as housing, schools, and hospitals. These lands were identified as excess to military needs in 1977. I commend Congressman UNDERWOOD for the effort he has put into resolving the complex is-

sues surrounding this bill and other land use issues on Guam. Congressman UNDERWOOD has shown positive leadership through his work on this bill and the bill passed by Congress last year finally providing for a monument to the people of Guam at the War in the Pacific National Historical Park.

As chairman of the Subcommittee on National Parks, Forests and Public Lands, I worked with Chairman DE LUGO, the delegate from Guam, Mr. UNDERWOOD and Committee member Congressman HANSEN on the provisions of the bill concerning the War in the Pacific National Historical Park. The War in the Pacific National Historical Park was established in 1978 to interpret the major historic sites and events associated with the battle for Guam. The authorized boundary of the park is 1,960 acres, of which 915 are currently owned by the Federal Government. The government of Guam holds title to 872 acres inside the park boundary, of which 808 acres are submerged land and 64 acres are land parcels. The rest of the lands are privately owned inholdings.

I offered an amendment in the National Resources Committee which addressed the issue of the government of Guam's inholdings in the War in the Pacific National Historical Park. This amendment has subsequently been further modified after further discussions between the interested parties. The bill before the House today now in its final form requires, as a condition of the land transfer, a cooperative agreement between the government of Guam and the Secretary of the Interior which transfers at no cost the administrative jurisdiction of all undeveloped lands owned by the government of Guam to the Secretary of the Interior. It further provides that the lands covered by the agreement will be managed consistent with the park's general management plan.

This language will ensure that the lands inside the park will be managed consistent with park purposes while being sensitive to the land ownership concerns of the people and government of Guam. While I believe my committee amendment would have been adequate, this revised language is certainly acceptable and should protect park values and not diminish local support for the park. With this language we can proceed with moving the long overdue excess lands bill and end up with a positive outcome for both the people of Guam and the National Park Service. It is my understanding that there is interest from the Delegate of Guam and other citizens of the island in having a review of issues concerning the legislative boundaries of the War in the Pacific National Historical Park. The National Park Service has the authority to review boundaries and make recommendations for boundary adjustments, and I would encourage the National Park Service to undertake this review if they feel there is sufficient reason to do so. In the meantime I urge the swift passage of H.R. 2144, as amended.

Mr. Speaker, the final version of this legislation came about because of cooperation between the gentleman from the Virgin Islands [Mr. DE LUGO], the gentleman from Utah [Mr. HANSEN], and the gentleman from Guam [Mr. UNDERWOOD] with some input from myself. I instituted the idea some years ago, and I am pleased to see it come to fruition. I commend the gentleman from Guam and everyone else who was involved in this process.

Mr. DE LUGO. Mr. Speaker, I yield 5 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA], one of my best friends in this House, a gentleman I greatly admire.

Mr. FALEOMAVAEGA. Mr. Speaker, I would be remiss if I did not also express the sentiments that were said earlier by my dear colleague and friend, the gentleman from Minnesota [Mr. VENTO]. I want to echo his sentiments concerning the gentleman from the Virgin Islands [Mr. DE LUGO] who has been an outstanding leader as chairman of the Subcommittee on Insular and International Affairs, a gentleman whom I have had the highest respect for over the years; I have known Mr. DE LUGO since the 1970's when I served as a member of the staff on the Committee on Natural Resources. But the fact is, he has also used his tremendous talent and leadership in representing his constituents from the Virgin Islands, and he is certainly a leader among the insular areas. His service for the past 20 years as a Member of this body has been invaluable and he will be missed by all who have worked with him.

Mr. Speaker, I rise today in strong support of H.R. 2144, a bill to provide for the transfer of excess lands to the Government of Guam.

It is my hope that today's vote will be a significant step toward the final process of transferring 3,200 acres of excess land currently owned by the Federal Government to the people of Guam. In my opinion, all other alternatives previously proposed such as transferring the land to the Department of the Interior, or selling it to the highest bidder, are an insult to people of Guam and an affront to the principle of fair play—a principle which touches on the very foundation of this great Nation of ours.

During the cold war, the people of Guam played their part in providing the land required by the military for the overall defense of our country. The cold war no longer exists and Federal agencies declared as long ago as 1980 that they no longer need the 3,200 acres which on a small island like Guam, constitutes a meaningful portion of their overall landmass of 215 square miles.

During the Second World War, Guam's struggle to regain its freedom is well documented by American soldiers who, many years later, helped free the citizens of Guam from certain genocide. After the war, the people of Guam donated much of their land to defend U.S. interests against the communist menace enveloping much of Asia. Whether or not the landowners understood the terms of the transfers is not clear.

Now that the cold war no longer exists, it is time for the U.S. Congress to exercise its oversight responsibility and return this land to its rightful owner, the people of Guam.

Mr. Speaker, the Federal Government currently owns 30 percent of the land on the island of Guam, and over the years this has caused considerable unrest in Guam. Because of the lack of available land, land prices are higher than they would be if more land were available. It is difficult for the Chamorro people to see land that the Federal Government has declared as excess to its needs to remain idle while the local people cannot afford land of their own.

Mr. Speaker, proposals to transfer this and additional excess land to the people and Government of Guam have been pending in Congress since 1977, but for many reasons, each of several bills have not passed. With another year to go in this Congress, I am hopeful that this bill will become law.

Mr. Speaker, I want to thank Chairman GEORGE MILLER, Chairman BRUCE VENTO, and Chairman RON DE LUGO, all who have taken an active interest in this bill, and provided valuable guidance. And Congressman ROBERT UNDERWOOD should also be commended for his leadership and tenacity in keeping this bill moving.

I would also like to extend my commendation and appreciation to the gentleman from Utah [Mr. HANSEN] and the ranking minority member, the gentleman from Alask [Mr. YOUNG] for their assistance and support of this legislation.

Mr. Speaker, let us do the right thing today and return a measure of dignity to a people in their own homeland by passing H.R. 2144.

Mr. DE LUGO. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MILLER], chairman of the Committee on Natural Resources, a gentleman that I greatly admire. I remember when he came to this House. He was closely associated with a man that I considered my mentor, and I am going to miss our chairman. He is one of the real leaders in this House.

Mr. MILLER of California. Mr. Speaker, I want to begin my remarks by expressing my sorrow, but also congratulating our colleague on his announced retirement. The gentleman from the Virgin Islands [Mr. DE LUGO] has just been an outstanding member

of the Committee on Natural Resources, and a leader on the issues affecting the territories and an outstanding Representative of the Virgin Islands. He has been an ally my entire time in the Congress.

□ 1330

It has been a pleasure and a genuine benefit to this Nation to have the gentleman on this committee and to have him in the Congress, and I certainly wish him the best.

Mr. Speaker, I rise simply to express my support for this legislation. It is a long time coming. I want to commend our delegate from Guam [Mr. UNDERWOOD] for raising these issues and bringing these issues to a conclusion so we can successfully bring about the transfer of this land and so the Guamanian people can have much more say and control over the development of the resources and the assets of the Island of Guam.

I want to thank the subcommittee chairman, the gentleman from Minnesota [Mr. VENTO] for his involvement and I thank the gentleman from Utah [Mr. HANSEN] for his involvement in writing this legislation and adding his ideas in some cases and improving it.

I also wish to commend the chairman of the full Committee on Armed Services, the gentleman from California [Mr. DELLUMS], and also the gentleman from Michigan [Mr. CONYERS] for their input in this matter.

Mr. Speaker, I hope the House will strongly support this legislation. It is long overdue and badly needed.

H.R. 2144, the Guam Excess Lands Act, introduced by Delegate ROBERT UNDERWOOD, would transfer to the government of Guam title to approximately 3,200 acres of land declared excess to the needs of the Federal Government. This legislation has a long history, and merits our support.

In 1980, the Carter administration identified more than 3,000 acres of Federal lands as excess to the Federal Government's needs in Guam. Subsequently, in the final days of the 101st Congress both Houses considered legislation giving Guam title to the lands, but a bill was never enacted due to the lateness of the session. H.R. 2144 is nearly identical to legislation approved by the full House in 1990.

Under terms of the legislation, the General Services Administration is directed to transfer title to the land to Guam 180 days after the Guam legislature enacts legislation specifying how the lands will be used for public benefit use. During the 180-day period, the Congress will have the opportunity to review Guam's plans to determine if they are satisfactory.

Mr. Chairman, throughout the country land ownership and management issues are generally controversial. In Guam the situation is exacerbated partly because the Federal Government owns 30 percent of the island's approximately 215 square miles. More importantly, Federal actions following World War II have left a bitter feeling in many Guamanians memories. The people of Guam appreciated the United States efforts in liberating Guamanians from the Japanese. But subsequently the U.S. confiscated for national security purposes more than half of Guam, including many private residences and farms. The people of Guam complained their lands were taken without fair and just compensation.

In response, the Navy filed condemnation proceedings in Federal court in 1948 and 1949, and eventually paid $1.5 million to Guam for the land. Recognizing this did not satisfy Guamanian concerns, the Congress subsequently enacted Public Law 95–134 which enabled persons who felt they had not received fair market value compensations for their land to file suit. Public Law 96–205 provided that awards from such suits be paid with interest from the time of acquisition to the date of fair compensation. Guamanians eventually settled their suit for $39.5 million.

Public Law 95–134 and Public Law 96–205 and the ensuing lawsuits have legally satisfied the U.S. responsibilities to the people of Guam. But many feel the U.S. has outstanding moral obligations.

By returning land to Guam, H.R. 2144 will help satisfy those who believe the U.S. needs to do more for the people of Guam. The legislation we are considering today has been supported by the Reagan, Bush, and Clinton administrations.

Delegate ROBERT UNDERWOOD, the sponsor of this legislation, is to be commended for his work on this bill. In addition, subcommittee committee chairmen RON DE LUGO and BRUCE VENTO, full committee chairmen RON DELLUMS, GERRY STUDDS, and JOHN CONYERS, Armed Services Subcommittee Chairman DAVE MCCURDY, and Congressman JAMES HANSEN played essential roles in crafting this legislation. I thank all of them for their efforts, and encourage my colleagues to support this legislation.

Mr. DE LUGO. Mr. Speaker, I yield 1 minute to one of the newer Members of the House, the gentleman from California [Mr. FARR]. Let me say to the gentleman, he should not feel as a newer Member constrained to eulogize me, although he is a good friend just the same.

Mr. FARR of California. Mr. Speaker, I rise in support of H.R. 2144. I am one of the newest Members of this House, and before coming here I served in the California Legislature and with the Council of State Governments, which is an association of State legislators. They have a western conference made up of legislators from the Western United States and from the Pacific islands.

We happened to have our annual conference in Guam, and I learned a lot about the issue of the Guamian people.

Now that I am standing here, I rise in support of this very important legislation. I know many Members who are representing those States have colleagues in their State legislatures who would be supportive as well. This is essentially an issue of local control for a community that well deserves to have this land. It has been in U.S. possession for a long time and under our control.

Mr. Speaker, I salute the author of this bill, the gentleman from Guam [Mr. UNDERWOOD], and I hope that we will unanimously support H.R. 2144 and wish the people of Guam a good half a day.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

Mr. DE LUGO. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, before I ask for approval of this bill, I want to thank the leaders of the other committees with which we have worked: Government Operations Chairman JOHN CONYERS; Armed Services Chairman RON DELLUMS and Military Installations and Facilities Subcommittee Chairman DAVE MCCURDY; as well as Merchant Marine and Fisheries Chairman GERRY STUDDS.

I also want to thank the minority leadership of the Natural Resources Committee on insular issues, ranking minority member DON YOUNG and Subcommittee ranking minority member ELTON GALLEGLY. I must also point out that Natural Resources Committee Chairman GEORGE MILLER has played a key role as has National Parks, Forests, and Public Lands Subcommittee Chairman BRUCE VENTO.

The gentleman from Utah also made his mark on the bill. He has felt strongly about it and we have not fully agreed but he has responsibly compromised.

And we should not forget the staff which, as always, has been indispensable.

Finally, as I have said before, the gentleman from Guam has very capably handled this matter.

In concluding, Mr. Speaker, I want to ask Members once again to support this long overdue legislation.

Mr. MCCURDY. I rise in support of H.R. 2144, Guam Excess Lands Act, as reported by the Committee on Natural Resources. This legislation was also referred to the House Committee on Armed Services. As chairman of the Subcommittee on Military Installations and Facilities, I would like to commend my fellow subcommittee member, Mr. UNDERWOOD, for his efforts in developing a new approach with respect to excess Federal lands in Guam in order that this legislation can make its way through the legislative process.

As the House no doubt is aware, the Committee on Armed Services acted upon this legislation in both 1990 and 1992. I am pleased that the House is giving this legislation its well-deserved attention as one of the first orders of business in the 2d session of the 103d Congress.

This legislation requires the General Services Administration to transfer ownership of 22 parcels of land, approximately 3,219 acres, to the insular government after determination by the controlling Federal agency that these parcels are no longer needed and other Federal agencies have no requirement for the parcel. The General Services Administration would also be required to undertake a fair market appraisal of the nonrequired parcels and report to the appropriate congressional committees. In addition, the subsequent land transfers

would be contingent upon enactment by Guam of a law which specifies that such transferred land would be provided for public benefit purposes.

The Committee on Armed Services has no objection to the passage of H.R. 2144. I would again like to thank the sponsor, Mr. UNDERWOOD and Mr. MILLER, the distinguished chairman of the Committee on Natural Resources, for his support of this bill and our continued good working relationship with respect to Federal lands associated with the Department of Defense.

Mr. STUDDS. Mr. Speaker, H.R. 2144, introduced by the gentleman from Guam, directs the General Services Administration to transfer roughly 3,200 acres of surplus Federal land on that island to the Government of Guam for public benefit. The Committee on Merchant Marine and Fisheries was going to request a sequential referral of the bill, but for reasons noted below, will not do so, without prejudice to its jurisdictional interest in the matters contained in H.R. 2144.

The Merchant Marine and Fisheries Committee's interest in this bill concerns the presence of endangered species habitat on portions of the parcels selected for conveyance to the Government of Guam. After careful consideration and review, however, the committee feels confident that the addition of several provisions to the bill—most notably section 6 regarding the applicability of Federal and territorial environmental laws—will ensure that the mandates of laws such as the National Environmental Policy Act, the Endangered Species Act, and the Clean Water Act shall apply both during and after the transfer of these parcels. With this important clarification, the committee fully supports the transfer of lands provided for in H.R. 2144.

Lastly, as some of my colleagues may be aware, H.R. 2144 represents only one component of the growing debate on the future of excess Federal lands on Guam. Particularly in the wake of the cold war and the excessing of lands previously controlled by the Department of Defense, the intensity of feelings on the part of the people of Guam on this subject has increased considerably. Indeed, many issues concerning surplus Federal land and the preservation of endangered species habitat on the island—with perhaps far greater implications than the legislation being considered today—remain to be addressed. Additional legislation is likely to be introduced, and the Merchant Marine and Fisheries Committee looks forward to working with the Government of Guam and the Department of the Interior on these issues in the coming year.

Mr. DE LUGO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. VOLKMER). The question is on the motion offered by the gentleman from the Virgin Islands [Mr. DE LUGO] that the House suspend the rules and pass the bill, H.R. 2144, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal.

Mr. VENTO. Mr. Speaker, pursuant to clause 1, rule 1, I demand a vote on agreeing to the approval of the Journal.

(The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.)

Mr. VENTO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 247, nays 140, not voting 46, as follows;

[Roll No. 2]

YEAS—247

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Baesler
Ballenger
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brooks
Brown (FL)
Brown (OH)
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cramer
Crapo
Darden
Deal
DeFazio
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (TX)
Emerson
Engel
English (AZ)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hayes
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutchinson
Inglis
Inslee
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Levin
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Orton
Owens
Pallone
Parker
Pastor
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torricelli
Traficant
Tucker
Unsoeld
Valentine
Velázquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (FL)

NAYS—140

Allard
Archer
Bachus (AL)
Baker (CA)
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Cox
Crane
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hyde
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Klug
Knollenberg
Kolbe
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Linder
Machtley
McCrery
McHugh
McKeon
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Myers
Nussle
Oxley
Packard
Paxon
Petri
Porter
Portman
Quillen
Quinn
Ramstad
Regula
Ridge
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (TX)
Snowe
Solomon
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Zeliff
Zimmer

NOT VOTING—46

Andrews (TX)
Armey
Baker (LA)
Brewster
Browder
Brown (CA)
Bryant
Clay
Collins (IL)
Coyne
Danner
de la Garza
Dellums
Dornan
Edwards (CA)
Flake
Gallegly
Gallo
Hastings
Hefner
Hutto
Johnson (GA)
Kennelly
Kingston
Kyl
Lehman
Lightfoot
McCandless
McCollum
McDade
Murtha
Ortiz
Payne (NJ)
Pelosi
Pryce (OH)
Ros-Lehtinen
Slattery
Smith (OR)
Thomas (CA)
Torres
Towns
Waxman
Wheat
Whitten
Williams
Young (AK)

□ 1359

So the Journal was approved.

The result of the vote was announced as above recorded.

REPORT TO CONGRESS CONCERNING EMIGRATION LAWS AND POLICIES OF THE REPUBLIC OF BULGARIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. No. 197)

The SPEAKER pro tempore (Mr. VISCLOSKY) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

On June 3, 1993, I determined and reported to the Congress that Bulgaria is in full compliance with the freedom of emigration criteria of sections 402 and 409 of the Trade Act of 1974. This determination allowed for the continuation of most-favored nation (MFN) status and certain U.S. Government financial programs for Bulgaria without the requirement of a waiver.

As required by law, I am submitting an updated Report to Congress concerning emigration laws and policies of the Republic of Bulgaria. You will find that the report indicates continued Bulgarian compliance with U.S. and international standards in the areas of emigration and human rights policy.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 26, 1994.*

REPORT TO CONGRESS CONCERNING EMIGRATION LAWS AND POLICIES OF THE REPUBLIC OF BULGARIA

This report on the emigration laws and practices of the Republic of Bulgaria constitutes the periodic report required by subsections 402(b) and 409(b) of the Trade Act of 1974, as amended ("the Act"), as a consequence of Presidential Determination 93-26 of June 3, 1993 that Bulgaria is not in violation of paragraphs (1), (2), or (3) of subsections 402(a) and 409(a) of the Act.

All current information indicates that the emigration laws and practices of the Republic of Bulgaria satisfy the criteria laid out in subsections 402(a) and 409(a) of the Act in respect of all matters covered in those subsections.

Freedom of movement within Bulgaria and the right to leave it are enshrined in the 1991 constitution and are not limited in practice. No exit visa is required to leave Bulgaria, and no more than nominal fees must be paid by potential emigres. Thousands of Bulgarians left during 1992 and 1993 in search of economic opportunities in the West. Every citizen has the right to return to Bulgaria, may not be forcibly expatriated, and may not be deprived of citizenship acquired by birth. A number of former political emigrants were granted passports and have returned to visit or live in Bulgaria.

There are no outstanding emigration cases involving the United States and no divided family cases in Bulgaria.

In addition to its exemplary emigration practices, Bulgaria respects fundamental human rights and is working to further develop a democratic, free market society and to establish closer relations with the United States.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I inquire of the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT], regarding the program for next week.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Missouri.

Mr. GEPHARDT. I thank the gentleman for yielding to me.

Mr. Speaker, there are no more votes today. There will not be votes on Thursday or Friday. On Monday, January 31, the House will not be in session.

On Tuesday, February 1, the House will meet at noon to consider bills on suspension. We have one bill, H.R. 1727, the Arson Prevention Act, at this point. There may be some other bills on suspension, but it is not clear. Obviously, we will be consulting with the minority on suspensions.

There will be a vote on Tuesday. We will go in at noon, so the vote would be some time after noon.

On Wednesday, February 2, and the balance of the week, the House will meet at 2 p.m. on Wednesday and 11 a.m. on Thursday and Friday, if needed, and we are looking at the possibility of taking up H.R. 3425, Department of Environmental Protection Act, subject to a rule, and a House Resolution on the emergency supplemental appropriations for earthquake assistance, again subject to a rule.

Mr. MICHEL. I would ask, Mr. Speaker, we know of no conference reports that would be coming up yet at this time?

Mr. GEPHARDT. That is correct.

Mr. NUSSLE. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Iowa.

Mr. NUSSLE. Mr. Speaker, the question I have for the distinguished Majority Leader is, it is my concern under this emergency that we have going on in L.A. right now, we do need to move quickly. I am wondering why we are going all the way into late next week. I am just interested in why we are going so late into next week, when it appears that we have a financial emergency that we have to take care of. That would be my one question .

The other is that we have been asking on this side of the aisle for some type of a task force to deal with emergencies in the future, disasters, natural disasters in particular. I am wondering if the Speaker or the leadership has made any decisions on that.

Mr. GEPHARDT. If the gentleman will continue to yield, on the first question, it is my understanding that the Committee on Appropriations is meeting this week to process the bill. It would not have been possible to take it up this week.

It is also my understanding that the money in the pipeline in the emergency agency is sufficient to deal with the problems that are out there right now. We are doing everything we can to get this bill to the floor as quickly as we can next week, so that the Congress can take action.

On the second question, it is not at all clear exactly when this task force will all be announced, but we do expect today to announce the cochairs, in conjunction with the Minority Leader. It will be bipartisan, and it will include Members from both sides of the aisle.

It may be possible to have all the names prepared today, but at least the cochairs of it will be named today, and we may be able to get all the Members named today.

Mr. NUSSLE. I thank the distinguished leader.

Mr. MICHEL. I thank the majority leader.

AGREEMENT BETWEEN THE UNITED STATES AND GREECE ON SOCIAL SECURITY, AND A REPORT OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, WITH ACCOMPANYING DOCUMENTS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103-199)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Purusant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95-216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement between the United States and Greece on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement. The Agreement was signed at Athens on June 22, 1993.

The United States-Greece agreement contains all provisions mandated by section 233 and other provisions which I deem appropriate to carry out the provisions of section 233, pursuant to section 233(c)(4). It is similar in objective to the social security agreements already in force with Austria, Belgium, Canada, Finland, France, Germany, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the loss of benefit protection that can occur when workers di-

vide their careers between two countries.

I also transmit for the information of the Congress a report prepared by the Department of Health and Human Services explaining the key points of the Agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the related administrative arrangement. Annexed to this report is the report required by section 233(e)(1) of the Social Security Act on the effect of the Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Agreement. The Department of State and the Department of Health and Human Services have recommended the Agreement and related documents to me.

I commend the United States-Greece Social Security Agreement and related documents.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 26, 1994*.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

COMMERCE, DEFENSE, AND JUSTICE DEPARTMENTS AT BOTTOM OF CLINTON APPOINTMENT PRIORITIES

(Mr. CLINGER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. CLINGER. Mr. Speaker, according to a recently updated Congressional Research Service [CRS] report, after nearly 1 full year in office, President Clinton has failed to fill 53.3 percent of the top positions at the Department of Commerce, 41.3 percent of the top positions at the Pentagon, and 36.7 percent of the top positions at the Department of Justice. These abundant vacancies, according to CRS, rank the Commerce, Defense, and Justice Departments as the three executive agencies with the highest level of unfilled positions in the Clinton administration. By contrast, the Departments of Housing and Urban Development [HUD], Health and Human Services [HHS], and the Department of Labor [DOL] ranked as the three agencies with the fewest remaining vacancies.

It does not take a rocket scientist to figure out that an administration fills the positions it considers the most important first. Actions speak louder than words. The Clinton administration's actions of the past year clearly demonstrate that all the tough talk and political rhetoric about being a new Democrat is, in fact, just talk. The facts show that ensuring a healthy business climate, maintaining a strong and ready military, and fighting crime with a fair and effective justice system rank at the bottom of Mr. Clinton's priorities. You simply cannot develop and implement policies in these vitally important areas without the people in place to do it.

Talking is one thing that this President and administration are particularly skilled in, making decisions and taking action is something they are not. The massacre in Mogidishu, the halting deployment turned retreat in Haiti, and the on-again, off-again bombing threats in Bosnia reflect the indecision and inaction that has become the trademark of this administration, particularly in matters concerning national security.

As the ranking Republican member on the House Committee on Government Operations, I urge the President and his White House staff to stop the talk of campaigning and to start the walk of governing.

NUMBER AND PERCENT OF UNFILLED FULL-TIME CIVILIAN POSITIONS[1] REQUIRING SENATE CONFORMATION, BY DEPARTMENT, 1993

	Positions	Unfilled positions with nominees pending		Unfilled positions without nominees pending		Unfilled positions with and without nominees pending	
	Number	Number	Percent	Number	Percent	Number	Percent
USDA	17	1	5.9	4	23.5	4	29.4
DOC	30	8	26.7	8	26.7	16	53.3
DOD	46	6	13.0	13	28.3	19	41.3
Education	18	0	0.0	4	22.2	4	22.2
DOE	20	1	5.0	3	15.0	4	20.0
HHS	19	1	5.3	1	5.3	2	10.5
HUD	15	0	0.0	0	0.0	0	0.0
DOI	17	1	5.9	5	29.4	6	35.3
DOJ	30	0	0.0	11	36.7	11	36.7
DOL	18	2	11.1	0	0.0	2	11.1
DOS[2]	40	1	2.5	5	12.5	6	15.0
DOT	19	1	5.3	4	21.1	5	26.3
Treasury[3]	22	2	9.1	5	22.7	7	31.8
DVA	14	1	7.1	1	7.1	2	14.3
Total	325	25	7.7	64	19.7	89	27.4

As of Dec. 24, 1993.

[1] Does not include U.S. Attorney and U.S. Marshal positions in Justice Department, Chief of Mission and other overseas positions in the Foreign Service, nor commissioned positions in the National Oceanic and Atmospheric Administration and Public Health Service.

[2] Including following positions in the United Nations Mission: U.S. UN Representative; U.S. Deputy Representative to the UN; U.S. Deputy Representative to the UN Economic and Security Council; U.S. Deputy Representative to the Security Council; U.S. Deputy Representative for UN Special Political Affairs; and U.S. Representative to the OAS.

[3] Includes two nominations to the same position—earlier nomination was confirmed; when incumbent resigned, another nomination, which is pending, was made. Not included are the following nine positions requiring Senate confirmation, which Treasury Secretary announced will be converted to career status: four Superintendent and four Assayer positions to the U.S. Mint (Denver, Philadelphia, San Francisco, and West Point), and an Engraver position to the U.S. Mint in Philadelphia.

REGARDING FEDERAL DISASTER ASSISTANCE

(Mr. NUSSLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NUSSLE. Mr. Speaker, as a Representative from Iowa, we recognize what it's like to be devastated by natural disaster. This summer we experienced the floods, the great floods, the 500-year floods of 1993. Now it's California's turn.

We need to provide and we must provide assistance to our fellow citizens in southern California. And I believe we as Federal Representatives of the taxpayers must also answer the questions—how much does it cost and where will we come up with the money to pay our bills.

We can and must do both—provide and pay.

I believe we need to support offsets for the assistance and we can do so in a very fiscally responsible way to the victims. I sent three letters to the Speaker of the House this year to reform the system of disaster assistance. Three letters that have yet to receive a reply. To set up a bipartisan task force. A task force to study the way we disastrously fund and deal with disasters in this country.

I think it is time for action Mr. Speaker. I think it is time to reform our system. I think it is time to provide the assistance. And it is also time to pay.

Mr. Speaker, I include for the RECORD the letters to which I referred.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 24, 1994.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Over the past six months, I have contacted you twice to urge you to appoint a bi-partisan Leadership Task Force to examine the current procedures for responding to disasters and to make recommendations for responding to future disasters (my letters of July 27th and October 14th are attached). You may recall Congressman Tim Penny and I worked together last summer to identify spending cuts to offset the cost of the disaster assistance provided to the Midwest.

At this time, I have not received a response to either of my letters. Now, six months later, we are faced with another disaster, this time in California.

When Congress returns, one of the first items on the agenda will most likely be providing disaster assistance for the victims of the earthquakes that recently hit Southern California—as well we should. For the reasons illustrated in my previous correspondence, I urge you to consider my recommendation to appoint a bi-partisan task force to examine the issues related to disaster assistance. Additionally, I would be interested in serving on the task force in any capacity.

Thank you again for your consideration of this matter.

Sincerely,

JIM NUSSLE,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, October 14, 1993.

Hon. TOM FOLEY,
Hon. BOB MICHEL,
The Capitol, Washington, DC.

DEAR MR. SPEAKER AND MR. MINORITY LEADER: After the great floods struck the Midwest this summer, I contacted you in late July and urged you to appoint a bi-partisan Leadership Task Force to examine the current procedures for responding to disasters and to make recommendations for responding to future disasters in a more timely, responsible and effective manner.

I am writing again to urge you to consider appointing a bi-partisan Leadership Task Force. Even though federal disaster assistance was provided without delay to thousands of flood victims, this summer's floods illustrate the weaknesses that exist in our system for responding to natural disasters. That is why I believe it is critical for such a task force to be appointed so it can begin examining how Congress and the federal government can best respond to such disasters—whether they be floods, hurricanes, droughts or earthquakes. In fact, some of the issues that need to be of immediate attention to the task force include reforming our flood insurance and federal crop insurance programs.

I am interested in knowing whether you have given any consideration to forming such a task force or addressing how our system can better respond to natural disasters.

Thank you for your attention to this matter. Please do not hesitate to contact me if I can be of any assistance.

Sincerely,

JIM NUSSLE,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, July 27, 1993.

Hon. TOM FOLEY,
Hon. BOB MICHEL,
The Capitol, Washington, DC.

DEAR MR. SPEAKER AND MR. MINORITY LEADER: The entire nation has witnessed the House of Representatives attempting, through its normal legislative process, to respond to the great disaster that has stricken the Midwest this summer. The debate on this matter, while quite spirited at times, has been very productive in illustrating the weaknesses that exist in our system of responding to natural disasters and national emergencies such as the flooding in the Midwest. While the system cannot be overhauled and reformed quickly enough to affect our relief efforts for this year's floods, I believe the House of Representatives must act quickly on this issue.

I have witnessed first-hand the damage of the floods that have ravaged through the Midwest this summer, any my district has been greatly affected by these floods. While I believe that the Congress must respond to a disaster of this magnitude in a timely manner, many Representatives have respectively disagreed on the manner in which the Congress accomplishes this task.

I believe the events of the past several days are a strong testimony to the need for Congress to evaluate its practices and procedures for responding to natural disasters and emergencies. Accordingly, I urge you to appoint a bi-partisan Leadership Task Force to examine the current procedures for responding to disasters and to make recommendations for responding to future disasters in a more timely, responsible and effective manner.

I believe the Leadership's Task Force can help the House of Representatives avoid potential disagreements over disaster relief, such as those between regions of the country and those over how to pay for disaster assistance. Moreover, the formation of this task force is not intended to replace any of the efforts to respond to the floods in the Midwest.

While the Leadership's Task Force may not be able to help the process in responding to the disaster in the Midwest, I believe that the Leadership's Task Force should be given a deadline for reporting back to the House of Representatives. This will hopefully allow us to respond to the next natural disaster in a more timely, responsible and effective manner.

Finally, I believe my experience in coping with this disaster will be very valuable to such a task force, and I am interested in taking a leadership role in this effort. While the size of the Leadership's Task Force can be determined at a later time, I believe it should be comprised of an equal number of Representatives from both parties.

Thank you for your attention to this matter. I look forward to working with you on this important project.

Sincerely,

JIM NUSSLE,
Member of Congress.

HEALTH CARE REFORM NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, the President gave us a fine delivery last night, very broad-reaching and grandiose plans for his administration in 1994.

But one thing that may have slipped by in all of the various points that were made is the fact that the President seemed to say that anything short of the Clinton health-care approach to health-care reform would draw a Presidential veto. What that basically means is that all of the other plans that are out there that Members of this body and the other body have worked so hard on to bring forward for debate for the American people's scrutiny and for due deliberation in the process that we have in this wonderful body, that they are not going to be allowed to be debated. They will not be heard. There will not be options.

But there are at least four or five other plans that deserve good debate and analysis. I think it is a little bit like threatening to gather up all of your marbles and go home if somebody does not guarantee that you are going to win the game.

But health care in this country is not a game. It is too important. It affects every American. And I know the President does not mean to play games with it.

The fact is, I think, today we could get enough votes in this House and the other body to pass a bill that would significantly improve the health-care situation for millions of Americans. Unusual as that may sound, we actually have bipartisan agreement on the need to reform insurance markets so people cannot be denied coverage for preexisting health problems. I think we could get that passed today.

We agree on the need to make insurance portable so people can transfer their coverage from job to job. I think we agree on that today.

We certainly agree on the need to loosen restrictions on small businesses so they can join together in cooperation to find more affordable insurance for their employees. There is not any real disagreement about that at all.

We certainly agree on the need to streamline paperwork and reduce red tape at all levels of health-care delivery. These we could do and all be better off today. I do not see any reason why we do not proceed on this basis, but we will not if the President is going to exercise his veto pen as he said last night in this body.

These are things Americans are asking for us to do. They are not asking for a veto of them. They are asking for action on them. But the President has, nevertheless, waved his veto pen.

These are commonsense things that can be done in a bipartisan way.

Why is the President waving his veto pen? Because he insists on his own version of health reform which will put Government bureaucrats between Americans and their doctors, will severely constrain Americans' choices, and may in fact reduce access to quality care.

The President believes Government is better able to make decisions about

American's health care than are those individuals, their families, and their trusted physicians. Are you going to be happy to have the Government tell you that what is wrong with you is not high enough priority so that you can get attention in a timely way? Or do you want somebody else in Washington to make that decision Or is that a decision that you and your doctor should be making?

These are important points. I think that quite simply the President is saying that he wants to start down the road to irreversibly socializing our whole American scheme of medicine, his guarantee for Government-managed health care.

Coverage for everyone should not be confused with a guarantee for quality health care, with the doctor of your choice, when and where you need it, and what you need it for. Anything short of that and it will not play. I think as Americans understand that there is going to be a very strong reaction to that veto threat that was made last night before the debate even starts.

I guess we can say Americans are being cut off at the pass when it comes to health-care reform. Perhaps it might be more appropriate to say they are being cut off at the door of the doctor of their choice.

This will not fly, and we are going to have debate one way or the other.

REPEAL THE 25TH AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, today I am reintroducing a resolution to repeal the 25th amendment to the U.S. Constitution regarding Presidential succession. In doing so, I merely am reaffirming what I have done since the resolution, in August of 1965, was passed by this House with about 28 dissenting votes. Mine was one of them.

I was the only one that gave the reasons why I voted "no" in the RECORD, and those reasons any interested Member can find in that RECORD of about August 6, 1965.

I never dreamed that that amendment or that resolution would pass so overwhelmingly, and then moreover adopted by three-fourths of the States' legislatures. For I felt then, as I feel now, that it would be a Damocles' sword hanging over the head of our democratic institutions.

What is the 25th amendment? How many of my colleagues here can tell me they know the exact thrust of the 25th amendment?

In that remark I made in special orders after that session and that vote in August of 1965, I pointed out that for the first time in our history and since the Constitution had been written, the worst fears that the writers of the Constitution had and the reason they had so much trouble in finally reaching the office of the Presidency, which they first called the Chief Magistrate, was that they wanted to have a person that could not be imposed or selected but voted by the people, and then the enabling statutes that were passed after the First Congress in 1789 provided that. It said that in the case of the neutralizing, the death, for whatever reason the vacation, the vacating of the office of the President, the Vice President would be, but if that President had had less than 1½ years in office, then an election would be called, and the American people would vote.

So what happened since then? The worst fears that I could ever imagine in 1965, have come to pass and not too long after that. In 1974, with the resignation under the threat of impeachment of President Nixon, what was the role of Henry Kissinger and General Haig? They threatened to invoke the 25th amendment if President Nixon did not resign under the imminent threat of being impeached. Why could they do that? Because section 4 of the 25th amendment says that if the majority of the governing body decide that the President is unable to discharge his duties, they shall declare his inability, and the President then shall vacate the office; the Vice President becomes acting President, and a commission shall be formed thereafter consisting of three persons to be selected by the Congress.

Now, the Congress has never enacted enabling legislation saying the House and the Senate will get together, and the House will select one or two or all three, or the Senate one, two, or all three.

So we had our President resign, and we had since then two unelected Vice Presidents, and, of course, the unelected President. That danger hovers and will constantly be hovering, and, therefore, every Congress since then I have introduced a repealer.

Mr. Speaker, I hope eventually some serious consideration is given to restoring to the original intent the succession laws and the clause represented as the 25th amendment to the Constitution.

Mr. Speaker, I am reintroducing a resolution to repeal the 25th amendment to the U.S. Constitution regarding Presidential succession. In doing so, I am reaffirming a conviction I have held since the amendment was first discussed in the House over 28 years ago, and I believe as strongly today as ever, that the 25th amendment is a threat to the stability of elected Government in this country.

We value our Constitution because it ensures that the Government is elected and that the elected Government is bound by laws. But laws and constitutions are only as strong as the will of the people to keep and enforce them. A government respects law only if its leadership is committed to law, and we know that this is not always the case. In the 25th amendment, we have a device that is intended to provide for an orderly succession in the office of President. Proponents of the amendment had the best of intentions, but to conceive and write the legislation that was going to truly carry out those intentions is something else. The result is that we have a standing invitation in law—in the Constitution—to overthrow the President through the operation of the disability clause of the 25th amendment.

There are no guarantees to life, and there is no way of knowing whether the 25th amendment will become applicable during this or any other administration. However, Presidential succession has been an issue in nearly every Presidency since Woodrow Wilson, starting with Wilson's stroke and 2-year disability while in office, then Roosevelt's death, Eisenhower's heart attack, Kennedy's death, Nixon's resignation, Reagan's near assassination and later cancer surgery, and Bush's illnesses and medication.

Mr. Speaker, I have voted many times over the years in ways that clearly show I am in the minority on some issues, and I was one of the very few dissenters in what turned out to be the resolution calling for the 25th amendment. I have introduced legislation in an attempt to repeal the 25th amendment ever since it was ratified in 1967. Now, who bothers with the 25th amendment? And who was going to tell me, when I took the floor in August 1965, and was the only one giving reasons for voting "no" to that resolution, that I would see the worst fears confirmed in my lifetime. I never dreamed of the extraordinary dangers inherent in that amendment.

What is the 25th amendment? Among other things it was passed because apparently it was felt that a great crisis had ensued after the death of President Kennedy and the assumption of the Presidency by Vice President Lyndon Johnson because Lyndon Johnson did not have a Vice President for a year. As stated in "The Process of Political Succession," edited by Peter Calvert—St. Martin's Press, New York 1987—the orderly transition on the assassination of John F. Kennedy was not in fact as orderly as it was made to seem to the outside world, but compared with the chaos that followed the attempted assassination of Ronald Reagan in 1981, and I might add what followed his cancer surgery in 1985, it was a model. And, of course, what happened in between—with President Nixon in 1974—was just as chaotic. If the 25th amendment was meant to eliminate chaos and provide for a smoother transition, this has not been accomplished.

Well, what happened in 1974? We had Chief of Staff Alexander Haig and Secretary of State Henry Kissinger—both positions which are filled by appointment, not election by the people—saying, "President Nixon, if you do not resign, we may have to invoke the 25th amendment." These two unelected officials were going to use the disability clause of the 25th amendment to make a decision for the American people—to force the President out of office.

Later, upon the attempted assassination of President Reagan in 1981, Alexander Haig as Secretary of State was again at the scene—claiming to be in charge of the country when,

in fact, there were three men ahead of him in the line of Presidential succession. Such ambition, and such ignorance of our Constitution and the 1947 Presidential Succession Act, is precisely the danger inherent in the disability clause of the 25th amendment.

In 1985, President Reagan's cancer surgery caused another crisis in possible Presidential succession. The President's reluctance to turn over the reins of power under the 25th amendment during his recuperation period may have caused one of the worst scandals in recent history—the Iran-Contra affair. In fact, when President Reagan went in for the actual surgery, he did not want to set a precedent and bind the hands of his successors, so although he wrote a letter that followed the format of the 25th amendment, he did not call what he was doing an action under the 25th amendment and, in fact, said that he did not think the 25th amendment applied to his temporary sedation for surgery. But what about his recuperation—a person does not have major surgery and go back to work at full force as soon as the anesthesia wears off. Yet, I have read that the President's legal counsel, Fred Fielding, together with the Chief of Staff Donald Regan, made the decision for the President to resume the office of the Presidency immediately after his surgery—not the doctors, not the Cabinet, but two unelected Presidential advisers made the decision. When asked about this, Mr. Fielding said that his and Regan's decision was based on the surgeon saying that the President was OK. They reportedly accepted this on face value, and did not question the physicians about the President's judgment.

It was a terrible thing for the President to be brought back to office that soon—a terrible thing for the country. Reports that President Reagan made Presidential decisions during his recovery from cancer surgery lends additional credence to the former national security adviser Robert McFarlane's contention that he received oral approval from Reagan for the arms shipment to Iran. Reagan underwent surgery on July 13—the first arms shipment occurred the next month. Was the President reluctant to invoke the 25th amendment because of its disability provisions—because of the possibility that he could not regain power once he regained his health? The 25th amendment certainly did not help prevent this tragic mistake in judgment, and possibly caused it because of the fear that power, once relinquished, could not be regained.

As reported in the book "Papers on Presidential Disability and the Twenty-Fifth Amendment," edited by Kenneth W. Thompson—University Press of America, Maryland 1988—one of the drafters of the amendment, former Senator Birch Bayh, has stated that there was concern about the possibility that a means for a coup d'etat was being created by the language of the amendment. He has said that this concern lead to the inclusion of the President's Cabinet in the decisionmaking of the President's inability to discharge the duties of his office. But the 25th amendment does not even mention the President's Cabinet; instead, it states:

> Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide * * * [determine] that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

In fact, in light of the fact that the amendment was drafted in response to the assassination of President Kennedy, it is significant that Senator Robert Kennedy expressed grave concern about this provision of the amendment.

Senator Bayh has reported that Senator Kennedy objected to the language and told Senator Bayh that President Kennedy did not know any of the members of his Cabinet personally until he appointed them. Senator Kennedy believed that the Cabinet, then, was not close to the President and could not possibly offer the kind of protection against a coup that Bayh and the other drafters of the amendment thought they were providing. And I agree—you cannot give those with the most to gain from a decision the nearly absolute power to make that decision and not expect it to be abused at some point.

Compounding the inherent danger caused by the disability clause are the technical problems. For instance, what constitutes an inability to discharge the duties of the Presidency? Is this limited to medical disability, or does it include political inability to lead a country? What is the duty of the President's physician if he uncovers a serious illness which the President wishes to keep confidential—what happens to the physician-patient privilege against revealing such information? Further, if inability includes being under anesthesia, as many believe despite President Reagan's assertions to the contrary, does it also include being under the influence of sleeping pills? How about inebriation, or even changes in mood caused by prescription medication? With so much left to interpretation by those who are charged with the responsibility of making a determination of the President's ability to discharge his duties, there is much room left for mischief.

And what is the incentive that would lead the Vice President and members of the President's Cabinet to move—for their own purposes—under the disability clause of the 25th amendment? Look at what have we have had lately. Since 1945, but much more so in the last decade, we have seen the rise of the imperial Presidency in this country. I dare say that perhaps the overwhelming majority of the Members in or out of the Congress as well as the citizens would say, if asked, that the president has more power, that he is omniscient, and that he is of greater power and authority than either one of the other two branches. That simply is not true, and it is in direct contradiction to the U.S. Constitution. Yet, our Presidents have been approaching a position of absolute authority with greater momentum every day. Look at the recent vote by Congress to give the President absolute authority to negotiate a free-trade agreement with Mexico. And look at the recent votes ratifying the President's unilateral warmaking. I was one of only three who criticized the Presidential order giving rise to the invasion of Panama on December 20, 1989. And I was one of only a handful that opposed the Persian Gulf war—a war that was begun in August of 1990, by the President, not in January by the Congress when the vote was finally taken. I do not take any pleasure in these votes, but I am also very sensitive to the fact that we are a coequal and a separate and an independent body, like the other two branches of the Government, the executive and the judiciary; but for good reason the men who wrote the Constitution put the first article as the representative branch, the Congress, and the second and third articles as the executive and judicial branches.

In our Nation's first 10 years of nationhood, which really were the first and the second Continental Congresses, our leaders thought so little of this kind of an office that they did not even bother to have anything like it. There was no such thing as a President, or as they called it in the Constitutional Convention deliberations, a Chief Magistrate. They did not want to have anything to do with that from which they were extricating themselves—tyrannical, arbitrary, and capricious power.

This is why the most revolutionary words even to this day are the first words of the Preamble of our Constitution, where we read and I encourage every student in my district in the elementary schools and on up to memorize that because that is at the heart of the matter even today. "We, the people of the United States, in order to form a more perfect union." We, the people, not the Congress, not the President, not anybody else but the people. Why? Because for the first time in this world then of kings who said that their power came from God, they were saying no, that all power comes from the people. We have strayed away from that, so that when we end up with any possibility, and in fact the reality, that we can have an unelected President and an unelected Vice President, we have a continuing sword pointed at the very heart of our democratic constitutional form of government.

As the President gains greater and more absolute power, it is increasingly important for us to reevaluate the 25th amendment. The incentives for blind ambition to govern actions under the disability clause of the 25th amendment are stronger now than ever before. We must not allow provisions for a coup d'etat—which the disability clause establishes—to remain a part of our law. As a nation established on the principle of the power of the people, we have provided through the 25th amendment a means of relinquishing that power and establishing it, instead, in a very few unelected Government officials. How can we allow this kind of Presidential power—which our Founding Fathers feared and tried to prevent, but which has grown out of any sense of proportion in recent years—to be held by an unelected President who has assumed power over the wishes of the elected President? The 25th amendment allows this, and it is wrong. It is dangerous, and the 25th amendment should be repealed.

□ 1420

THERE IS A HEALTH CARE CRISIS

The SPEAKER pro tempore (Mr. LEWIS of Georgia). Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes.

Mr. BONIOR. Mr. Speaker, in the past 24 hours this Capitol has witnessed two of the most extraordinary events that we have seen in recent memory. The first was last night when the President of the United States stood there and talked to us and to the Nation in his State of the Union Address. In what I thought was an eloquent and challenging speech in this Chamber, the President laid out his plan to build upon the progress of the past year; to create more jobs and better jobs, jobs that people would be able to raise their families on; to reward work over welfare; to promote democracy abroad; and to reclaim our streets from drugs and violent crime.

And above all, the President once again made a very clear and a very compelling case for health care reform, for ending the health care crisis gripping this country today and for passing a bill that guarantees to all Americans—all Americans—health care coverage that can never be taken away.

But incredibly enough, there are still those who insist that America does not have a health care crisis.

In his response to the President's speech last night, the distinguished gentleman from Kansas once again stated his belief that, "America has health care problems, but no health care crisis."

Let me say that one more time, in case you missed it. The gentleman from Kansas last night said, "American has health care problems, but no health care crisis."

Well, let me be the first person to nominate that statement for the "out-of-touch hall of fame." I can just see it now on the wall; 1929, Herbert Hoover: "Prosperity is right around the corner."; 1991, George Bush: "There is no recession."; 1994, the Senator from Kansas: "There is no health care crisis."; I think it fits right in.

But those people who really believe there is no health care crisis should have been at the second great event this Capitol has seen in the past 24 hours. They should have been in room 50 of the Dirksen Senate Office Building to hear the testimony of ordinary American citizens who talked about what the health care crisis in this country has done to them and to their families.

Mr. Speaker, last night in the President's speech we heard all the statistics about this health care crisis: The 58 million Americans who have no coverage at all for some time of the year; no coverage, 58 million Americans; 81 million Americans with preexisting conditions will either pay more for coverage or they cannot get coverage at all; and, most astonishing of all, 76 percent of insured Americans, 3 out of 4, whose policies have a lifetime limit that, as the President said, can leave you "without any coverage at all just when you need it most."

Also, small business will pay 35 percent more in premiums than big business or Government for the same coverage.

Last night we heard the numbers. But in room 50 of the Dirksen Building, we heard 50 Americans, one from every State of the Union, tell us today the human side of this health care crisis.

We heard, for instance, from a Michigan man who was diagnosed with Lou Gehrig's disease 3 years ago while training for a marathon. Now he can barely walk. But he moved slowly across the room to a microphone to show us that he still can. And he said:

> I did everything right. For 28 years I had a perfect record of attendance at my job. I never missed an insurance payment. But after 28 years, when I got sick I had to hire a lawyer to get the insurance company to pay the costs.

And, further:

> I wonder what happens to people who can't afford a lawyer or don't have coverage.

Mr. Speaker, he thinks we have a health care crisis. Can he be wrong?

We heard from a District of Columbia woman whose husband came down with Alzheimer's disease. These are two people who between them worked for 100 years. But now she is worried that she will have to file bankruptcy and go on welfare just to pay for treatment.

Mr. Speaker, she thinks we have a health care crisis. Can she be wrong?

We heard from a working woman who 4 years ago was diagnosed with cancer. She spent months in the hospital. And her employer told her she had a choice: Either quit or be fired. She was fired, she ran through her life savings, she lost her house, and she is now homeless. She said she is working in a mission to pay for her room. Then she said, by the way, "My employer was one of the major hospitals in the United States." She thinks we have a health care crisis. Can she be wrong?

In my own congressional district I was visited by five women who talked with me about health insurance. Four of the five were single mothers who had children at home. They all worked in a nursing home. Not one of them had health insurance, despite even belonging to a labor union.

One woman told me, "I go to bed every night and say a prayer that my son does not get sick."

How can this be? People who work in large hospitals have no health insurance; people who take care of the sick and our parents and grandparents in nursing homes, no health insurance. It is an absolute outrage that a country as wealthy as ours, as progressive—at least supposed to be progressive—as the United States could fall so far behind in these major necessities for its people.

We heard from a man, a couple from Maryland, a working couple who had insurance. Their 9-year-old boy needed a bone marrow transplant. Since the operations, costs for his care have exceeded $800,000. But their insurance company would only pay for $250,000. Now they do not know where to turn. They said, "We thought we were safe. We had insurance; but it wasn't there for us when we needed it."

Mr. Speaker, they think we have a health care crisis. Can they be wrong?

Three-quarters of the insured people in this country, those who have insurance have those lifetime limits and could find themselves in that same exact situation.

That couple thinks we have a health care crisis, Mr. Speaker; can they be wrong?

How about the constituent that I represent from Port Huron, MI, a man of about 50 years of age who worked for 40 years, right out of high school, worked in a plant. Tough work, the kind of work that when you are finished there at the end of the day, you are dirty, tired, and all you want to do is go home, let some time go by and maybe have a soft drink or a beer and recollect your thoughts. Forty years in this plant, sweat, he poured his heart into his paycheck in order to take care of himself and his family. He retired, not 65, not eligible for Medicare, but he thought he was protected with the health care plan.

□ 1430

He got a pension every month, goes to the mailbox, $500 pension check in there.

He said to me, "Congressman, I went to my mailbox last week to get my check, and there was a check, all right, but it was for 32 bucks with a note that says, 'That's all you're going to get because health care costs have risen, and we're offsetting your pension against the rising health care coverage.'"

My colleagues, think about that. Here is a man who had planned for his retirement, who needed that $500 to exist, and it was wiped out like that.

We have got a crisis in this country in health care. To suggest anything less is not being honest with the American people, and the American people know we have this crisis. They understand that in 1980 an average family of four was paying $2,500 a year for health care. In 1993, it was $6,500 a year. And, if we do nothing, if we think we just got a little bit of a problem and do nothing, or tinker around the edges, it will be $14,000 by the end of the decade.

We have a crisis, and crisis requires courage, it requires leadership, it requires determination, and it requires the help, the support, of the American people to make sure that we get the job done for them so that they have the same type of affordability and opportunity for health care that we have.

That is why this card is so important. We have got 7 months to get this done. We have a window of opportunity that comes along maybe once every 30

years. We did Social Security in the 1930's, we did Medicare 1964–65, and now we have this opportunity. We have to grasp it, and we need the American people to lock arms, to embrace each other and to support us in our effort to make sure that we have comprehensive health care coverage, every American has a card and that the health care coverage that they have cannot be taken away from them whether they have a preexisting condition, whether they have their job or they lose their job, whether they change their job. It is going to be there for them.

So, Madam Speaker, in conclusion let me just suggest that, as we engage in this debate over the next several months, we remember the couple from Maryland, the gentleman with Lou Gehrig's disease from Michigan, the nurses who worked in our nursing home that had no insurance themselves, and the countless other and millions of Americans who are insured but who live in fright because of a lifetime cap where they will not be covered when the necessity for coverage is there.

The SPEAKER pro tempore (Ms. BROWN of Florida). Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

COMMENTS ON THE STATE OF THE UNION ADDRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Madam Speaker, today is the day after the State of the Union Address, and I have been asked to make many comments by the press, by constituents, on the State of the Union Address. It is a very important occasion for our Nation, and our lives should be focused on it.

We heard last night certainly one of the greatest State of the Union Addresses ever delivered in this Hall. We heard last night the voice of a great leader of the Western World. We heard a President that sent a clear message to Washington that he is ready to take charge. We heard a President send a clear message to the establishment that he will not tolerate their tricks, he will confront them head on on what matters most.

If I had to give a grade to the President's State of the Union Address, I would give it an A minus, and I only say "A minus" because we cannot afford, as Congresspersons and legislators, to admit that the executive branch has done anything perfect because there would be no need for us if we have a perfect executive. All we would have left to do would be to rubber stamp whatever he has proposed and go home. The A minus gives us room for a rationalization of our being.

Madam Speaker, there is room for some improvement on the President's program. There is room for improvement, and a dialog with the Congress is necessary in order to make those improvements, and I am pleased to say that the gap between where the Congress is, and where we ought to be at the end of this session, and what the President had to say last night, is a very small gap.

I am also pleased to note that this is a President who is a moderate man who really believes in citizen participation. He is not just a great communicator, meaning he communicates to people, but he does not listen when they communicate back. I think this is a President who very much welcomes participation at every level. He welcomes the participation of the people around him at the White House, he welcomes the participation of the Cabinet, he welcomes the participation of the Members of Congress in making vital decisions for this Nation. I think he is really listening. I think he is capable of this, and he is capable of understanding.

Madam Speaker, we are fortunate to have President Clinton as our President, and I think the speech last night demonstrates that quite dramatically. I just want to comment on some parts of his speech, and, as I give him an A minus, indicate that there are some areas where I profoundly disagree with the President. Nevertheless I think the A minus is in order. I think the President's emphasis is in the right place. I think that when we are evaluating anything that the whole is not the sum of its parts. I may disagree. I may have a problem with some parts. But, when we look at the whole and look at what the President chose last night to dramatize and to emphasize, to prioritize, when we look at that, we can have no quarrel with the speech on the whole.

The President focused first on the most important issue, and that is the issue of health care. Health care reform is No. 1. Health care reform and what we do on health care in this Congress this year is a major step in the defining of modern America. It is going to define how this Nation is going to operate and how this Nation's attitude, the general demeanor of the Nation as it goes into the 21st century, how that is going to be defined by what we do on health care.

All wrapped up in the health care issue is this whole matter of just how concerned are we about each other. All wrapped up in the health care issue is the question of do we care. Is there a majority in America, a caring majority, that really cares about each other?

We do not have to love each other, we do not have to agree on every point that we all espouse to, but do we care enough about each other to want to make certain that the basics are in place, that something as basic as that which guarantees life, that which guarantees a minimum of suffering, that which guarantees that the miracle of modern medicine will be made available to every American regardless of what his pocketbook looks like, regardless of his ability to pay?

We value life. We are saying, as we move into health care legislation that we believe. The President was saying in essence that he believes that he wants to put the full weight of his political power behind the notion and the policy that every human being is sacred, every American is sacred and every American's life should be treated in that way, that it is sacred and, therefore, it deserves to be preserved. One life is equal to another in terms of any attempt to preserve it, any attempt to make certain that people live as comfortably as they can, as long as they can, with respect to their own individual health. That is a big statement for America.

I will not say that President Clinton is unique and that he alone is the one who tried to make the statement. It goes back quite a ways, as my colleagues know. President Truman tried to espouse the same policy, and tried to translate that into political reality and to get it passed in legislation. And he failed. We have to be bipartisan, as the President was last night, and say that even President Richard Nixon recognized that there was something wrong with a great modern industrialized nation not having a guarantee to all of its citizens for equal access to health care.

□ 1440

Even President Nixon—and I am no fan of President Nixon, with his general attitude, his policies, and his mean spirit—recognized that the social fabric of America, the social fabric of our Nation will be threatened if we do not at least give the basics, if we do not follow up on Social Security with health care security.

Thank God for Franklin Roosevelt, thank God for the New Deal, and thank God for all those brave people who participated in the New Deal with Franklin Roosevelt. Social Security paved the way. It took 20 years before Social Security really passed. It was a long, long fight, but it was a basic building block.

Social Security became the basic building block. I do not think we could be contemplating massive health care reform today, if we had not first had Social Security. But even after that great accomplishment, even after the American people have made it quite clear that any administration or any legislator who dared to touch Social Security and tried to take Social Security away, would find himself out of a job. If the whole Congress and the

President would dare to act in some way so as to really threaten Social Security, we would probably find ourselves facing revolution. The way the Canadians speak about their health care is the way Americans feel right now about their Social Security.

Having experienced it, having enjoyed the benefits of it, having felt the security of it, they would never let anybody take it away. We would have fighting in the streets before we would ever allow anybody to take Social Security away.

We are able, I think, because of the building blocks in Social Security, as provided for us, to move on now and join the other industrialized nations of the world. Germany, Japan, Italy, Great Britain, most of the industrialized nations of the world offer universal health care to their citizens in varying degrees of quality. But basically the principle is there. They see every one of their citizens as being equal. They see every life of every member of their nation as being sacred, and they try to preserve it and try to give the benefits of modern medicine to everybody.

So let us run to catch up. We have a lot of catching up to do with our industrialized nations in many ways. They have a lot of catching up to do in some ways with us. We are still the model for the world in democracy and in the way our executive branch and our judicial system function. There is nothing like it in the world. It is unparalleled. We still have a great deal to offer the world that it does not have, but in many ways we are savage and uncivilized.

We are savage and uncivilized in the way we handle gun control in this country. We are savage and uncivilized in the way we squander our health care resources. We spend more on health care than any other industrialized nation. We spend twice as much as our neighbor to the north, Canada, and yet we cover fewer people. We provide less health care in terms of long-term coverage and in terms of total coverage. In many ways we must be humble enough to look to the other industrialized nations and use their example for ourselves. Health care is one of those areas.

We should be grateful that President Clinton is pushing us, that he is providing the momentum and the leadership necessary for us to scramble to catch up. We should be grateful that he has made a clear statement. He draws a line in the sand on health care.

When I say the speech merits an A-minus, but I have many disagreements with it, you can balance all my disagreements with the speech off against his position on health care, and it wipes it out, because he is firmly on a platform which says, "I will not accept any bill which comes to me that does not provide for universal health care with an adequate benefits package. I will not accept it," and he would use his pen to threaten to veto it when he has already made it clear that he went through his first year, the whole first year of his term and never had to veto a bill. That sends a clear message to all the game players, all the operators, all the wise guys, all the old establishment cronies, and all the phonies. It sends a clear message to them that this President means business.

This President knows the American people are behind him. This President knows that from every part of this Nation, as he said last night and in every congressional district, there are people who will clearly say to those who say we have no health care crisis that "you are really naive. You are either naive or you are lying if you say we don't have a health care crisis. Don't go into my district or go into a senior citizens center and tell them they have no health care crisis. I'm not sure you will get out of there alive. Don't do it. Don't tell that to all the people who are on the brink of getting off welfare and would like to get a low wage job, a low-paying job."

The one thing that prevents these people from moving is the fact that they cannot get health care coverage. They do not want to move because they do not want to jeopardize their families. You can always get Medicaid if you are on welfare, so why take a minimum wage job and scramble and struggle to make ends meet, and the minute one of your kids gets sick, there is no way you can survive? You have to go back on welfare in order to get Medicaid.

So if you put things in their proper perspective, you start out with health care. That is 90 percent of the A-minus, the fact that the President took a clear position, the President sent a clear message that he means business and he wants a health care reform package that is not a phony, not a fraud. He wants everybody covered. He wants an adequate package, and there he stands. He is willing to fight for it. I think every Member of Congress should stand behind him. Let us move past this area of savagery. Let us move America past this area of primitive society where we stand as the only industrialized nation which permits our citizens to remain uncovered.

We have the most. We are the richest Nation that ever existed in the history of the world. We have the most. We have a mentality sometimes that makes us think we are poor, but we are the richest Nation that ever existed in the history of the world, and to have our citizens not have basic health care coverage is not just a shortcoming, it is a sin and it is a crime.

The President in his speech pointed out the fact that in his first year there were monumental achievements. When you add them all up, the year as a whole was a monumental achievement. The President started his speech by calling the attention of the American people to what he had achieved in his first year. I think it is very necessary for the President to do this because the press and the media have certainly not given him the credit. The press and the media have certainly not acknowledged the kind of accomplishments that were achieved in President Clinton's first year.

As a freshman President, as a new President, I think his record probably remains unbeaten over the last 50 years. You cannot match that record of accomplishment. It was a budget that cut the deficit by half a trillion. I am quoting the President, and I agree with him 100 percent. He gave us a budget that cut the deficit by half a trillion dollars and cut spending and raised income taxes only on the very wealthiest of Americans. There was tax relief for millions of low-income workers to reward work over welfare. That is the earned income tax credit.

NAFTA is one of his great achievements, according to the President. I do not agree. In my opinion, that is a negative achievement, but we too congratulate the President on being able to accomplish what he promised in his campaign speeches. He promised that. It was started by the Republicans, and with bipartisan support, it passed. So he promised it, and he delivered.

The Brady bill, which is now the Brady law, had been threatened with a veto ever since I have been in Congress. The Brady bill had been kicked around all over the place, but finally the Brady bill is now in law. The Brady bill is a very tiny step forward. The Brady bill only requires people to wait for a short period of time while their background is checked before they can buy a gun. The Brady bill will not do very much to control the proliferation of guns on the streets of America. But the Brady bill is significant, is monumental, in that it is a breakthrough. It is the only significant gun control law passed in America in the past 50 or 60 years, the only significant step toward controlling guns. A very significant step it was, because despite the fact it was only an antiseptic bill, only a bandaid on the larger problem of the proliferation of guns in our society, you know, we have 200 million guns out there already. In America there are 200 million guns already out there. You know the gun industry in America is about $20 billion a year. Twenty billion dollars a year to manufacture these little toys of death, these little weapons of death. We sell them as if they are hardware, toys. We play with them, and yet it is a very deadly kind of cultural feature.

I heard the President say part of America's culture is the right to own guns. He certainly is always going to stand behind that. I think that is a

point I disagree with him. I think that is part of our culture we ought to assault wholesale. We all ought to deal with trying to exorcise that part of our culture, some surgery to take away that part of our culture. The romantic affairs, love affair with the gun, is something Americans should try to dump. That is an addiction we ought to try to get over. It is a deadly addiction. When you compare what guns are doing in our society to what the absence of guns in other industrialized societies means, then you can see. Less than 100 people in Great Britain 2 years ago died from gunshot wounds or were killed with guns. Less than 50 people in Japan. Shockingly small numbers in Italy and Germany. While we had numbers like 14,000 people killed with guns, there were less than 100 killed in Great Britain. When you look at the two societies, you have to say something about the civilization factor. We may be civilized in many many ways, but when it comes to guns, we are an uncivilized nation. We are a savage nation. And we have to come to grips with that, because that is destroying our children.

More and more the victims of guns are young people. If we have 200 million in the society today and the industry is a $20 billion industry, how many do you think we will have next year, and the year after that?

By the year 2000 how many guns do you think there will be in the American society?

The teenagers in my congressional district tell me that they can get a gun for $25 right now. If you want a gun, you can get a gun, the basic six shooter, for $25. Next year they will go down if there are more guns, and the law of supply and demand means the price will go down. By the year 2000 a gun will cost you between $5 and $10. Is it any wonder that more and more young people have guns? Is it any wonder that more and more teenagers have guns, more and more schools are trying to take steps to deal with guns?

We got metal detectors, we got all kinds of situations in the high schools and the big cities. You got complaints from the rural areas about large numbers of students bringing guns to school.

So the Brady bill, which is now the Brady law, was a very important step forward, but let's all recognize it was just one step forward.

It broke the back of the illogical, unreasonable, blind resistance that has been waged by the National Rifle Association over the last 50 years. The National Rifle Association has taken a stand that any law which affects guns in any way is a threat to American liberty. Any law which affects guns in any way is a violation of the Constitution.

Of course, they use the second amendment to prop that up. They insist that the second amendment gives every American the right to own a gun.

Well, the courts have ruled several times that the second amendment does not give every American the right to own a gun. The language of the second amendment is very clear. It talks about Congress shall make no law which prohibits the maintenance of a militia. A militia can be maintained. A militia in 1994 means the National Guard. A militia means the police. People who are constituting authorities have the right, of course. We have the rights as States to maintain those. That is the right that is guaranteed by the second amendment of the Constitution. It does not give every individual the right to own a gun.

There have been numerous court cases which have ruled that the States have the right, the localities have the right, and certainly the Federal Government has the right to regulate the ownership of guns by individuals in any way they see fit. They can regulate guns, they can require licensing, they can place taxes on them. They can ban all handguns if they want to. They can do anything they want. The Government has that power, and not an iota of the Constitution will be violated. It will not violate the Constitution.

So the National Rifle Association, standing on very shaky grounds, very successfully has perpetuated the notion and made every American feel that they have the right to own a gun. Any time you talk about gun control, you are threatening their rights. If you talk about gun control as a way to bring down the high cost of health care, because one of the highest costs of health care in Washington, DC, and Houston, TX, and Detroit, MI, and New York, NY, one of the highest costs of health care is the traumas that take place, especially on the weekend, at emergency rooms, where gunshot victims are brought in. That is a very expensive form of health care, dealing with gunshot victims.

I visited Toronto, Canada, almost 2 years ago, to tour the health care system there and see how the Canadian health care system worked, by visiting doctors, hospitals, patients, et cetera. We went to the general hospital in Toronto on a Friday evening, and the place was so quiet. I said, this must not be the main hospital, is it? This is not the main emergency room. Where is your regular emergency room? There were only two people in the emergency room.

They said, you know, we don't have any great flood of emergencies on the weekend. I said surely on the weekend, on Friday night, Saturday night, Sunday, you must have lots of victims of violence. You must have a lot of gunshot victims. And he said no, no, no, we had about 25 cases of gunshot wounds over the last year. Twenty-five cases of serious gunshot wounds in the biggest hospital in Toronto, Canada, 25 per year.

In one hospital in my district, they have 25 gunshot wound cases in 1 week, 1 weekend. If the guns are not there, if people are not selling guns as if they were hardware or toys, then the number of people who are injured by guns or killed by guns goes down. There is a definite correlation. We are all logical people. We are all well-educated leaders. We don't have to have diagrams drawn for us. There is a definite correlation between the number of guns in our society and the number of people who get killed with guns, the thousands of people who get killed.

The Brady bill was a breakthrough, but I disagree with the President when he says he will always defend the right of Americans to own guns. He is only willing to get rid of assault weapons, automatic weapons. I will buy that. Any step is a step forward. Let's get rid of all the weapons, but let's understand that the culture of the gun, the culture of the gun and the culture of violence in America, must be attacked head on. They must be eradicated, and you can't do that if you are going to treat guns as a basic part of our culture and never challenge the existence of the right to own guns.

The President also said that the tax cuts help 9 out of 10 small businesses invest more and create jobs. Those tax cuts were passed last year. The President also said that more research and treatment for AIDS, that was passed last year. We got more childhood immunizations. We talked about these things a lot under previous administrations, but we only made tiny steps in trying to deal with them. We got more childhood immunization as a result of legislation passed last year, more support for women's health research, support for college loans for the middle class, a new national service program for those who want to give something back to their community and earn money for higher education. A dramatic increase in high-technology investments to move us from a defense to a high-technology economy. A new law, the Motor-Voter Act, to help get people to register to vote. And last but not least, family and medical leave. The first bill we passed last year was the Family and Medical Leave Act. Some people in my district try to play down the Family and Medical Leave Act and say it is not that important. After all, I can take off and not get paid. We can take off and not get paid. To know your job is going to be waiting for you when you get back is important. Great. We would like to see the workers take medical leave and get paid, as they do in Germany, as they do in France, but we are not that civilized yet.

□ 1500

We just made the first step. At least the Government guarantees if you work for an employer that has 50 or more employees, you are guaranteed to

get a job back, a very important step. If it was not important, why did President Bush veto it twice. Why did certain quarters, certain special interest groups in America fight so long against it, if it is not important.

Family medical leave was passed as our first act last year, and it was very important. All passed, all signed into law as the President stated.

These accomplishments were all commitments that he had made when he sought office, and they were all passed by the Congress.

I salute the President and his achievements, and I salute the fact that in his speech last night he stood up to those people who have attempted to minimize his accomplishments.

I have heard the President himself say on previous occasions that he does not believe in the lame game. He said that more than a year ago.

I hope by now, after being kicked around by some very nasty people here in Washington, that he clearly understands that you have to play the blame game and fix the blame where it is. Otherwise, they will fix the blame for what they have done on you.

I will not go into Whitewater in great detail right now, because I would like to discuss Whitewater at some other date at great length, the implications of Whitewater and the savings and loan mess, the savings and loan swindle, how a whole long list of people in Government who have connections to savings and loans were never investigated.

There were never any calls by the loud voices that now call for an investigation of Whitewater. They never called for an investigation of Silverado. Silverado in Colorado, does anybody know anything about that? The son of a President was on the board of Silverado. Nobody called for the appointment of a Special Prosecutor to look into the Silverado swindle. Much more was involved in terms of dollars than were involved in Whitewater.

There is a whole need to explore fully the implications of the persecution, the special persecution that is taking place in the case of Whitewater, how all the people who were so silent, some on the Banking Committee, so silent about the billions of dollars that went down the drain in savings and loans.

Some savings and loans have elected officials connected with them. Illinois had a few elected officials. Savings and loans went down the drain. They had elected officials connected. Texas, California got a lot of elected officials connected with savings and loans that went down the drain, and nobody called for Special Prosecutors. Nobody called for investigations of the kind that should have gone forward. Maybe we should have had a Special Prosecutor to deal with all the savings and loans that had elected officials connected with them in any way. We could call that a prosecutor for S&L hot water. Any maybe we will get around to that eventually and not single out Whitewater as some great example that has to be explored over and over again.

Let us look at the whole picture and whatever happened at Whitewater will fall into perspective. You can see it in comparison with the whole and see how tiny it probably is compared with the billions that the American people are paying right now to make up for the money that was stolen out of savings and loans across the Nation.

I will not go into that in great detail. I want to come back to the President's speech. As I said before, I give it an A-minus. It was a great speech, but I have disagreements.

When the President says, "Next month I will send you one of the toughest budgets ever presented to Congress. It will cut spending in more than 300 programs. It will eliminate 100 domestic programs and reform the way Government buys its goods and services. This year we must make the hard choices again to live within the hard spending ceilings we have set," I agree with the President that we ought to make hard choices. But I wonder about those 300 programs that are going to be cut. I would like to see the list of 300 domestic programs that will be cut. I wonder again about the 100 domestic programs that are going to be eliminated completely. There is no virtue in numbers, to say I am going to eliminate a certain number of programs. They may be very tiny programs with a few hundred thousand dollars and, because of their small size, to have somebody make a judgment that they are worthless is wrong. It is illogical. The value of a program that is only appropriated for $1 million may be far greater than a program that is spending a few billion dollars. Because it is spending less does not mean that it is a less desirable or less needed program.

I worry a great deal about cutting 300 domestic programs and eliminate 100 domestic programs. I worry about that even more, when you consider what the President said about the defense budget. Again, my most profound disagreement with the President in his speech last night was his pledge not to cut the defense budget. He will not cut the defense budget anymore, and he requested that Congress cooperate with him and support him on not cutting the defense budget. That is my most profound disagreement.

It is still an A-minus speech. It is still a great speech, when you consider the pluses, but this is a minus which must be dealt with, and here is the place where I hope that the President and his willingness to enter into a dialog with Congress, the fact that he is a great communicator and a great believer in participation and decision-making, I hope he hears us.

I hope the Members of Congress will speak loud and clear to the President in disagreement. To make a statement that you are not going to cut the Defense budget anymore, while you tell us you are going to cut 300 programs and eliminate 100 domestic programs, is to close the door to a dialog which is unbecoming and out of step with the President's general way of proceeding.

I hope that we are going to be able to balance these defense programs against the domestic programs. I would wager, without even knowing which programs he is going to cut, I would wager that the 300 programs he is going to cut, added to the 100 programs that he is going to eliminate, proposes to eliminate, if you add all of it up, 400 programs, some cut, some eliminated, they would not equal the cost of one *Seawolf* submarine. They would fall far short of the cost of one *Seawolf* submarine. One *Seawolf* submarine costs $2.3 billion. They certainly would not get up to one nuclear aircraft carrier. One nuclear aircraft carrier costs $3.5 billion.

When you are talking defense and you make the cut in defense, you are talking big money. If we cut a few useless weapon systems out of the defense budget, we have large amounts of money to transfer to more worthwhile activities. So if you are not going to cut the Defense budget and you are going to leave all those worthless weapons systems in place, some that would not be any good if we had a fight, because they were never on sound ground, the missile systems on the star wars, some of the aircraft that is in the pipeline, there are a number of places where experts have challenged the utility of these devices and these weapons, again, even if we had a war.

But since we do not predict any war with another superpower, why do we make pledges not to cut the Defense budget? Why not at least be objective enough to take a close look at the Defense budget, take a look at all those nooks and crannies in the Defense budget. Because over the last 50 years, since the end of World War II, the cold war and everything that went into the mystique which created the military industrial complex, all of that created a situation where Defense has gotten almost everything they have asked for.

There were years when no matter what they asked for, and the American people would be surprised at what went through the Defense budget, programs for counseling, for reading, for family problem solving. All kinds of programs went through the Defense budget. And if you look in the Defense budget, you will find all manner of things there.

It is the most bloated budget. It is where the money is. As Slick Willie's son used to say, when he asked him why he robs banks, that is where the money is. If you want to look for budget cuts and you want to look for ways

to streamline the Government, go look at the Defense budget. We have got depots in the areas surrounding Washington, depots which still have hundreds of billions of dollars' worth of junk in them. I say "junk" because anything that is no longer useful, as far as the military is concerned, is junk.

They may more aggressively find ways to sell it, sell it to Third World countries. And we are not talking about weapons. I am talking about tiers. I am talking about medical jackets for doctors of a kind they do not make anymore.

All of us looked at "60 Minutes," and we saw some of the examples in the warehouse. One hundred billion dollars' worth of stuff is stored in warehouses that we cannot use anymore. We are talking about the continuation of the funding for overseas bases.

□ 1510

We do not want to close any bases in America. We do not want to throw any communities out of kilter economically, necessarily. We can take time for that.

However, why not close the overseas bases in Japan and Germany? We have been talking about it for some time. Billions of dollars are being spent to keep the bases going overseas. Let us take a close look at this Defense budget. Let us even look closely at some traditional things nobody has ever thought about.

Do the Members know how much it costs to educate a young man or a young woman at West Point? Do they know how much it costs to educate one, compared to Harvard and Yale and Princeton? The cost of educating one student at West Point is about four times the amount of money we spend to educate a student at Harvard or Yale or Princeton.

Why do we have to spend so much money per student in the military academies? West Point is the highest, but the others are too high, also. Nobody has ever taken a look at the budget. When we try to find out what is the budget of West Point, you find out, "What budget? We just spend money. We don't have a budget."

If we take a look closely at these kinds of expenditures and things that the military takes for granted, there is money to be saved. We can save money which we can use, I assure the Members, to help keep some of these 300 programs that are going to be cut and the 100 that are going to be eliminated.

It is like the Hans Christian Andersen Story, where the Emperor has no clothes on, and nobody would say that the Emperor did not have any clothes on. The establishment around Washington does not want to say the Defense Department is still the place where there is a huge amount of waste. We can make a lot of cuts.

Nobody wants to talk about the CIA, our spy apparatus, and the rest of the intelligence budget, which most people agree is about $28 billion. The cold war is over, and yet we are still spending $28 billion. I suppose the President meant them, too, when he said we are not going to cut Defense any more. They consider themselves part of Defense.

We cannot look at the CIA and ask, "What are you doing now that the cold war is over? How many of your jobs are make-work jobs, very expensive make-work jobs? You are making work for yourselves in various ways, and we cannot challenge that because everything is secret?"

What have you done lately to deserve a $28 billion budget, intelligence community? You could not predict the collapse of the Soviet Union, when the big Soviet Union was collapsing, and you, outrated intelligence agency, could not tell us it was collapsing.

You could not accurately tell us what was happening in Haiti. You told us things about Jean Bertrand Aristide which were later proven to be false. A hospital in which your communiques say he was treated for mental illness, that hospital did not even exist. The doctor you say treated him did not even exist in Canada. CIA, why should you not be cut?

Mr. Speaker, I hope that the President will reconsider that we can have a meaningful dialog about this great pledge not to cut the military. That is where the money is. Instead of cutting 300 helpless domestic programs and eliminating 100 programs, let us have a dialog. Let us communicate. Let us examine objectively where the money is going, and let us decide on ways to spend it that are most productive for America.

The President does talk about some good things that my district, people in my district, have waited a long time for programs to help people get jobs. I like what he said, and I quote,

> We must work with the private sector, connect every classroom, every clinic, every library and every hospital in America to a national information superhighway by the year 2000. Instead access to information will increase productivity. It will help educate children and provide better medical care and create jobs. I call on Congress this year to pass legislation to establish the information superhighway.

I am a librarian. I know how important information is. I know the power of information. I know we live in the age of information. I have spoken to Vice President GORE on several occasions. I have communicated to as many people as I know that the superhighway, the super information highway, should be available to everybody, that we have got to find a way to make sure it is not just a monopoly of the rich. They agreed.

One way to make it available to everybody is to put it in schools and in libraries. They have set up an advisory board to work on the information superhighway. I do not know of a single teacher or a single educator or a single librarian who sits on that information superhighway advisory committee, but there is room for dialog. I am sure that we will make a correction. I am sure the Vice President and the President will listen. That is very important.

It is important to create jobs. The young people in my district need to know what kinds of jobs are involved. They need to know that our Government is gong to help them to train and to get the education necessary to be involved in those jobs.

The President goes on to say, "As we expand opportunity and create jobs, no one will be left out. No one can be left out." To quote the President further:

> We will continue to enforce fair language in fair housing and all civil rights laws, because America will never complete its renewal unless everyone shares in its bounty.
>
> We can do all these things, put our economic house in order, expand world trade, target the jobs of the future, and we will, but let us be honest, this strategy cannot work unless we also give our people the education, the training, and the skills they need to seize the opportunities of tomorrow. We must set tough world-class academic and occupational standards for all of our children, and give our teachers and students the goals to meet them.

I know what the President means. I sit on the Committee on Education and Labor. I welcome the fact that he has had vigorous participation in the effort to move the education agenda forward. It is not just words and rhetoric, but this President has been involved in moving the agenda forward.

We have passed out of the House of Representatives the goals 2000 bill. We have passed the schools to work bill. We are going to pass the Safe Schools Act, and a number of other school-related bills. This morning my subcommittee passed out of the subcommittee the drug-free schools bill, so we are moving. We are moving, with the support of the President, on education.

On employment, I like what the President had to say in his State of the Union address. I quote the President,

> The only way to get a real job with a growing income is to have real skills and the ability to learn new ones. We simply must streamline today's patchwork of training programs and make them a source of new skills for people who lose their jobs.
>
> Reemployment, not unemployment, will be the centerpiece of our program for economic renewal, and I urge you to pass it this year.

Unlimited applause was due the President on that one, and he needs it. His activities over the first year have laid the basis for moving forward with jobs programs. To quote him again:

> Just as we must transform our unemployment system, we must also revolutionize our welfare system. it doesn't work. It defies our values as a Nation.
>
> If we value work, we cannot justify a system that makes welfare more attractive than work. If we value personal responsibil-

ity, we cannot ignore the $34 billion in child support that absent parents ought to be paying to millions of mothers and children. If we value strong families, we cannot perpetuate a system that penalizes those who stay together.

Can you believe that a child who has a child gets more money from the government for leaving home than for staying with their parent or grandparent? That is not just bad policy, it is wrong, and we must change it.

I agree with the President 100 percent. I agree with this part of the address 100 percent. Those who say that the liberals, the progressives, are not ready to tackle welfare reform, that their hearts are bleeding and they want to be soft on people who do not want to work, they are lying. We have consistently said we know, and I have a large number of people on welfare in my district, we know from first-hand experience that people would rather work than be on welfare.

We know that when they go to look for jobs, there are no jobs. We know that if a hotel or a new enterprise of any kind advertises 10 jobs, they will have a thousand people show up for those 10 jobs. Sometimes they have several thousand people, people spread in long lines around the block, people getting into fights for a handful of jobs.

Mr. Speaker, we agree 100 percent with the President. We value work. There is no reason why people on welfare should not get off if their job is there, but make sure that the jobs are there. We are behind the President 100 percent.

I am in favor of a comprehensive welfare program. I am in favor of the President's 2-year rule, where people, and to quote the President, and I am going to quote in great detail,

To all those who depend on welfare, we offer this simple compact: We will provide the support, the job training, the child care they need for up to two years, but after that, anyone who can work must work; in the private sector if possible, in community service if necessary. We will make welfare what it ought to be, a second chance, not a way of life.

I agree with the President. I think most progressives agree, most liberals agree. If we are going to provide the support, the job training, the child care, if we are going to make it possible by providing the jobs, then we are all together. The people on welfare want the jobs, we want them to have the jobs, but make certain that we do not perpetuate a fraud. Let us not be cruel and pretend there are jobs when there are no jobs.

□ 1520

If you are going to have a 2-year rule, and I do not know how you arrived at the 2-year rule, those people who say 2 years on welfare, that is enough, get off, I say okay, let us experiment with that. But how did you come to 2 years? Are you saying that every American deserves 2 years of help from the Government and that is all, no more? I will buy that. If every American deserves 2 years help from the Government and no more, everybody is equal, I might buy that.

But are you saying also that the farmers who have been receiving farm subsidies for more than 2 years should be cut off? A farm subsidy, paying farmers not to grow a certain amount of grain, or paying them to store grain, whatever the farm subsidy is, that is the American taxpayers helping an individual. Now, if everybody deserved no more than 2 years of help, then cut the farmers off who have been on more than 2 years.

When we have flood insurance, some people build their homes in areas where they have floods again and again, are you saying that two times and it is all over, that the Federal Government should not help rebuild their homes when a flood has taken place? I mean, one person is no different than another. You need help. Your home has been flooded.

In earthquake areas, you choose to live in an earthquake area. An earthquake is made by God, but it is your choice to build your house in an earthquake area. Let us forget whether it is God or man, you need help. People who are victims of earthquakes need help. Are we saying that we will give you help twice, 2 years, and then after that no more?

Or if there is a hurricane, as happened in Florida, we will give you help for two hurricanes, and no more?

Or is that all wrong? Would a more scientific way to do it be to calculate the cost? People who are on welfare get between $10,000 and $15,000 a year. A family of four on welfare, depending on what State you are in, gets between $10,000 and $15,000. Let us take the higher figure. If they are on 2 years, they get $30,000 from their government. Their government helps them with $30,000 worth of help. Should we make that a rule, that every American who is in trouble of any kind, everybody who needs assistance gets $30,000 worth of help and no more? If you are going to pull these years out of a hat, the 2-year rule, then let us be scientific about it, and let us decide on what you are doing. Thirty thousand dollars worth of help and no more, that sounds reasonable.

The people who are getting Federal deposit insurance to cover their deposits in the banks, why do we cover more than $30,000? Why not just cover $30,000, so that when the banks fail, as have the savings and loans, the American people are not out $500 billion. You know the savings and loans swindle is predicted to cost us $500 billion before it is all over. Now let us not be in that position again. Let us say if you have a deposit we will insure no more than $30,000. We have a new rule, the Government assists people up to $30,000 and no more. That is not so outrageous, because there are some countries where they do not have any Federal deposit insurance, the government does not help you at all. They have private insurance. And then there are other countries like Great Britain where they have a very limited amount of Federal protection, government protection over your bank deposits. This is not unusual. So, all Federal deposit insurance will be limited to deposits of $30,000 and no more.

Overseas embassy services. Some Americans travel all of the time. The majority of Americans never travel. They cannot afford it. The services of the embassies, the passports, all of the things that they do for people who travel, $30,000 worth over your lifetime, and no more.

If we are going to look closely at Government assistance, how much you should be given, then why not have a uniform rule across the board?

Do not misunderstand me. I support the basic principle of giving people all of the help we can to get off welfare, give them a job, 2 years and no more. But I want to spread that principle so that every American who gets any kind of assistance, any subsidy, and I am not talking about Social Security, I am not talking about insurance, I am not talking about health care, I am talking about a subsidy that goes to some and not others, then any American who gets that kind of subsidy should have a limitation of 2 years.

Let us take a look at welfare reform. We look forward to a dialog with the President on that, and look forward to a dialog with the President on all of these things, including crime.

Progessives, they say, are soft on crime. But I am all in favor of three things and you are out, Mr. President. I do not think it is going to accomplish very much if you do not eliminate guns in our society. I think we are still going to have large numbers of people killed with guns, but I am all in favor of trying the policy of three times and you are out.

I am all in favor of putting 100,000 police on our streets with Federal aid. We need them in my district. But if you are going to put 100,000 more police, or any additional police out there, I also want the law to state that we want more efficient, more effective, and more competent police departments. Law enforcement is one of the most incompetent, inefficient areas of activity in our Nation. They blunder more, they waste more money, and corruption is a major problem. I hope the law will have in it some stringent provisions against corruption. I have seen in my district massive corruption at two precincts where the police were the worst criminals. We had a commission where they confessed. And nobody talked about harsh punishment for police. Anybody who has been sworn to uphold

the law as a policeman, is sworn to uphold the law as a peace officer, any judge should have double the punishment of other people committing the same crime. We ought to build that into our Federal aid. Let us give communities help, give them more police, but let us also deal with some of the problems that are out there. The ineffectiveness, the inefficiency, the blundering of our police departments, let us deal with that.

In closing, I want to make it clear that despite my criticism and my comments I think the State of the Union Address on January 25 was a landmark in American history, especially modern American history. I think the President gave a world-class performance. He won an A minus. He provided leadership.

I look forward to the second year of the 103d Congress. I think it is going to be a great year for history, a great year for the American people. I think we are going to start with our emphasis where it needs to be. At the end of this year, every American is going to be guaranteed health care security, every American is going to be able to breathe a little easier. Most of all, I think the mean-spirited of our Nation will be tackled head on, and we will be not a mean-spirited nation, rich but talking poverty, but a nation in spirit as generous as it is wealthy.

DERIVATIVE REGULATIONS

The SPEAKER pro tempore (Ms. BROWN of Florida). Under a previous order of the House, the gentleman from Iowa [Mr. LEACH] is recognized for 60 minutes.

Mr. LEACH. Madam Speaker, today I am introducing legislation to provide an enhanced framework for Federal regulations of derivative activities.

By background, 2 months ago I released a 900-page minority staff report on derivatives, concluding with 30 recommendations for constraining public risk in the marketplace.

This report, in effect, complements a private sector report issued by the Group of 30 which represents a consensus effort of the most respected market participants to establish minimum standards of industry self-regulation.

By further background, my operating assumption is that derivatives are the new wild care in international finance.

There is an American adage: "I wouldn't do that for all the money in the world." Interestingly, the multitrillion dollar derivatives activities of the 10 largest American commercial banks alone amount to double the annual GNP of the United States which, in turn, is more money than all the money in the world. If this doesn't define a pyramidal house of cards—particularly in the event of a market shock sparked abroad by warmongers or at home by private sector speculators or public pandering protectionists—what does?

Everett Dirksen once commented that a billion here and there pretty soon added up to real money. With regard to derivatives, it would appear that a trillion here and there may add up to a real problem.

As the Federal deficit bears proof, Congress has yet to understand how to manage figures followed by 9 digits. With derivatives it is asked to understand quantumly larger figures—numbers followed by 12 digits.

Derivatives pose an interesting conundrum in that the problems they present may be too sophisticated for a Congress of generalists to deal with in any detail. However, this does not mean that legislators do not have the responsibility to set forth a general framework of concerns with the understanding that the executive branch and Federal Reserve must be held accountable for responsible oversight of the financial markets.

Congress should be extraordinarily wary of setting specific regulatory standards but legislation is clearly warranted to empower an interagency commission to issue prudential guidelines which would have cross-industry enforceability tied to cross-border standard setting efforts. Unless derivatives are regulated by product type as well as institution kind, the market will simply be skewed to those market participants not subject, as commercial banks are, to safety and soundness scrutiny. And unless efforts are made to develop international standards, the market will be skewed to the advantage of foreign participants.

Conventional wisdom is that derivatives trading is currently being conducted in a manner that does not adversely effect the safety and soundness of the financial system and does not represent significant systemic risk. However, the sheer magnitude of the market and the extraordinary growth in product trading present worrying concerns. Regulators have no choice except to establish as the highest possible priority the need to be vigilant in guarding against the potential risks to individual institutions and to the financial system as a whole posed by derivatives trading. Despite the apparent benefits of wider use of derivative products, a persuasive argument can be made that only sophisticated users with comprehensive risk management strategies, qualified personnel, and deep financial reserves should participate actively in this exploding market.

In analyzing the public policy concerns related to derivatives, legislators and regulators have an obligation to repeatedly review the following questions:

First, are adequate uniform capital, accounting and disclosure standards for derivative products in place?

Second, is there adequate coordination between United States and foreign regulators?

Third, are there unique issues regarding the payments, clearing and settlement systems related to derivatives?

Fourth, what are the benefits realized by users of derivatives for risk-management purposes?

Fifth, do dealers and end-users of derivatives have adequate internal controls?

Sixth, are there adequate protections in place to protect unsophisticated end-users?

Seventh, how extensively are derivatives used for purposes of speculation and what should be the role of speculator? and

Eighth, what is the level of systemic risk posed by derivatives?

Policymakers must be careful to understand the broad array of products and services that are subsumed under the term of derivatives. For example, the ratings agencies assign widely varying levels of credit risk to different products which are all considered derivatives instruments. Commodity or equity contracts, currency swaps, currency options, currency futures or forwards, interest rate swaps, interest rate options and interest rate futures or forwards represent different types of derivative products, all with an entirely separate risk factor. This highlights the sophistication in the market and also highlights the problems that policymakers may confront as they consider the need to supervise this market.

In examining the different types of derivative instruments, it is important to acknowledge the benefits that derivative products provide as a risk management tool for both financial and nonfinancial firms. By allowing companies to better manage the risk on their balance sheets, the prudent use of derivatives helps market participants guard against market volatility, thus providing a more stable environment for job creation. In particular, prudential use of derivatives products insulates companies from volatile interest rate and foreign currency exposures.

In addition, the lower cost of funds, made possible by the growing use of derivative instruments, has provided more affordable housing and cheaper student loans while decreasing taxpayer exposure at Government sponsored enterprises such as Fannie Mae, Freddie Mac, and Sallie Mae. In fact, the U.S. Government may want to examine the advantages of these products to lower its funding costs and thereby reduce the budget deficit. Sovereigns throughout the industrialized world use sophisticated financial techniques, including derivatives, for more efficient management of their financial needs to the direct benefit of their taxpayers. Although risks exist in the speculative use of derivatives, a strong

case can be made that for hedging purposes, greater use of derivatives should be contemplated by the U.S. Government. In fact, the U.S. Treasury today may be assuming a greater risk in its current efforts to shorten maturities of U.S. borrowings than it would be in using derivative products for financial management purposes.

While derivatives make up only a small fraction of the trading activities at insured financial institutions, and while derivative products often serve a useful role in reducing rather than increasing institutional risk, the potential exists that these products can also be used for speculative activities. There is no escaping the circumstance that derivative activities in the 1990's must be examined in the context of the decade of the 1980's where America overleveraged itself with junk bonds, junk real estate, junk S&L's of its own making, and junk debt of LDC manufacture.

It may be irrational to draw parallels with other circumstances in other time frames, but there are several aspects of mistakes made in private sector finance over the past several decades worthy of review in the context of derivatives trading.

As we look at Penn Square, which symbolized an imprudent effort to advance a credible idea, that is, merchant banking, it is impressive that several of America's largest, most respected banks fell prey to the idea of rewarding a few key employees on a quasi-commission basis for increasing volume in loan originations. Quality which had been the hallmark of Continental Bank in secondary agricultural loan purchases was given limited purview with the more fashionable oil field generated loans of Penn Square. Likewise, as we look at the high flyers in the S&L industry in the 1980's, it is impressive how they understood that extraordinary leveraging implied socializing risk for the public taxpayer in the long run, but privatizing profit for the few in the short-run. In federally insured banking institutions, the small number of employee traders dealing in derivatives instruments today are in effect being paid multimillion dollar commissions, privatizing individual gain but leaving risk to be absorbed by the shareholders of the institutions in the first instance and the public through the deposit insurance safety net in final resort.

The question of whether too many money managers are putting too much of other people's money at risk in a game in which they win big if they bet right and others lose bigger if they bet wrong is one that institutions must continually confront. Culturewise, investment banks lack the advantages of commercial bank customer ties and the right to tap federally insured deposits, yet they appear at this time to understand better than their commercial bank competitors the need to have in place mark-to-market risk restraints. Both Salomon Bros. and the Bank of England have released studies last year that found risk management tools inadequate in many banks.

As we look at the junk bonds of the 1980's, it is impressive how a credible social idea—the need for secondary financing of below grade debt—was mispriced and misadvanced. As we look at the growth of LDC debt in the 1970's and early 1980's, it is impressive how fast growth of a historically risk-averse product changed its nature and how little prudential protection emerged from the fact that a number of respected large institutions expanded market share together. Follow thy competitor policies produced beggar thy neighbor effects.

In some circumstances we have with derivatives a product designed exclusively for prudent hedging. In other circumstances we have an analogous situation to the 1920's when a market participant could buy equities on minimal margins. The margins are so low in some derivatives trading that speculative market participants can make or lose substantial sums on negligible shifts in product pricing.

In this historical circumstance, bank management would appear to have a profound obligation to be particularly attentive to the risks inherent in markets that compound in size. Accountability must be the watchword.

Derivatives instruments may be designed to help financial managers diminish risk, but, ironically, if tremors emerge in the international financial community, a product designed to modestly reduce risk for an individual company or institution may quantumly increase risk for the system as a whole.

Human nature being what it is, the prospect of destabilizing speculation in certain types of these products cannot be ruled out. Financial markets and the risks involved change rapidly. New products are introduced every day and it is often difficult for private sector participants as well as policymakers in Government to judge adequately new risks. Currency markets, for instance, which have been such a source of money center bank profitability in recent years, could become more problematic if new, less sophisticated entrants attempt to play leveraged games with other peoples' money.

It should be noted that in anlayzing over 10 years of trading results, quarterly trading losses were posted only four times by derivatives dealers—once by J.P. Morgan and three times by First Chicago. Cumulative losses incurred in those quarters were just $19 million. These are dwarfed by the trading revenues earned in the other 36 quarters examined: $35.9 billion, which amounts to almost a 2,000 to 1 profit-to-loss relationship. The fact that trading activities have been so consistently profitable indicates that the proprietary risk taken by banks in these activities so far has been prudent or at least quite fortunate. These statistics give some comfort that risk management constraints have not been ignored in the private sector. However, all parties must recognize that while the past may be prologue, historical experience is not always a guide to the future, especially when a relatively new market explodes in size. Hence, regulators have an obligation to stay on guard as this marketplace expands in a time of unprecedented economic uncertainties.

For example, the question of the adequacy of regulation for insurance companies involved in derivatives activities appears to be an unresolved issue. Currently, regulation of insurance companies' derivative activities is handled at the State level. While apparently no material losses have been realized in the insurance industry related to derivatives trading to date, there is no indication that State insurance regulators have the expertise to monitor such trading. Therefore, legislating Federal accountability for derivative activities of unregulated companies is an issue that can't be ducked. Such an approach may involve regulating some derivatives trading by product type, rather than simply by type of institution. Segments of the derivatives market should thus be regulated under a framework similar to the Federal securities laws where regulatory standards exist for securities products, regardless of the type of issuer. Administration of a Federal regulatory approach for derivatives could be handled by existing agencies coordinated through an interagency commission.

One of the oft-noted problems in financial regulation is the circumstance that there are competitive-for-jurisdiction regulators, not only of financial institutions, but of market instruments. Hence, the SEC and the CFTC have comparable mandates, but differing and to some degree overlapping markets to regulate and swirling industry pressures with which to cope. Some public policy observers have suggested the appropriateness of merging the SEC and CFTC, particularly given the relatively small staff but quantumly increasing market jurisdiction of the CFTC. Merits of such a combination aside, it would appear that one way to eliminate pressure to diminish regulation through choice of market arena is to allow an inter-agency group such as designated above to have rulemaking authority binding on all exchanges and any regulator. This would also appear to avoid certain jurisdictional problems in Congress that have impacted on the regulation of exchange traded derivatives. It is inexcusable that prudential regulation may be hamstrung by the competitive con-

siderations of Committees of jurisdiction in a legislative body.

In the derivatives arena there is also the problem of new entrants. Herds that feed on tall grass don't go unnoticed. If problems develop in the derivatives marketplace, it appears that they will be less likely to stem from the major firms operating in the mainstream, than from firms that are new entrants or operating at the fringes of this market. Any regulation in the derivatives area must be premised on the assumption that all market participants are not equal in sophistication or integrity and that distinctions must inevitably be made between prudential and less prudential actors. Just as well-run, well-capitalized financial institutions have a powerful case for considerable deregulation today, poorly run, poorly capitalized institutions demand significant, if not draconian oversight.

As the market expands to new entrants, inevitably small businesses become increasingly involved. The more profitable a market becomes, the more likely that a large party will be in a position to take advantage of a smaller party. I am particularly concerned that the farther trading relationships take place away from the money centers, the further away business people are from eye contact and handshakes, the more likely bottom line incentives will override ethical concerns in the relations of larger financial intermediaries to smaller, less sophisticated end-users. In these markets, the small fish must be protected from the sharks. Disclosure rules are crucial. For example, the FDIC has suggested that there should be enhanced disclosures by dealers to end-users. In addition, the OCC's new guidelines suggest a form of suitability requirement for national bank dealers in their relationships with derivatives customers.

Regulators must also be sensitive to questions of suitability related to derivative instruments and discerning in their supervision of derivative products. Wall Street cannot be allowed to use unsophisticated investors to absorb its problems. Looking back on the last decade, there is no doubt that if Wall Street had not used insured S&L's as a repository for its mistakes concerning mortgage backed securities and junk bonds, then the taxpayer would be better off today. Where the profit motive exists, regulators must ensure that fair markets develop and unsophisticated customers such as small businesses and municipalities are protected.

While not inherently destabilizing, derivatives provide ways of either leveraging or deleveraging financial institutions. One institution's hedge may be another's speculation. In hindsight it is clear that in a rising interest rate market, derivative products would have been particularly useful for S&L's during the late 1970's and early 1980's to hedge against interest rate risk. Such a use of derivatives as a financial management tool could have saved the taxpayer significant sums of money.

Alternatively, overuse or misuse of derivatives when markets turn can cause market participants to get into trouble. This is evidenced in the questions that still persist related to the case of Franklin Savings in Kansas. Merits of the legal circumstance aside, the Franklin case underscores the need for industry and regulators to share on a timely basis their concerns, and for risk management education to be a mutual responsibility.

The use of derivative instruments must be weighed from a policy perspective in terms of systemic as well as institutional risk, especially as such risk may relate to the federally insured deposit system.

In examining the risk posed by derivative instruments, three issues stand out: capital, accounting, and disclosure. Of these three issues, capital would appear to be the most important factor. Capital is the cushion that protects a firm from credit and market risk. For an insured institution, capital represents the best protection for the taxpayer from the risks inherent in the marketplace.

Below is a table summarizing the 10 largest U.S. bank participants in derivatives trading, as of October 29, 1993:

	Total assets	Total derivatives	Credit equivalent exposure	Credit exposure percent capital
Chemical Bank	$110.4	$2,114.0	$32.9	268
Bankers Trust Co	63.9	1,802.3	29.5	571
Citibank	168.6	1,789.3	38.2	230
Morgan Guaranty Trust Co	103.5	1,537.5	37.9	458
Chase Manhattan	79.9	1,026.1	23.0	269
Bank of America	134.0	893.5	21.7	91
First National Bank of Chicago	34.1	457.4	10.1	269
Continental Bank	22.0	169.9	2.5	91
Republic National Bank of New York	28.4	167.7	2.7	104
Bank of New York	35.8	92.2	1.7	41

Source: Office of the Comptroller of the Currency.

It is not an easy task to determine the amount of capital—that is, government imposed friction costs—that should be dedicated or reserved by a bank for purposes of its derivative business. What is possible to note is that if market participants are not required to maintain strong capital positions and/or reserve against systemic risk, it will be nonparticipants—community banks in the first instance through the deposit insurance safety net and the taxpayers in the event of a market debacle—who will pick up the tab for the mistakes of a few.

While the new proposed BIS capital standards would take into account netting and apply separate standards for interest rate and market risks, new interest rate and market risk standards are not an adequate substitute for a strong leverage requirement. A strong leverage ratio remains the most important protection for taxpayers against risk in the financial system. It also remains the fairest way to constrain competitive growth within the banking sector. One of the least analyzed parts of the American S&L expansion in the 1980's was the degree to which lack of attention to capital standards caused disproportionate deposit growth in certain institutions in a certain industry in certain parts of the country. Attention to leverage ratios is not only important in assessing taxpayer risk, but also for competitive equity, and regional and industrial credit allocation.

The issue of capital standards for derivatives trading is an area in which further research should be encouraged, recognizing that public sector judgments may not always coincide with private sector recommendations.

Concerning accounting and disclosure standards, greater harmonization of international standards should be strongly supported. Greater transparency is critical to the integrity of our financial markets.

Derivatives have profound implications in the international arena. No area of modern finance demonstrates a greater need for international cooperation across industries. The BCCI scandal demonstrated the critical need for communication and cooperation among international supervisors when activities cross country lines and I am hopeful that a similar episode will not be necessary in order to spur greater cooperation and coordination among international regulators concerning derivatives.

I am particularly concerned that widely different standards exist in different countries related to the crucial issues of capital, accounting and disclosure treatment for derivatives. Minimum international standards should be set in these areas. While some progress has been made concerning capital standards for derivatives under the pending BIS proposals, I fear that these proposals may be a lowest common denominator approach. Even more troubling is the fact that the international securities regulators have been unable to come up with any common approach on capital requirements.

One final area for supervisory concern that is often overlooked is the question of the legal risk involved in derivatives activities. Legal risk is a surprisingly large element of uncertainty in the international financial system and, as evidenced by the case of U.K. authorities in Hammersmith and Fulham, one that is unpredictable even in developed societies. If the global financial system is to fully realize the risk management benefits of these instruments, governments must cooperate to provide greater legal certainty across country lines. Until this goal is reached regulators must be especially sensitive to this potential problem area and ensure that proper controls are put in place.

Even more problemsome is politician risk as it relates to potential swings

toward protectionism in a fracturing world, particularly if regional or global recessions develop.

In dealing with supervisory standards for capital, accounting, and disclosure, legislators have little choice but to be cautious of overreacting and to rely instead rather heavily on the judgment of regulatory agencies. This leads to one of the most pressing challenges of Government—the need for careful attention to quality control in appointments. In general, the private sector, because of incentive motivations, is much smarter with money than the public sector. This is why it is particularly important to have people at Government agencies with proven expertise. The Government cannot be run with campaign managers, particularly at organizations that demand sophisticated knowledge such as the financial regulatory agencies. Appointments to these agencies must be made based on merit and not as a reflection of political indebtedness by a candidate to an individual or industry group. Nothing underscores the need for a government of meritocracy more than the challenges the executive branch faces in regulating products such as derivatives.

Derivatives also underscore the need for the Government and industry to work together to ensure that a profitable past does not prove prolog for a profligate future. While the history of industry self-regulation has not been overly impressive, clearly to date, in the derivatives area, the private sector is leading the public, not only in the development of new market instruments, but with techniques to manage and constrain risk. Care, however, must be taken to ensure that we not have a least common denominator approach taken to regulation which might be adequate for one kind of institution in one timeframe. Tomorrow's market circumstances and market participants may not be the same as today's.

It is true that when a corporation hedges its risks and a financial intermediary provides for fee a derivative product, a credible economic purpose is served and all participants are acting in their proper self-interest. But it is simply not true that all aspects of the derivatives business are risk free, that all derivatives trading is unspeculative in nature, and that all trading has a clear-cut, defensible social purpose. Parts of the game are played in such a way that there can be losers as well as winners and if there is a traumatic event, virtually all players can become entwined in a lose-lose, rather than a win-win, scenario.

As for the public interest, it is also not clear in all instances that what provides quick profit for a few necessarily advances, to resurrect a 19th century utilitarian concept, the greater good of the greater number. For instance, while derivative products can prudently reduce exchange rate risk for market participants, they can also increase exchange rate volatility. As the Soros-led raid a year ago on the Bank of England and more recently the new-entrant attack on the Bank of France indicates, an increased use of leveraged financial instruments makes stable exchange rates impossible to maintain.

While I have never been wedded to the notion that trade is facilitated by arbitrarily maintained, fixed exchange rates, and while I have long believed governments should be chary about massive intervention in currency markets, I believe exchange rate mechanisms are more likely to foster stable economic growth if flexibility is reflected in gradualist rather than abrupt change. What derivative products induce is extended swings in the market, which self-servingly makes use of such products more important for commercial firms, but more dangerous for the taxpayer bystander. For, to date, the losers in this game of financial chicken have largely been taxpayers in countries like Britain and France. Governments, in effect, have chosen to bail out the market, providing windfalls to a few and accepting losses on behalf of the many. But even bureaucrats wise up. Once-burned Finance Ministries are likely to be less inclined to protect or, perhaps in the case of the Japanese, be less likely to attempt to depreciate their currencies and shift losses in the future more squarely on private sector players. Traders beware.

In addition, implicit or explicit credit extensions through the offering of derivative products which lack traditional capital offsets makes the conduct of monetary policy increasingly problemsome. It also makes regulatory assessments of bank risk increasingly difficult to evaluate.

While the downside of variables is impossible to quantify, the likelihood of a number of individual institutions making mistakes in the near future that will jeopardize their very viability and potentially that of the deposit insurance fund is anything but negligible.

All financial players have a sudden vested interest in precisely what they have, to date, considered not in their best interest: that is, modest prudential regulation that only governments of the world have the capacity to instill.

A summary of the legislation I am introducing today follows:

□ 1540

Mr. Speaker, I submit for the RECORD a section-by-section analysis of the legislation to which I refer.

DERIVATIVES SUPERVISION ACT OF 1994

TITLE I—FEDERAL DERIVATIVES COMMISSION

Sec. 101. Declaration of Purpose

This title establishes the Federal Derivatives Commission to establish principles and standards for the supervision by Federal financial institutions regulators of financial institutions engaged in derivatives activities.

Sec. 102. Definitions

(1) "Federal financial institutions regulators" means the OCC, Federal Reserve, FDIC, OTS, SEC and CFTC.

(2) "Commission" means the Federal Derivatives Commission.

(3) "Federal banking agencies" has the same meaning as section 3 of the FDI Act.

(4) "Financial institution" means any institution subject to section 402(9) of FDICIA, any government sponsored enterprise, or any other institution (including any type of end-user of derivatives) as determined by the Commission.

(5) "Government sponsored enterprise" has the same meaning as in section 1404(e) of FIRREA.

(6) "Qualified financial contract" has the same meaning as in section 11(e)(8)(D) of the FDI Act, except that the Commission may determine any similar agreement to be a qualified financial contract for purpose of this title.

(7) "Derivatives activities" means activities involving qualified financial contracts, including those activities determined by the Commission to be qualified financial contracts for purposes of this title.

Sec. 103. Federal Derivatives Commission

The Commission shall consist of: the Chairman of the Board of Governors of the Federal Reserve System; the Comptroller of the Currency; the Chairman of the Board of Directors of the Federal Deposit Insurance Corporation; the Director of the Office of Thrift Supervision; the Chairman of the Securities Exchange Commission; the Chairman of the Commodity Futures Trading Commission; and the Secretary of the Treasury. The chairman of the Commission shall be the Chairman of the Board of Governors of the Federal Reserve System.

Sec. 104. Costs and Expenses of Commission

One-sixth of the costs and expenses of the Commission shall be paid by each of the Federal financial institutions regulatory agencies.

Sec. 105. Functions of Commission

(a) Establishment of Principles and Standards.—

(1) The Commission shall establish principles and standards related to capital, accounting, disclosure, suitability, or other appropriate regulatory actions for the supervision of financial institutions engaged in derivatives activities.

(2) Each regulatory agency shall issue substantially similar regulations governing derivatives activities to implement the Commission's standards, unless it finds that implementation of such regulations is not necessary or appropriate.

(3) Any financial institution not subject to supervision by a Federal banking agency or the CFTC shall be supervised by the SEC to the extent of their derivatives activities, except as otherwise provided by the Commission.

(b) Recommendations Regarding Supervisory Matters.—

(1) In establishing principles and standards under subsection (a), the Commission shall consider and may make recommendations for comparable regulatory action by the Federal financial institutions regulators in other matters related to financial institutions engaged in derivatives activities, such as, but not limited to, the need to establish principles and standards for:

(A) strong capital requirements (with particular attention to a leverage ratio where appropriate) to guard generally against risks at financial institutions, including added risks that may be posed by derivatives activities;

(B) discouraging active trading in derivatives markets by financial institutions, particularly those with access to federally insured deposits, unless management can demonstrate that the institution has adequate capital and technical capabilities;

(C) joint regulatory examinations by the federal banking agencies of insured depository institutions that are derivatives dealers and any affiliates;

(D) board of director responsibility with respect to the oversight of derivatives activities, including specific written policies regarding internal controls and risk management approved by the board of directors of institutions engaged in derivatives activities;

(E) guidelines for the prudent use of collateral by counterparties to derivatives transactions;

(F) the appropriate parameters, models and simulations for purposes of evaluating an institution's credit and market risk posed by derivatives activities;

(G) guidelines as to the appropriate credit risk reserves in connection with derivatives activities;

(H) increased standardization of documentation and use of such documentation by all market participants;

(I) minimum prudential practices for municipalities and pension funds that may use derivatives;

(J) enhanced disclosures to mutual fund customers of the risks that may be posed to mutual funds that are end-users of derivative products;

(K) guidelines related to legal risk, including, but not limited to, foreign legal risk; and

(L) regulations to protect against systemic risk.

(2) When an applicable regulatory agency finds a recommendation of the Commission unacceptable, that agency must provide a written statement to the Commission explaining its objections, and such statement shall be published in the Federal Register.

(c) Development of Uniform Reporting System.—The Commission shall develop uniform reporting systems for financial institutions engaged in derivatives activities.

(d) Training for Examiners and Assistant Examiners.—The Commission shall sponsor training programs concerning derivatives activities for Federal examiners. The programs shall also be open to state examiners, employees of the Federal Housing Finance Board, and employees of the Department of Housing and Urban Development.

(e) Effect on Federal Regulatory Agency Research and Development of New Financial Institutions Supervisory Methods.—Nothing in this title shall be construed to limit or discourage Federal financial institutions regulatory agency research and development of new financial institutions supervisory methods related to derivatives activities.

(f) Annual Report.—The Commission shall prepare an annual report.

Sec. 106. State Liaison

The Commission shall establish a liaison committee composed of three representatives of state agencies which supervise financial institutions, which shall meet at least twice a year with the Commission.

Sec. 107. Administration

The Chairman of the Commission is authorized to carry out and to delegate the authority to carry out the internal administration of the Commission. The Commission may also utilize personnel and facilities of the regulatory agencies, may appoint employees, and may obtain the services of experts and consultants.

Sec. 108. Risk Management Training

The Commission shall develop training seminars in risk management techniques related to derivatives activities for employees of both regulatory agencies and financial institutions.

Sec. 109. International Negotiations

The Chairman of the Board of Governors of the Federal Reserve, in consultation with the members of the Commission, shall encourage governments, central banks, and regulatory authorities of other industrialized countries to work toward maintaining, and, where appropriate, adopting comparable supervisory standards and regulations, particularly capital standards, for financial institutions engaged in derivatives activities.

Sec. 110. Credit Unions

Insured credit unions shall be supervised for purposes of derivatives activities by the National Credit Union Administration under standards no less stringent than standards under which Federal depository institutions are supervised by the Federal banking agencies.

TITLE II—SUPERVISORY IMPROVEMENTS

Sec. 201. Unsafe or Unsound Banking Practices

Failure of an institution-affiliated party engaged in derivatives activities to have adequate technical expertise may be deemed to constitute an unsafe or unsound banking practice within the meaning of section 8 of the FDI Act.

Sec. 202. Internal Controls

Standards for safety and soundness prescribed by the Federal banking agencies, in accordance with section 132 of FDICIA, should include internal controls for derivatives activities.

Sec. 203. Foreign Bank Supervision

The International Banking Act of 1978 is amended to require that when evaluating the adequacy of supervision of a foreign bank engaged in derivatives activities by its home country, the Federal Reserve determine whether such country has comprehensive supervision and regulation for derivatives activities. In making any determination under this paragraph, the Federal Reserve shall consider whether the home country maintains comprehensive supervision and regulation of derivatives activities, including capital and disclosure standards, not less stringent than U.S. standards.

TITLE III—FINANCIAL INSTITUTION INSOLVENCY REFORMS

Sec. 301. Conforming Definitions

This section expands the FDI Act with conforming amendments to the Bankruptcy Code to include derivatives products currently being used in the market and to accommodate future growth in the derivatives products industry.

Sec. 302. Failed and Failing Institutions

This section alleviates the uncertainty about the scope of the automatic stay for the FDIC when it is a counterparty, as this section clarifies that insolvency and bankruptcy proceedings should not delay or limit the FDIC's rights to repudiate, terminate any net qualified financial contracts involving an insolvent or bankrupt party or counterparty.

This section also requires that the FDIC, in consultation with the other regulatory agencies, prescribe regulations requiring expanded recordkeeping for qualified financial contracts by insured depository institutions that are undercapitalized.

Sec. 303. Qualified Financial Contract Transfers

This section amends the FDI Act to provide that if the FDIC as receiver of a depository institution notifies a party to a qualified financial contract by the close of business on the business day following its appointment as receiver that all qualified financial contracts between the depository institution and that person or its affiliates were transferred to another depository institution in accordance with 11(e)(9)(A), the provisions of 11(e)(8)(A) allowing the party to terminate or liquidate the contract will not apply. This section also allows the FDIC to extend the notice period up to 5 days if the FDIC determines that the extension may maximize the return on the contract.

This section also amends the FDI Act to explicitly provide that the FDIC may transfer qualified financial contracts to a bridge bank or to analogous types of conservatorships.

Sec. 304. Clarifying Amendments

This section amends the Bankruptcy Code to require a master agreement governing multiple transactions be treated as one swap agreement in bankruptcy. This swap agreement shall be exempt from the stay, regardless of product type or contract type.

Sec. 305. Technical Amendments

This section makes technical amendments to the FDI Act.

TITLE IV—MISCELLANEOUS

Sec. 401. Savings Provision

The provisions of this Act shall be in addition to and not in derogation of any existing authority of a Federal financial institution regulatory agency to supervise or regulate derivatives activities provided under any other applicable law.

HOUSE RESOLUTION 329, DESIGNATING 1994 AS A YEAR TO HONOR THE MEMORY AND LEADERSHIP QUALITIES OF THE HONORABLE THOMAS P. "TIP" O'NEILL, JR., THE LATE SPEAKER OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Ms. BROWN of Florida). Under a previous order of the House, the gentleman from North Carolina [Mr. ROSE] is recognized for 60 minutes.

Mr. ROSE. Madam Speaker, I wish to respond to the challenge presented to Members of the Congress last night by President Clinton in his State of the Union Address.

The President began by invoking the memory of the late Speaker of the House, Thomas P. "Tip" O'Neill. He challenged the Congress to recall, in Tip's honor, "who we are, where we came from, and who sent us here."

Before the President spoke yesterday I submitted House Resolution 329 designating 1994 as a year to honor "Tip."

I would like to comment further on this matter and submit the resolution for insertion in the RECORD at this point of my remarks:

H. RES. 329

Whereas the death of the late Speaker of the House of Representatives, Thomas P. "Tip" O'Neill, Jr., on January 5, 1994, has created not only a personal loss to his many friends and colleagues, but also a great loss to the Nation;

Whereas Speaker O'Neill, is remembered by all for his dedication to good government and his love for the people of the United States;

Whereas Speaker O'Neill's compassion and goodness of heart and his spirit of cooperation and conciliation were evident to all who knew him;

Whereas in the House of Representatives and in his life, Speaker O'Neill's personal charm and political skill transcended differences of personality and party;

Whereas Speaker O'Neill presided over the House of Representatives from the Ninety-fifth Congress through the Ninety-ninth Congress and emerged as one of the greatest American political leaders of this century; and

Whereas it is appropriate that the House of Representatives rededicate itself to the principles of leadership personified by Speaker O'Neill: Now, therefore, be it

Resolved, That 1994 is designated as a year to honor the memory and leadership qualities of the Honorable Thomas P. "Tip" O'Neill, Jr., the late Speaker of the House of Representatives.

SEC. 2. There shall be available from the contingent fund of the House of Representatives such sums as may be necessary to carry out this resolution.

SEC. 3. The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this resolution.

Madam Speaker, "Tip" was an extraordinary leader of this House and I am certain that the many Members still serving, Democrats and Republicans alike, cherish his memory. He could disagree without being disagreeable. He could persuade colleagues because he genuinely liked them, and they liked him. He presided over a House that valued mutual respect, conciliation, and cooperation. "Tip" took time to listen to every freshman Member and, in keeping with his belief that "all politics are local," he constantly sought to serve as well as lead.

"Tip" could broker a consensus from divergent sectors, mainly because he cared about his colleagues. He resigned as Speaker 7 years ago but his spirit still dwells in this Chamber. That is why I have asked that 1994, the year of his passing, be devoted to honoring the leadership qualities that he personified.

Former Speaker Sam Rayburn used to say that "any jackass can kick a barn door down, but it takes a carpenter to build one." "Tip" was such a carpenter, a builder of trust and an architect of better government.

Above all, "Tip" was champion of the Congress as an institution.

He resented efforts to disparage this branch of Government. Our present distinguished Speaker, Mr. FOLEY, has stated "You've got a tremendous disinformation program going about Congress." The Washington Post reported only yesterday that "at least two independent studies showed that the 103d Congress gave President Clinton more first-year legislative victories than any Congress has done since President Eisenhower's first year in 1953."

The Washington Post went on to state that voters see Congress as "a gridlocked blob, where lawmakers are cutting deals for their districts and not working in the best interests of the Nation."

The newspaper said that the prestige of this Congress had fallen so low that only 32 percent of constituents polled said they are inclined to reelect their Representative.

I was elected to the House in 1972 and have seen Members come and go. It is my conviction that today's Members are generally better informed and more responsive to constituents, with greater integrity, than the rank and file 22 years ago. We live in a new era of more media exposure but less depth understanding of the constitutional responsibilities of the Congress and how we function.

We have been told that only 3 percent of our population think they can trust Government to do what is right. I fear that the American body politic has been infected with cynicism and pessimism.

If infection goes unchecked it can kill the human body. That is why we must find the antibiotic of healing and renewal. We must seek better ways of working together to legislate more effectively. We must examine the state of the congressional union. And we must enlist those who elect us in a campaign for a country and a Congress that feels confident and competent to achieve a future better than the past.

This Congress dare not respond to the President's call to action with an uncertain trumpet. The time has come for new Democrats and new Republicans to find new ways of working together.

I would like to honor "Tip" this year by restoring the primacy of the first branch of Government as our Founders perceived this House. We must reclaim the vision of George Mason who saw the House as "the grand repository of the democratic principles of the Government." As we rebuild nationally a sense of family and community, the House has to reassert and reclaim its role as the first branch.

Directly representative of the people, the House has a unique function. We are no better, and no worse, than the people we serve. Perhaps we are a sort of mirror image of our country. But it is our responsibility to strive to improve ourselves, to serve to the very best of our abilities, to fulfill aims of great Americans like "Tip" O'Neill and to implement this administration's "journey of renewal."

Above all, we must not get defensive and angry at our critics, or at our fellow citizens who are in trouble. That's what "Tip" would want.

We do not need antidemocratic mechanisms such as so-called term limits. David Broder, the astute journalist, has written of his concern that "term limits will hurt the effectiveness of Congress and the legislatures, impair the careful constitutional balance among the branches and increase the power of unelected bureaucrats." I could not have said it better.

"Tip" would agree that the pillars of American society are the family, the school, the community, the Congress, and our spiritual and moral values.

Let us devote this year, 1994, to shoring up the pillar of our Nation that is the Congress. That is what "Tip" would want.

SPECIAL ORDERS GRANTED

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

(The following Members (at the request of Mr. GOSS) to revise and extend their remarks and include extraneous material:)

Mr. BILIRAKIS, for 60 minutes each day, on March 22, 23, 29, and 30.

Mr. DORNAN, for 60 minutes each day of the 2d session of the 103d Congress.

Mr. LEACH, for 60 minutes, today.

Mr. GOSS, for 5 minutes, today.

Mr. EWING, for 5 minutes each day, on February 1, 2, 3, 8, 9, and 10.

Mr. TORKILDSEN, for 60 minutes each day, on February 1, 8, 9, 10, 22, 23, 24, and March 1, 2, 3, 8, 9, 10, 15, 16, and 17.

Mr. STEARNS, for 5 minutes, today.

(The following Members (at the request of Mr. DARDEN) to revise and extend their remarks and include extraneous material:)

Mrs. MINK, for 5 minutes, today.

Mr. FINGERHUT, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

EXTENSION OF REMARKS

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

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

Mr. BAKER of Louisiana.

Mr. DORNAN in two instances.

Mr. HYDE.

Mr. KING.

Mr. ARCHER.

Mr. PACKARD.

Mr. ROHRABACHER.

Mr. WOLF.

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

Mr. REED in eight instances.

Mr. CLAY.

Mr. WAXMAN.

Mr. ANDREWS of Texas.
Mr. FAZIO.
Mr. BONIOR in two instances.
Mr. MURTHA.
Mr. STOKES.
Mr. RICHARDSON.
Mr. COYNE in three instances.
Mr. ROSTENKOWSKI.
Mr. LEWIS of Georgia.

ADJOURNMENT

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

The motion was agreed to.

The SPEAKER pro tempore (Ms. BROWN of Florida). Pursuant to the provisions of House Concurrent Resolution 198 of the 103d Congress, the House stands adjourned until 12 noon, Tuesday, February 1, 1994.

Thereupon (at 3 o'clock and 51 minutes p.m.), pursuant to House Concurrent Resolution 198, the House adjourned until Tuesday, February 1, 1994, at 12 noon.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT AFTER SINE DIE ADJOURNMENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On November 10, 1993:

H.R. 3116. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

H.R. 2520. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

On November 23, 1993:

H.R. 698. An act to protect Lechugui-la Cave and other resources and values in and adjacent to Carlsbad Caverns National Park.

H.R. 898. An act to authorize the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

H.R. 1268. An act to assist development of tribal judicial systems, and for other purposes.

H.R. 1425. An act to improve the management, productivity, and use of Indian agricultural lands and resources.

H.R. 2632. An act to authorize appropriations for the Patent and Trademark Office in the Department of Commerce for the fiscal year 1994, and for other purposes.

H.R. 3167. An act to extend the emergency unemployment compensation program, to establish a system of worker profiling, and for other purposes.

H.R. 3318. An act to amend title 5, United States Code, to provide for the establishment of programs to encourage Federal employees to commute by means other than single-occupancy motor vehicles.

H.R. 3378. An act to amend title 18, United States Code, with respect to parental kidnapping, and for other purposes.

H.R. 3471. An act to authorize the leasing of naval vessels to certain foreign countries.

H.J. Res. 75. Joint resolution designating January 16, 1994, as "National Good Teen Day".

H.J. Res. 159. Joint resolution to designate the month of November in 1993 and 1994 as "National Hospice Month".

H.J. Res. 294. Joint resolution to express the appreciation to W. Graham Claytor, Jr., for a lifetime of dedicated and inspired service to the Nation.

On November 24, 1993:

H.R. 2330. An act to authorize appropriations for fiscal year 1994 for the intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

On November 30, 1993:

H.R. 1025. An act to provide for a waiting period before the purchase of a handgun, and for the establishment of a national instant criminal background check system to be contacted by firearms dealers before the transfer of any firearm.

On December 8, 1993:

H.R. 486. An act to provide for the addition of the Truman Farm Home to the Harry S. Truman National Historic Site in the State of Missouri.

H.R. 1237. An act to establish procedures for national criminal background checks for child care providers.

H.R. 1944. An act to provide for additional development at War in the Pacific National Historical Park, and for other purposes.

H.R. 2150. An act to authorize appropriations for fiscal year 1994 for the United States Coast Guard, and for other purposes.

H.R. 2202. An act to amend the Public Health Service Act to revise and extend the program of grants relating to preventive health measures with respect to breast and cervical cancer.

H.R. 2535. An act to amend title 38, United States Code, to provide additional authority for the Secretary of Veterans Affairs to provide health care for veterans of the Persian Gulf War.

H.R. 2840. An act to amend title 17, United States Code, to establish copyright arbitration royalty panels to replace the Copyright Royalty Tribunal, and for other purposes.

H.R. 3000. An act for reform in emerging new democracies and support and help for improved partnership with Russia, Ukraine, and other new independent States of the former Soviet Union.

H.R. 3321. An act to provide increased flexibility to States in carrying out the Low-Income Home Energy Assistance Program.

H.R. 3514. An act to clarify the regulatory oversight exercised by the Rural Electrification Administration with respect to certain electric borrowers.

H.R. 3216. An act to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to control the diversion of certain chemicals used in the illicit production of controlled substances such as methcathinone and methamphetamine, and for other purposes.

H.R. 3616. An act to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of Thomas Jefferson, Americans who have been prisoners of war, the Vietnam Veterans Memorial on the occasion of the 10th anniversary of the Memorial, and the Women in Military Service for America Memorial, and for other purposes.

H.J. Res. 300. Joint resolution providing for the convening of the Second Session of the One Hundred Third Congress.

COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The Clerk received a message from the Senate after the sine die adjournment of the 1st session of the 103d Congress announcing the approval of the President on the following dates of the bills and joint resolutions of the Senate of the following titles:

On September 21, 1993:

S.J. Res. 50. Joint resolution to designate the weeks of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, as "National Rehabilitation Week."

S.J. Res. 95. Joint resolution to designate October 1993 as "National Breast Cancer Awareness Month."

S.J. Res. 126. Joint resolution designating September 10, 1993, as "National POW/MIA Recognition Day" and authorizing the display of the National League of Families POW/MIA flag.

On October 1, 1993:

S. 184. An act to provide for the exchange of certain lands within the State of Utah, and for other purposes.

On October 6, 1993:

S. 464. An act to redesignate the Pulaski Post Office located at 111 West College Street in Pulaski, Tennessee, as the "Ross Bass Post Office."

S. 779. An act to continue the authorization of appropriations for the East Court of the National Museum of Natural History, and for other purposes.

S.J. Res. 61. Joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "Mental Illness Awareness Week."

S.J. Res. 121. Joint resolution to designate October 6, 1993 and 1994, as "German-American Day."

On October 8, 1993:

S. 1130. An act to provide for continuing authorization of Federal employee leave transfer and leave bank programs, and for other purposes.

On October 12, 1993:

S. 1381. An act to improve administrative services and support provided to the National Forest Foundation, and for other purposes.

S.J. Res. 102. Joint resolution to designate the months of October 1993 and October 1994 as "Country Music Month."

On October 26, 1993:

S. 1508. An act to amend the definition of a rural community for eligibility for economic recovery funds, and for other purposes.

On October 27, 1993:

S.J. Res. 21. Joint resolution designating the week beginning September 18, 1994 as "National Historically Black Colleges and Universities Week."

S.J. Res. 92. Joint resolution designating the month of October 1993 as "National Down Syndrome Awareness Month."

On October 28, 1993:

S. 1487. An act entitled the "Middle East Peace Facilitation Act of 1993."

On November 1, 1993:

S. 1548. An act to amend the National Wool Act of 1954 to reduce the subsidies that wool and mohair producers receive for the 1994 and 1995 marketing years and to eliminate the wool and mohair programs for the 1996 and subsequent marketing years, and for other purposes.

S.J. Res. 78. Joint resolution designating the beach at 53 degrees 53′ 51″ N, 166 degrees 34′ 15″ W to 53 degrees 53′ 48″ N, 166 degrees 34′

21" W on Hog Island which lies in the Northeast Bay of Unalaska, Alaska as "Arkansas Beach" in commemoration of the 206th regiment of the National Guard, who served during the Japanese attack on Dutch Harbor, Unalaska on June 3 and 4, 1942.

On November 8, 1993:

S.J. Res. 115. Joint resolution designating November 22, 1993, as "National Military Families Recognition Day."

On November 11, 1993:

S. 616. An act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.

On November 17, 1993:

S. 836. An act to amend the National Trails System Act to provide for a study of El Camino Real de Tierra Adentro (The Royal Road of the Interior Lands), and for other purposes.

S. 983. An act to amend the National Trails System Act to direct the Secretary of the Interior to study the El Camino Real Para Los Texas for potential addition to the National Trails System, and for other purposes.

S.J. Res. 131. Joint resolution designating the week beginning November 14, 1993, and the week beginning November 13, 1994, each as "Geography Awareness Week."

S.J. Res. 139. Joint resolution to designate the third Sunday in November of 1993 as "National Children's Day."

S.J. Res. 142. Joint resolution designating the week beginning November 7, 1993, and the week beginning November 6, 1994, each as "National Womens Veterans Recognition Week."

On November 23, 1993:

S.J. Res. 19. Joint resolution to acknowledge the 100th anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii, and to offer an apology to Native Hawaiians on behalf of the United States for the overthrow of the Kingdom of Hawaii.

On November 24, 1993:

S. 654. An act to amend the Indian Environmental General Assistance Program Act of 1992 to extend the authorization of appropriations.

S. 1490. An act to amend the United States Grain Standards Act to extend the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, to extend the authorization of appropriations for such Act, and to improve administration of such Act, and for other purposes.

S.J. Res. 55. Joint resolution to designate the periods commencing on November 28, 1993, and ending on December 4, 1993, and commencing on November 27, 1994, and ending on December 3, 1994, as "National Home Care Week."

S.J. Res. 129. Joint resolution to authorize the placement of a memorial cairn in Arlington National Cemetery, Arlington, Virginia, to honor the 270 victims of the terrorist bombing of Pan Am Flight 103.

On December 2, 1993:

S. 433. An act to authorize and direct the Secretary of the Interior to convey certain lands in Cameron Parish, Louisiana, and for other purposes.

S. 1667. An act to extend authorities under the Middle East Peace Facilitation Act of 1993 by six months.

S.J. Res. 75. Joint resolution designating January 2, 1994, through January 8, 1994, as "National Law Enforcement Training Week."

S.J. Res. 122. Joint resolution designating December 1993 as "National Drunk and Drugged Driving Prevention Month."

On December 3, 1993:

S. 412. An act to amend title 49, United States Code, relating to procedures for resolving claims involving unfiled, negotiated transportation rates, and for other purposes.

S. 1670. An act to improve hazard mitigation and relocation assistance in connection with flooding, and for other purposes.

On December 14, 1993:

S. 717. An act to amend the Egg Research and Consumer Information Act to modify the provisions governing the rate of assessment, to expand the exemption of egg producers from such Act, and for other purposes.

S. 778. An act to amend the Watermelon Research and Promotion Act to expand operation of the Act to the entire United States, to authorize the revocation of the refund provision of the Act, to modify the referendum procedures of the Act, and for other purposes.

S. 994. An act to authorize the establishment of a fresh cut flowers and fresh cut greens promotion and consumer information program for the benefit of the floricultural industry and other persons, and for other purposes.

S. 1716. An act to amend the Thomas Jefferson Commemoration Commission Act to extend the deadlines for reports.

S. 1732. An act to extend arbitration under the provisions of chapter 44 of title 28, United States Code, and for other purposes.

S. 1764. An act to provide for the extension of certain authority for the Marshal of the Supreme Court and the Supreme Court Police.

S. 1766. An act to amend the Lime Research, Promotion, and Consumer Information Act of 1990 to cover seedless and not seeded limes, to increase the exemption level, to delay the initial referendum date, and to alter the composition of the Lime Board, and for other purposes.

S. 1769. An act to make a technical amendment, and for other purposes.

S.J. Res. 154. Joint resolution designating January 16, 1994, as "Religious Freedom Day."

On December 17, 1993:

S. 422. An act to extend and revise rulemaking authority with respect to government securities under the Federal securities laws, and for other purposes.

S. 664. An act making a technical amendment of the Clayton Act.

S. 714. An act to provide for the remaining funds needed to assure that the United States fulfills its obligation for the protection of depositors at savings and loan institutions, to improve the management of the Resolution Trust Corporation ("RTC") in order to assure the taxpayers the fairest and most efficient disposition of savings and loan assets, to provide for a comprehensive transition plan to assure an orderly transfer of RTC resources to the Federal Deposit Insurance Corporation, to abolish the RTC, and for other purposes.

S. 1777. An act to extend the suspended implementation of certain requirements of the food stamp program on Indian reservations, to suspend certain eligibility requirements for the participation of retail food stores in the food stamp program, and for other purposes.

On December 20, 1993:

S. 1507. An act to make certain technical and conforming amendments to the Higher Education Act of 1965.

BILLS AND JOINT RESOLUTIONS APPROVED AFTER SINE DIE ADJOURNMENT

The President, subsequent to the sine die adjournment of the first session of the 103d Congress, notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the House of the following titles:

On September 21, 1993:

H.R. 2010. An act to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes.

On September 30, 1993:

H.J. Res. 267. Joint resolution making continuing appropriations for the fiscal year 1994, and for other purposes.

H.R. 2295. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes.

H.R. 3019. An act to amend title 5, United States Code, to provide for a temporary extension and the orderly termination of the performance management and recognition system, and for other purposes.

H.R. 3049. An act to extend the current interim exemption under the Marine Mammal Protection Act for commercial fisheries until April 1, 1994.

On October 1, 1993:

H.J. Res. 220. Joint resolution to designate the month of August as "National Scleroderma Awareness Month", and for other purposes.

H.R. 168. An act to designate the Federal building to be constructed between Gay and Market Streets and Cumberland and Church Avenues in Knoxville, Tennessee, as the "Howard H. Baker, Jr. United States Courthouse".

H.R. 873. An act to provide for the consolidation and protection of the Gallatin Range.

On October 6, 1993:

H.R. 20. An act to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

H.R. 1513. An act to designate the United States courthouse located at 10th and Main Streets in Richmond, Virginia, as the "Lewis F. Powell, Jr. United States Courthouse."

H.R. 2431. An act to designate the Federal building in Jacksonville, Florida, as the "Charles E. Bennett Federal Building."

On October 8, 1993:

H.R. 2074. An act to authorize appropriations for the American Folklife Center for fiscal years 1994 and 1995.

H.R. 3051. An act to provide that certain property located in the State of Oklahoma owned by an Indian housing authority for the purposes of providing low-income housing shall be treated as Federal property under the Act of September 30, 1950 (Public Law 874, 81st Congress).

On October 12, 1993:

H.R. 38. An act to establish the Jemez National Recreation Area in the State of New Mexico, and for other purposes.

H.R. 2608. An act to provide for the reauthorization of the collection and publication

of quarterly financial statistics by the Secretary of Commerce through fiscal year 1998, and for other purposes.

On October 18, 1993:

H.J. Res. 218. Joint resolution designating October 16, 1993, and October 16, 1994, each as World Food Day.

H.J. Res. 265. Joint resolution to designate October 19, 1993, as "National Mammography Day."

On October 21, 1993:

H.J. Res. 281. Joint resolution making further continuing appropriations for the fiscal year 1994, and for other purposes.

H.R. 2446. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

H.R. 2493. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes.

H.R. 2518. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes.

On October 26, 1993:

H.R. 2685. An act to amend title 5, United States Code, to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes.

On October 27, 1993:

H.J. Res. 111. Joint resolution designating October 21, 1993, as "National Biomedical Research Day."

H.R. 2399. An act to provide for the settlement of land claims of Catawba Tribe of Indians in the State of South Carolina and the restoration of the Federal trust relationship with the Tribe, and for other purposes.

H.R. 2517. An act to enable the Secretary of Housing and Urban Development to demonstrate innovative strategies for assisting homeless individuals, to develop the capacity of community development corporations and community housing development organization to undertake community development and affordable housing projects and programs, to encourage pension fund investment in affordable housing, and for other purposes.

H.R. 2519. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

H.R. 2750. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

On October 28, 1993:

H.R. 2403. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes.

H.R. 2445. An act making appropriations for energy and water development for the fiscal year ending September 30, 1994, and for other purposes.

H.R. 2491. 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, 1994, and for other purposes.

On October 29, 1993:

H.J. Res. 283. Joint resolution making further continuing appropriations for the fiscal year ending September 30, 1994, and for other purposes.

H.R. 2492. 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, 1994, and for other purposes.

On November 1, 1993:

H.R. 3123. An act to improve the electric and telephone loan programs carried out under the Rural Electrification Act of 1936, and for other purposes.

On November 2, 1993:

H.J. Res. 228. Joint resolution to approve the extension of nondiscriminatory treatment with respect to the products of Romania.

H.R. 328. An act to direct the Secretary of Agriculture to convey certain lands to the town of Taos, New Mexico.

On November 8, 1993:

H.J. Res. 205. Joint resolution designating the week beginning October 31, 1993, as "National Health Information Management Week."

H.R. 927. An act to designated the Pittsburgh Aviary in Pittsburgh, Pennsylvania as the National Aviary in Pittsburgh.

H.R. 2824. An act to modify the project for flood control, James River Basin, Richmond, Virginia.

On November 11, 1993:

H.R. 2520. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

H.R. 3116. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

On November 16, 1993:

H.R. 1308. An act to protect the free exercise of religion.

On November 17, 1993:

H.R. 175. An act to amend title 18, United States Code, to authorize the Federal Bureau of Investigation to obtain certain telephone subscriber information.

H.R. 1345. An act to designate the Federal building located at 280 South First Street in San Jose, California, as the "Robert F. Peckman United States Courthouse and Federal Building."

On November 23, 1993:

H.R. 3225. An act to support the transition to nonracial democracy in South Africa.

On November 24, 1993:

H.J. Res. 79. Joint resolution to authorize the President to issue a proclamation designating the week beginning on November 21, 1993, and November 20, 1994 as "National Family Week".

H.J. Res. 159. Joint resolution to designate the month of November in 1993 and 1994 as "National Hospice Month".

H.R. 2677. An act to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct the West Court of the National Museum of Natural History Building.

H.R. 3167. An act to extend the emergency unemployment compensation program, to establish a system of worker profiling, and for other purposes.

On November 30, 1993:

H.R. 1025. An act to provide for a waiting period before the purchase of a handgun, and for the establishment of a national instant criminal background check system to be contacted by firearms dealers before the transfer of any firearm.

H.R. 2401. An act to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

H.R. 3341. An act to amend title 38, United States Code, to increase the rate of special pension payable to persons who have received the Congressional Medal of Honor.

On December 1, 1993:

H.R. 2650. An act to designate portions of the Maurice River and its tributaries in the State of New Jersey as components of the National Wild and Scenic Rivers Systems.

On December 2, 1993:

H.J. Res. 75. Joint resolution designating January 16, 1994, as "National Good Teen Day".

H.J. Res. 294. Joint resolution to express appreciation to W. Graham Claytor, Jr., for a lifetime of dedicated and inspired service to the Nation.

H.R. 698. An act to protect Lechuguilla Cave and other resources and values in and adjacent to Carlsbad Caverns National Park.

H.R. 898. An act to authorize the Air Force Memorial Foundation to establish a memorial in the District of Columbia or it environs.

H.R. 914. An act to amend the Wild and Scenic Rivers Act to designate certain segments of the Red River in Kentucky as components of the national wild and scenic rivers system, and for other purposes.

H.R. 3161. An act to make technical amendments necessitated by the enactment of the Older Americans Act Amendments of 1992, and for other purposes.

H.R. 3318. An act to amend title 5, United States Code, to provide for the establishment of programs to encourage Federal employees to commute by means other than single-occupancy motor vehicles.

H.R. 3378. An act to amend title 18, United States Code, with respect to parental kidnapping, and for other purposes.

H.R. 3471. An act to authorize the leasing of naval vessels to certain foreign countries.

On December 3, 1993:

H.R. 1268. An act to assist the development of tribal judicial systems, and for other purposes.

H.R. 1425. An act to improve the management, productivity, and use of Indian agricultural lands and resources.

H.R. 2330. An act to authorize appropriations for fiscal year 1994 for the intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 2632. An act to authorize appropriations for the Patent and Trademark Office in the Department of Commerce for fiscal year 1994, and for other purposes.

On December 8, 1993:

H.R. 3450. An act to implement the North American Free Trade Agreement.

On December 14, 1993:

H.J. Res. 272. Joint resolution designating December 15, 1993, as "National Firefighters Day."

H.R. 486. An act to provide for the addition of the Truman Farm Home to the Harry S Truman National Historic Site in the State of Missouri.

H.R. 2202. An act to amend the Public Health Service Act to revise and extend the program of grants relating to preventive health measures with respect to breast and cervical cancer.

H.R. 3321. An act to provide increased flexibility to States in carrying out the Low-Income Home Energy Assistance Program.

H.R. 3616. An act to require the Secretary of the Treasury to mint coins in commemo-

ration of the 250th anniversary of the birth of Thomas Jefferson, Americans who have been prisoners of war, the Vietnam Veterans Memorial on the occasion of the 10th anniversary of the Memorial, and the Women in Military Service for America Memorial, and for other purposes.

On December 17, 1993:

H.R. 1944. An act to provide for additional development at War in the Pacific National Historical Park, and for other purposes.

H.R. 2840. An act to amend title 17, United States Code, to establish copyright arbitration royalty panels to replace the Copyright Royalty Tribunal, and for other purposes.

H.R. 3000. An act for reform in emerging new democracies and support and help for improved partnership with Russia, Ukraine, and other new independent states of the former Soviet Union.

H.R. 3216. An act to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to control the diversion of certain chemicals used in the illicit production of controlled substances such as methcathinone and methamphetamine, and for other purposes.

H.R. 3514. An act to clarify the regulatory oversight exercised by the Rural Electrification Administration with respect to certain electric borrowers.

On December 20, 1993:

H.J. Res. 300. Joint resolution providing for the convening of the Second Session of the One Hundred Third Congress.

H.R. 1237. An act to establish procedures for national criminal background checks for child care providers.

H.R. 2150. An act to authorize appropriations for fiscal year 1994 for the United States Coast Guard, and for other purposes.

H.R. 2535. An act to amend title 28, United States Code, to provide additional authority for the Secretary of Veterans Affairs to provide health care for veterans of the Persian Gulf War.

EXECUTIVE COMMUNICATIONS, ETC.

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

2456. A communication from the President of the United States, transmitting his request for emergency fiscal year 1994 supplemental appropriations for emergency expenses related to the January 17 earthquake in Southern California, pursuant to 31 U.S.C. 1107 (H. Doc. No. 103–199); to the Committee on Appropriations and ordered to be printed.

2457. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in December 1993, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

2458. A letter from the Director, Congressional Budget Office, transmitting a report on unauthorized appropriations and expiring authorizations by CBO as of January 15, 1994, pursuant to 2 U.S.C. 602(f)(3); to the Committee on Government Operations.

2459. A letter from the Chairman, Federal Communications Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1993, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2460. A letter from the Chairman, Federal Housing Finance Board, transmitting the 1992 management reports of the 12 Federal Home Loan Banks and the Financing Corporation, pursuant to Public Law 101–576, section 306(a) (104 Stat. 2854); to the Committee on Government Operations.

2461. A communication from the President of the United States, transmitting notification of his decision that the adjustment of the maximum deficit amount, as allowed under section 253(g)(1)(B) of the act (2 U.S.C. 903(g)(1)(B), shall be made, pursuant to 2 U.S.C. 904(c); to the Committee on Government Operations and ordered to be printed.

2462. A letter from the Senior Policy Adviser, U.S. Arms Control and Disarmament Agency, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2463. A letter from the American Legion, transmitting the proceedings of the 75th National Convention of the American Legion, held in Chicago, IL, on September 7–9, 1993, pursuant to 36 U.S.C. 49; to the Committee on Veterans' Affairs and ordered to be printed.

2464. A letter from the Director, the Office of Management and Budget, transmitting OMB's final sequestration report to the President and Congress for fiscal year 1994, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–587); to the Committee on the Whole House on the State of the Union and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. H.R. 3191. A bill to revise the national flood insurance program to promote compliance with requirements for mandatory purchase of flood insurance, to provide assistance for mitigation activities designed to reduce damages to structures subject to flooding and shoreline erosion, and to increase the maximum coverage amounts under the program, and for other purposes, with an amendment (Rept. 103–414). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. GUNDERSON:

H.R. 3734. A bill to expand the role of public schools to provide community services; to the Committee on Education and Labor.

By Mr. NATCHER (for himself, Mr. WHITTEN, Mr. SMITH of Iowa, Mr. STOKES, Mr. BEVILL, Mr. DIXON, Mr. FAZIO, Mr. HEFNER, Mr. CARR, Mr. DURBIN, Mr. LEWIS of California, Ms. PELOSI, Mr. TORRES, Mr. PACKARD, Mr. EDWARDS of California, Mr. MOORHEAD, Mr. BECERRA, Mr. BEILENSON, Mr. BERMAN, Mr. BROWN of California, Mr. CALVERT, Mr. DELLUMS, Mr. DREIER, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. GALLEGLY, Mr. HAMBURG, Ms. HARMAN, Mr. HORN, Mr. KIM, Mr. LANTOS, Mr. MARTINEZ, Mr. MATSUI, Mr. MCKEON, Mr. MILLER of California, Mr. MINETA, Ms. ROYBAL-ALLARD, Ms. SCHENK, Mr. STARK, Mr. TUCKER, Ms. WATERS, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 3735. A bill making emergency supplemental appropriations for disaster assistance because of the Los Angeles earthquake for the fiscal year ending September 30, 1994, and for other purposes; to the Committee on Appropriations.

By Mr. ANDREWS of Texas:

H.R. 3736. A bill to provide incentives for job apprenticeship programs, enhance educational opportunities, and study the feasibility of consolidating the administration of all Federal dislocated worker programs; jointly, to the Committees on Education and Labor, Ways and Means, and Post Office and Civil Service.

By Mrs. MINK:

H.R. 3737. A bill to provide supplemental security income benefits to needy children; to the Committee on Ways and Means.

By Mr. ANDREWS of Texas (for himself, Ms. NORTON, Mrs. MORELLA, and Mrs. SCHROEDER):

H.R. 3738. A bill to promote equitable pay practices and eliminate discrimination within the civil service; to provide for more equitable pay practices within the legislative branch; to require the executive branch to gather and disseminate information regarding, and to promote techniques to eliminate, discriminatory wage-setting practices and discriminatory wage disparities which are based on sex, race, or national origin; and for other purposes; jointly, to the Committees on Post Office and Civil Service, House Administration, Ways and Means, and Education and Labor.

By Mr. ARCHER (for himself, Mr. CRANE, Mr. THOMAS of California, Mr. SHAW, Mr. SUNDQUIST, Mrs. JOHNSON of Connecticut, Mr. HOUGHTON, Mr. HERGER, Mr. MCCRERY, Mr. HANCOCK, Mr. CAMP, and Mr. ZIMMER):

H.R. 3739. A bill to amend the Internal Revenue Code of 1986 to provide all taxpayers with a 50-percent deduction for capital gains, to index the basis of certain capital assets, and to allow the capital loss deduction for losses on the sale or exchange of an individual's principal residence; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 3740. A bill to extend and revise the authority to award endowment grants to Howard University, and for other purposes; to the Committee on Education and Labor.

By Mrs. COLLINS of Illinois:

H.R. 3741. A bill to prohibit rental car companies from imposing liability on renters with certain exceptions, to prohibit such companies from selling collision damage waivers in connection with private passenger automobile rental agreements of not more than 30 days, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FINGERHUT:

H.R. 3742. A bill to establish a commission to design a plan for transition from certain welfare, job training, and child care programs to new programs providing temporary financial aid and assistance in locating permanent employment; jointly, to the Committees on Ways and Means, Agriculture, and Education and Labor.

By Mr. FROST:

H.R. 3743. A bill to provide for payments to individuals who were the subjects of radiation experiments conducted by the Federal Government to the Committee on the Judiciary.

By Mr. HYDE (for himself, Mr. GILMAN, Mr. SPENCE, Mr. COMBEST, Ms. SNOWE, AND Mr. ROGERS):

H.R. 3744. A bill to amend the United Nations Participation Act of 1945 to facilitate coordination between the executive and legislative branches of Government regarding United States participation in, or the use of United States funds for, United Nations peacekeeping activities; jointly, to the Committee on Foreign Affairs, Armed Services, and Intelligence (Permanent Select).

By Mr. JEFFERSON (for himself and Mr. FIELDS of Louisiana):

H.R. 3745. A bill to authorize the Secretary of Health and Human Services to award a grant for the establishment of the National Center for Sickle Cell Disease Research, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KLEIN:

H.R. 3746. A bill to authorize the Director of the Bureau of Justice Assistance to approve local programs that exchange merchandise vouchers for firearms and make grants to the programs, to amend title 18, United States Code, to provide amnesty for individuals who surrender firearms under the programs, and to amend the Internal Revenue Code of 1986 to allow tax deductions for taxpayers who donate merchandise vouchers for use in the programs; jointly, to the Committees on the Judiciary and Ways and Means.

By Mr. KREIDLER (for himself and Mr. DICKS):

H.R. 3747. A bill to permit marine port authorities to establish guidelines for the shipment of certain materials in a manner that protects the public health and safety and the environment; jointly, to the Committees on Public Works and Transportation, Merchant Marine and Fisheries, Energy and Commerce, and Education and Labor.

By Mr. LEACH:

H.R. 3748. A bill to provide an enhanced framework for Federal financial institution regulation of derivatives activities; jointly, to the Committees on Banking, Finance and Urban Affairs, Energy and Commerce, and Agriculture.

By Mr. LEVIN:

H.R. 3749. A bill to extend the authorities of the Fair Trade in Auto Parts Act of 1988; jointly, to the Committees on Foreign Affairs, Ways and Means, and Energy and Commerce.

By Ms. NORTON:

H.R. 3750. A bill to provide for nuclear disarmament and economic conversion in accordance with District of Columbia Initiative Measure No. 37 of 1993; jointly, to the Committees on Foreign Affairs and Armed Services.

By Mr. TORRICELLI:

H.R. 3751. A bill to establish a Meat, Poultry, and Eggs Inspection Agency to administer the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, to expand the application of these acts, to provide for the establishment of safe cooking standards for meat and poultry products, and to improve scientific research and understanding of foodborne illnesses; jointly, to the Committees on Agriculture and Energy and Commerce.

By Mr. VOLKMER:

H.R. 3752. A bill to amend section 410(b)(1)(A) of the Controlled Substances Act, to provide a mandatory term of life imprisonment without release, probation, parole, or suspension of sentencing for drug felons and violent criminals convicted a third time; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. GONZALEZ:

H.J. Res. 307. Joint resolution proposing an amendment to the Constitution of the United States to repeal the 25th amendment to the Constitution; to the Committee on the Judiciary.

By Mr. ANDREWS of New Jersey (for himself and Mr. MONTGOMERY):

H.J. Res. 308. Joint resolution providing for the display of the flag at half-mast on Government buildings on the 7th of December of each year in honor and remembrance of the members of the Armed Forces who served at Pearl Harbor on December 7, 1941; to the Committee on the Judiciary.

By Mr. HILLIARD:

H.J. Res. 309. Joint resolution designating April 29, 1994, as "Davey Allison Remembrance Day"; to the Committee on Post Office and Civil Service.

By Mr. McDERMOTT:

H. Res. 332. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Standards of Official Conduct in the second session of the 103d Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. MURPHY introduced a bill (H.R. 3753) for the relief of Thomas R. Dahlberg; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

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

H.R. 93: Mr. YOUNG of Florida, Mr. KING, and Mr. MCHALE.

H.R. 245: Mr. FRANKS of New Jersey.

H.R. 323: Mr. MENENDEZ.

H.R. 358: Mr. ENGEL.

H.R. 359: Mr. PAXON.

H.R. 417: Mr. DARDEN, Mr. KLECZKA, Mr. BACHUS of Alabama, Mr. HOBSON, Mr. BARLOW, Mr. PICKETT, Mr. MCCOLLUM, Mr. BOEHLERT, and Mr. POSHARD.

H.R. 502: Mr. HOYER, Mr. POMBO, and Mr. MCINNIS.

H.R. 544: Mr. MCDERMOTT and Ms. MARGOLIES-MEZVINSKY.

H.R. 763: Mr. ZIMMER.

H.R. 963: Mr. COLLINS of Georgia.

H.R. 1055: Mr. APPLEGATE and Mr. SOLOMON.

H.R. 1122: Mr. PAXON, Mr. LAZIO, and Mr. BARTLETT of Maryland.

H.R. 1123: Mr. PAXON and Mr. BARTLETT of Maryland.

H.R. 1124: Mr. BARTLETT of Maryland.

H.R. 1126: Mr. WHEAT, Mr. BATEMAN, Mr. KINGSTON, and Mr. BARTLETT of Maryland.

H.R. 1127: Mr. BARTLETT of Maryland.

H.R. 1128: Mr. PAXON Mr. CRAPO, and Mr. BARTLETT of Maryland.

H.R. 1129: Mr. BARTLETT of Maryland.

H.R. 1130: Mr. BARTLETT of Maryland.

H.R. 1161: Mr. QUINN.

H.R. 1181: Mr. BEREUTER, Mr. HUTCHINSON, Ms. LAMBERT, Mr. WILSON, Ms. WOOLSEY, Mr. EMERSON, and Mr. CRAMER.

H.R. 1309: Mr. MYERS of Indiana, Mr. DOOLITTLE, Mr. SCHIFF, and Mr. SHAYS.

H.R. 1438: Mr. HORN.

H.R. 1464: Ms. BYRNE, Mr. CLAY, Ms. ESHOO, Mrs. LLOYD, and Mr. MATSUI.

H.R. 1505: Mr. POMBO and Mr. BARTLETT of Maryland.

H.R. 1620: Mr. BARTLETT of Maryland and Mr. MCINNIS.

H.R. 1622: Mr. LAZIO.

H.R. 1687: Ms. LAMBERT and Mr. CLYBURN.

H.R. 1719: Mr. BLUTE.

H.R. 1878: Mr. SLATTERY, Mr. KLINK, Mr. RAVENEL, Mr. HOLDEN, Mr. PAXON, Mrs. MEYERS of Kansas, Mr. GINGRICH, and Mr. SPRATT.

H.R. 1900: Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, and Mrs. MEEK.

H.R. 2088: Mr. SAWYER and Mr. ROSE.

H.R. 2147: Mr. WAXMAN, Mr. YATES, Mr. SANDERS, Mr. OBERSTAR, and Mr. LIPINSKI.

H.R. 2171: Mr. DEAL, Mr. GINGRICH, and Ms. FURSE.

H.R. 2287: Mrs. MALONEY.

H.R. 2292: Mr. MCCLOSKEY.

H.R. 2434: Mr. LEWIS of California, Mr. GREENWOOD, Mr. CRANE, and Mr. CALVERT.

H.R. 2443: Mr. JOHNSON of Georgia, Mr. KINGSTON, Mr. MCMILLAN, Mr. MINETA, Mr. BROWN of California, Mr. COBLE, Mr. SCHAEFER, Mr. MANZULLO, Mr. BARTLETT of Maryland, Mr. BARCA of Wisconsin, Mrs. CLAYTON, Mr. GOODLATTE, Mr. BARCIA of Michigan, Mr. PETERSON of Minnesota, Mrs. KENNELLY, Mr. EVERETT, Mr. FORD of Tennessee, Mr. WISE, Mr. FRANKS of New Jersey, Mr. BROWDER, Mr. BALLENGER, Mr. GALLO, Mr. MINGE, Mr. INGLIS of South Carolina, Mr. SPENCE, Mr. GINGRICH, Mr. MURTHA, Mr. TAYLOR of Mississippi, Mr. COLLINS of Georgia, Mr. POSHARD, Mr. WOLF, Mr. OBERSTAR, Mr. STUMP, Mr. WASHINGTON, and Mr. SHAYS.

H.R. 2467: Mr. ANDREWS of Maine, Mr. BEVILL, Mr. BLUTE, Mr. CRAMER, Mr. FILNER, Mr. HAYES, Ms. LONG, Mr. MCHUGH, Mr. MACHTLEY, Mr. MANN, Mr. MATSUI, Mr. MOORHEAD, Mr. NEAL of Massachusetts, Ms. PRYCE of Ohio, Mr. SANDERS, Mr. SHAYS, Mr. SKAGGS, and Mr. WILLIAMS.

H.R. 2586: Mr. QUINN, Mr. BEVILL, Mr. MCDADE, Mr. CARDIN, and Mr. TANNER.

H.R. 2602: Ms. BYRNE.

H.R. 2664: Ms. SNOWE.

H.R. 2727: Ms. WOOLSEY, Ms. ROYBAL-ALLARD, Mr. RICHARDSON, and Mr. MARTINEZ.

H.R. 2866: Mr. SCOTT, Ms. LAMBERT, and Mr. SHAYS.

H.R. 2918: Mr. SABO and Mr. BOUCHER.

H.R. 2969: Mr. FISH, Mr. GILMAN, Mr. ENGEL, Mr. LAZIO, and Mr. MENENDEZ.

H.R. 2971: Mrs. UNSOELD and Mr. TAYLOR of North Carolina.

H.R. 2985: Mr. KREIDLER, Mr. WYDEN, Mr. SANDERS, and Mrs. UNSOELD.

H.R. 3021: Mr. ANDREWS of New Jersey.

H.R. 3062: Mr. DELAY.

H.R. 3097: Ms. WOOLSEY and Mr. SANDERS.

H.R. 3138: Mr. FINGERHUT and Mr. NADLER.

H.R. 3232: Ms. DANNER.

H.R. 3248: Mr. KLECZKA.

H.R. 3251: Mr. BOEHNER, Mr. JOHNSON of South Dakota, and Mr. WALSH.

H.R. 3293: Mr. RAVENEL and Mr. PALLONE.

H.R. 3301: Ms. FURSE, Mr. HOAGLAND, and Mr. MILLER of California.

H.R. 3302: Mr. HORN, Mr. SHAYS, Mr. FROST, Mr. LEVY, and Mr. STUMP.

H.R. 3314: Mr. RANGEL and Mrs. MEEK.

H.R. 3328: Mr. LIPINSKI.

H.R. 3363: Mr. POMEROY, Ms. BYRNE, Mr. CASTLE, Mr. CALLAHAN, and Mr. LIPINSKI.

H.R. 3372: Mr. SLATTERY, Mr. STOKES, Mr. SHARP, Mrs. CLAYTON, and Mr. CANADY.

H.R. 3397: Ms. SCHENK, Mr. DE LA GARZA, Mr. NADLER, Mr. DEUTSCH, Ms. SLAUGHTER, and Mr. UPTON.

H.R. 3424: Mr. GORDON, Ms. WOOLSEY, and Mr. LANCASTER.

H.R. 3435: Mr. HOAGLAND, Mr. EVANS, Mr. MILLER of California, Mrs. MINK, Mrs. SCHROEDER, and Ms. VELÁZQUEZ.

H.R. 3449: Mr. GINGRICH, Mr. ZIMMER, and Mr. PACKARD.

H.R. 3468: Mrs. MORELLA.

H.R. 3495: Mr. NADLER, Mr. MARTINEZ, and Mr. DORNAN.

H.R. 3546: Mr. BROWDER, Mr. LIPINSKI, Mr. KLEIN, and Mr. DURBIN.

H.R. 3584: Mr. BAKER of California, Mr. BOEHNER, Mr. HERGER, Mr. SCHIFF, Mr. STENHOLM, Mr. TORKILDSEN, Ms. WOOLSEY, Mr. MONTGOMERY, Mr. OXLEY, Mr. SOLOMON, Mr. TEJEDA, Mr. DELAY, Mr. CARR, Mr. DARDEN, Mr. EMERSON, Mr. PETERSON of Minnesota, Mr. CONDIT, Mr. HAYES, Mr. TAUZIN, Mr. ROWLAND, Mr. BILBRAY, and Mr. LAROCCO.

H.R. 3600: Mr. CARR, and Mr. SWETT.

H.R. 3629: Mr. HOEKSTRA, Mr. GOODLING, Mr. KIM, Mr. ENGEL, and Mr. DOOLITTLE.

H.R. 3645: Mr. LEWIS of California, Mr. GREENWOOD, Mr. CRANE, and Mr. CALVERT.

H.R. 3666: Mr. CRAMER, and Mr. LEWIS of Georgia.

H.R. 3706: Mr. BERMAN, Mr. FLAKE, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. OWENS, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. STARK, and Mr. WAXMAN.

H.R. 3727: Mrs. ROUKEMA, Mr. ROTH, Mr. BACHUS of Alabama, Mr. DREIER, Mr. SMITH of Michigan, Mr. SOLOMON, Mr. CASTLE, Mr. MCCOLLUM, Mr. ACKERMAN, and Mr. LINDER.

H.J. Res. 103: Ms. HARMAN, Mrs. ROUKEMA, and Mr. COMBEST.

H.J. Res. 199: Mr. COMBEST, Ms. DUNN, Mr. MYERS of Indiana, Mr. CALVERT, Mr. DORNAN, Mr. MAZZOLI, Mr. HUNTER, Mr. HYDE, Mr. KASICH, Mr. WILLIAMS, Mr. KIM, Mr. LEWIS of California, Mr. ANDREWS of New Jersey, Mr. LEWIS of Florida, Mr. CAMP, Mr. STUMP, Mr. KYL, Mr. GEJDENSON, Mr. PICKETT, Ms. SLAUGHTER, Mr. HASTINGS, Ms. KAPTUR, Mr. STUPAK, Mr. MCMILLAN, Mr. FAZIO, Mr. BOEHLERT, Mr. SISISKY, Mr. BREWSTER, Mr. SWIFT, Mr. LEWIS of Georgia, Mr. SYNAR, Mr. DICKEY, Mr. BROWDER, Mr. VALENTINE, Mr. HAMILTON, Mr. GREENWOOD, Mr. KANJORSKI, Mr. TAYLOR of North Carolina, Mr. UPTON, Mr. QUINN, Mr. WHITTEN, Mr. TANNER, Mr. MOAKLEY, Mr. FRANK of Massachusetts, Mr. JACOBS, Mr. RICHARDSON, Mr. HAYES, Mr. PRICE of North Carolina, Mr. GILMAN, Mr. ROGERS, and Mr. EDWARDS of Texas.

H.J. Res. 266: Mr. MANTON.

H. Con. Res. 127: Mr. WELDON, Mr. TRAFICANT, Mr. DUNCAN, Mr. CLINGER, Mr. BACHUS of Alabama, Ms. KAPTUR, and Mr. APPLEGATE.

H. Con. Res. 148: Mr. SAM JOHNSON.

H. Con. Res. 152: Mr. WAXMAN and Mr. SANDERS.

H. Con. Res. 173: Mr. ANDREWS of New Jersey, Mr. KREIDLER, Mr. PETE GEREN of Texas, Mr. SLATTERY, Mr. DELLUMS, Mr. MANTON, Mr. BREWSTER, Mr. JACOBS, Mr. GREENWOOD, Mr. EMERSON, Mr. HOEKSTRA, Mr. UPTON, Mr. TRAFICANT, and Mr. HALL of Ohio.

H. Con. Res. 179: Mr. VISCLOSKY and Mr. SOLOMON.

H. Con. Res. 185: Mr. BEVILL.

H. Res. 117: Mr. BROWN of Ohio and Mr. BARTLETT of Maryland.

H. Res. 127: Mr. SMITH of New Jersey.

H. Res. 234: Mrs. BENTLEY, Mr. MARKEY, Mr. WATT, and Mr. PETERSON of Minnesota.

H. Res. 288: Mr. GOSS.

H. Res. 323: Mr. GEJDENSON, Mr. HASTINGS, Mr. YATES, Mr. KING, Mr. SAXTON, Mrs. MALONEY, Mr. OWENS, Mr. SANDERS, Mr. KOPETSKI, Mr. WAXMAN, Mr. ABERCROMBIE, Mr. ANDREWS of New Jersey, Mrs. MINK, Mr. SPRATT, Mr. MCNULTY, Mr. ENGEL, Ms. MARGOLIES-MEZVINSKY, Mr. SCHIFF, Mr. MCCLOSKEY, Mr. HUGHES, Ms. MOLINARI, Ms. SCHENK, Mr. HOYER, and Mr. HORN.

DISCHARGE PETITIONS

Under clause 3, rule XXVII, the following discharge petition was filed:

Petition 11, January 26, 1994, by Mr. RAMSTAD on House Resolution 247 has been signed by the following Members: Jim Ramstad and Porter J. Goss.

DISCHARGE PETITIONS—ADDITIONS OR DELECTIONS

The following Members added their names to the following discharge petitions:

Petition 4 by Mr. HOEKSTRA on House Resolution 9: Wayne T. Gilchrist.

Petition 10 by Mr. MCCOLLUM on House Resolution 295: Dave Camp and Bob Livingston.

SENATE—*Wednesday, January 26, 1994*

(Legislative day of Tuesday, January 25, 1994)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable PATTY MURRAY, a Senator from the State of Washington.

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 land.—II Chronicles 7:14.

Gracious God our Father, the Bible makes it clear that the people of God who are called by His name are the key to the healing of a nation. Administration has its place; legislation and enforcement are important. But if the people of God, called by His name, are indifferent or simply get involved politically, anything government can do will be futile. They must humble themselves; they must pray; they must seek His face and turn from their wicked ways.

These critical days, awaken the people of God to this word from the Bible. Help them do more than complain or demonstrate or get involved politically. Help them be the people of God in the fullest sense of that word, that our land may be healed.

In His name who is the Great Physician. 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, January 26, 1994.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Mrs. MURRAY thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader, Mr. MITCHELL, is recognized.

SCHEDULE

Mr. MITCHELL. Madam President, there will be a period for morning business from now until 10:30 this morning, at which time the Senate will return to consideration of the pending bill, the State Department authorization bill.

There will be a vote, a recorded rollcall vote, at 10:30 on or in relation to a pending amendment by Senator HELMS. Senators can expect votes on amendments to that bill throughout the day and into the evening.

It is my hope that we can complete action on this measure this week. In any event, unless we are able to complete action by Thursday evening, which now appears unlikely, the Senate will be in session and voting on Friday until 3 p.m.

I previously indicated to Senators orally and in a letter written to all Senators that there will be no recorded votes on any Monday through Easter. That means that if we are to complete the important business pending before us, we will have to have rollcall votes on the other 4 days unless arrangements are otherwise made.

Therefore, so that everybody is on notice and can understand clearly what is anticipated, there will be votes on Fridays, including this Friday, unless we complete action on the pending bill prior to then which, as I have stated, based upon my discussions with managers, appears unlikely at this time.

Therefore, Senators should plan on votes throughout the day and into the evening today, throughout the day and into the evening on Thursday, and throughout the day until 3 p.m. on Friday.

I thank my colleagues for their cooperation and patience. I now yield the floor.

RESERVATION OF LEADER TIME

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

1993 YEAR-END REPORT

The mailing and filing date of the 1993 year-end report required by the Federal Election Campaign Act, as amended, is Monday, January 31, 1994. Principal campaign committees supporting Senate candidates file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records Office will be open from 8 a.m. to 9 p.m. on the filing date to accept these filings. In general, reports will be available the day after receipt. For further information, please contact the Public Records Office on (202) 224-0322.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes.

The time between 9 o'clock and 9:40 a.m. shall be under the control of the Senator from Wyoming [Mr. SIMPSON] or his designee.

Mr. GREGG addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire [Mr. GREGG] is recognized.

Mr. GREGG. Madam President, pursuant to that prior order, I am acting as designee of the Senator from Wyoming, and I yield myself such time as I may consume under that order.

THE PRESIDENT'S STATE OF THE UNION ADDRESS

Mr. GREGG. Madam President, I ask unanimous consent to have printed in the RECORD the remarks of the Republican leader, Senator DOLE, in response to the State of the Union last night.

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

STATE OF THE UNION: THE REPUBLICAN RESPONSE

(Remarks by Bob Dole)

Good evening. I'm Bob Dole, Senate Republican Leader.

Tonight I'm speaking for Congressional Republicans, for Republican governors, state legislators, mayors, and other elected officials.

And I hope for you—if you believe, as we do, that America's taxes should be lower, that the government should spend less; that the people, not the government should control more; and that our armed forces must be strong.

Here in Congress, we are the minority party. The Democrats have many more votes than we do in both the House and the Senate.

So when the President spoke tonight, he knew that whatever he really wants, he

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

stands a good chance of getting, because most Democrats will vote with him.

And when Republicans believe President Clinton is moving America in the right direction—as he did with the North American Free Trade Agreement—then he can count on our votes and our cooperation, too.

WRONG FORK IN THE ROAD: HEALTH CARE

But far more often than not, the President and his Democrat majority have taken what we believe is the wrong fork in the road—not just on one or two matters of policy, but on their entire approach to government.

Health care is a good example

The President and Mrs. Clinton deserve credit for starting the debate. It has been very helpful. Now, nearly a year later, we better understand this important issue.

We know that America has the best health care system in the world; that people from every corner of the globe come here when they need the very best treatment; and that our goal should be to ensure that every American has access to this system.

MASSIVE OVERDOSE OF GOVERNMENT CONTROL

Of course, there are Americans with a sick child or sick parent in real need, both in rural and urban America. Our country has health care problems, but no health care crisis.

But we will have a crisis if we take the President's medicine—a massive overdose of government control.

How massive?

My colleague, Senator Arlen Specter of Pennsylvania, has prepared a chart of what the health care bureaucracy would look like under the President's plan.

It's a big chart, containing 207 boxes. It would take a long time to explain—if I fully understood it, myself.

But let me point out some of the new bureaucracies created under the President's plan.

Way up here is something called the "National Health Board." Over here is an "Advisory Commission on Regional Variations of Health Expenditures." And here's the "National Institute for Health Care Workforce Development."

You and I are way down here, somewhere.

The President's idea is to put a mountain of bureaucrats between you and your doctor.

For example, if you or a family member want to receive care from a specialist or a clinic outside of your own state, then you probably can't do it without asking for approval.

And, under his plan, information about your health and your treatment can be sent to a national data bank without your approval. That's a compromise of privacy none of us can accept.

Those are just a few examples—there are many more. Clearly, the President is asking you to trust the government more than you trust your doctor and yourselves, with your lives and the lives of your loved ones.

More cost. Less choice. More taxes. Less quality. More government control. Less control for you and your family. That's what the President's government-run plan is likely to give you.

COMMONSENSE HEALTH CARE SOLUTIONS NOW

We can fix our most pressing problems without performing a triple bypass operation on our health care system.

We can do it without the estimated trillion dollar budget shortfall the Clinton plan would create over the next six years.

And we can do it now.

Republicans—and I believe many Democracts—are ready to vote for legislation containing common-sense solutions. Solutions like:

Guaranteeing uninterrupted coverage to everyone who is currently insured, even if you leave or lose your job, and

Guaranteeing that your coverage cannot be denied because of a serious illness or a pre-existing condition.

Giving relief to small businesses by allowing them to join together to buy insurance.

Giving individuals who buy their own insurance a 100 percent tax deduction.

Changing the law to allow you to open your own medical savings accounts—or to buy "medical IRA's."

Helping uninsured low-income Americans pay for coverage through tax credits or vouchers.

And, finally, cutting the government red tape, and reforming medical malpractice laws that make our health care system so expensive.

Debate on the President's massive and complex program will continue for most of the year. But the changes just mentioned can be made now. So, why wait? Why not act to put you and your family in control of your health care right now?

CRIME

This evening, the President also spoke at length about crime. And he's right—we all must take responsibility as individuals.

After years of debate, many Democrats are joining Republicans behind this view: Criminals are not the victims of society—society is the victim of criminals * * * and that the best way to make America's streets, schools, and homes safer is to put violent criminals in jail and to keep them there.

And most provisions of this bill which the Senate passed last November, do just that. Let me give you just a few examples.

Life imprisonment for those convicted of three violent felonies—call it, "three strikes and you're in, for life."

Tough mandatory sentences for those who use a gun in the commission of a crime.

Violent juveniles treated as adults when they use a gun.

PADLOCK THE REVOLVING DOOR: TRUTH-IN-SENTENCING

As you know, just putting criminals behind bars is not enough.

There is a big second step. And that's padlocking the revolving door—keeping violent criminals in jail for their entire sentence. A twenty year sentence should mean just that—20 years or darn close to it. Not five, not ten, not even fifteen.

So this bill also would authorize 10 new regional federal prisons. Before states can send their violent criminals to those prisons, they must adopt "truth in sentencing" laws. In other words, if you do the crime, you really do the time.

The Senate has passed tough crime bills before. But every time we do, liberal Congressional Democrats remove the tough provisions.

That must not happen again.

CREDIBILITY ON CRIME

Republicans want President Clinton to sign the toughest bill possible—and I've got the toughest bill around in my hand right now.

The President used tough language tonight—and that's good. But will he act on it?

Will he insist on the tough provisions, like ten new regional prisons, like "truth in sentencing," like tough mandatory sentences for using a gun; and the death penalty for drug kingpins?

Unfortunately, the Administration has damaged its credibility on the crime issue by cutting the federal prison construction budget by 20 percent, and by the 94 percent cut in the Drug Czar's office.

And, yes, the talk in the administration of legalized drugs doesn't help much, either.

ACTIONS DIFFERENT THAN WORDS

Now, many people are confused when the President's actions appear different than his words.

For example, the President talks about education. But he opposes school choice, which could give parents more control over the education of their children.

He promised to "end welfare as we know it," yet everyone waits for his proposal. In the meantime, Republicans here in Congress and Republican Governors across the nation are fighting for changes that make work, self-sufficiency, and reducing illegitimacy top priorities.

The President promised a middle-class tax cut, yet, he and his party imposed the largest tax increase in American history.

This $255 billion increase was opposed by every Republican in the House and Senate.

ECONOMIC RECOVERY AND THE DEFICIT

We hope his higher taxes will not cut short the economic recovery and declining interest rates he inherited. The two-year mark—coming at the end of this year—is when the economy usually starts to feel the results of a new Administration's policies.

Instead of stifling growth and expansion through higher taxes and increased government regulation, Republicans would take America in a different direction. We can do that through alternatives that reward risk-taking and the creation of new jobs, and that give our small business men and women relief from the heavy-hand of government.

The President told you tonight that the deficit is projected to decrease next year. And that's true. After all, the largest tax increase in American history would decrease any deficit temporarily.

But, in the words of Paul Harvey, "Now you're going to hear the rest of the story."

Under his budget, government spending will increase by at least $343 billion in the next five years, and, in the same time period, the non-partisan Congressional Budget Office projects that $1 trillion will be added to our national debt.

NATIONAL SECURITY

The one place the President has cut drastically is precisely the wrong place—national security—slashed to the lowest levels since before Pearl Harbor.

History tells us, and many of us know first-hand, that America cannot afford to have a hollow military. Nor can we afford to let the United Nations dictate what is in America's national interest.

AMERICA'S ENDURING MISSION OF LEADERSHIP

I want to close by talking about America—the greatest country in the world.

I believe America has an enduring mission—a mission of leadership.

Fifty years ago, when Hitler's tyranny was on the march, it was only because of strong American leadership that freedom was preserved.

In the Cold War, for millions behind the Iron Curtain, and in the many nations that depended on us to protect them, it was, again, only because of strong American leadership that freedom prevailed.

And now, as countries that were tyrannies learn democracy, as people learn about free markets where a short time ago buying and selling without the state's permission was illegal, the world again wants and needs

strong American leadership, so that freedom will endure.

Many times over the past few years, right here in this office, I've met with representatives from the new emerging democracies. Some were leaders. Some were ordinary citizens. Some had been in jail for many years. And they all told me about the same thing. They all said that "We want to be like America."

In this great, good, and generous nation, the American mission endures, here at home, and around the world.

We are its stewards.

It is up to us to ensure that, wherever the road divides, America takes the right path—remains true to its mission of leadership, and remains the light and hope of humanity.

Thank you, and to the people of Southern California, please know that all of us in Washington will be working with Governor Wilson and your Congressional delegation to provide the help you need. Good night.

Mr. GREGG. Madam President, the remarks of the President in the State of the Union address last night were excellent remarks that summarized some of the concerns that many of us had relative to the issues raised last night by the President. The President, of course, did make and deliver a well prepared and excellent State of the Union as to style and presentation. He is a gentleman who has on many occasions shown us that he has the capacity to draw forth many ideas and concepts in addressing the people of this country through the forum of a joint session of the Congress.

But I will say this about the President's speech, because I think it needs to be said; that is, that it had with it a large amount of irony. If you look at what he is suggesting in a number of policy areas, for example in the area of health care, where he has suggested that we essentially nationalize the system and allow it to be dominated by the Federal Government; in the area of education, where his program is one of calling upon the creation of an outline of a standard and curriculum which would be designed here at the Federal level and which will inevitably be forced upon local communities and States, either through litigation or through direct regulatory activity as part of the funding mechanisms and things like chapter 1; in the area of job training, where he is suggesting that we basically have a Federal make-work job program structured again along the concepts which were once before seen in this country, the CETA proposals—all of these ideas which he is putting on the table and which he has put on the table last night in the phraseology which was really superbly framed, really, in substance, are inconsistent and contradictory to the basic theme of his speech, which was that we, as a nation, in order to address core issues which concern us, such as crime, should take more individual responsibility and should have more of an awareness of the need of individuals to care for themselves and be responsible for themselves and to be concerned about this fellow citizens.

In fact, it is totally ironic that in the major new initiative that he discussed last night, which was the welfare reform program, he is suggesting that we reform a system, the welfare system, which has broken down as a result of the excesses of the Federal Government in the area of demanding centralized control over a system. He is suggesting that that system, which is broken, should be fixed by giving more flexibility to the States and by requiring more individual initiative in the area of the individuals receiving the benefits. But at the same time, he is suggesting that reform for that system—which is so fundamentally flawed—he is suggesting taking the exact concepts which created the flawed system of welfare and applying them to health care, applying them to education, and applying them to job training.

There is clearly an inconsistency and an irony in that. Thus, as you look at the phrasing of the speech, it was superb, and the presentation was superb. But the substance of the speech is inconsistent and contradictory.

It is especially inconsistent in the area of health care.

This is obviously going to be one of the primary concerns as we address this coming legislative session, and we all know that the health care delivery system in this country needs some significant improvement.

But what is being proposed by this administration is not improvement but it is replacement. It is taking the system which we presently have, and if you were to compare it, for example, to an automobile instead of saying, well, it needs a new engine or needs a new muffler or needs a new drive shaft, what they are saying is we need a brand new, entirely different vehicle to operate.

The vehicle that is being proposed here is a vehicle that is totally dominated by the Federal Government. The structure of the proposal brought forth by this administration, Mrs. Clinton, and the President is one which would essentially lead to a nationalization of the health care industry.

Why is that? Well, it is very simple. There are two entities put in place here which dominate up and down the health care arena, all the activity in the arena—the National Health Board and a global pricing mechanism which the National Health Board has as its authority to exercise under the proposal which is in the Clinton plan.

The National Health Board will essentially be a regulatory agency which will give the States all the flexibility to do whatever the National Health Board decides should be done. And in giving the States that type of flexibility, it will assure the compliance occurs in the area of the delivery function of health care through a global pricing mechanism which is nothing more than a waterfall of price controls.

It becomes trickle-down health care and, as a very practical matter, will inevitably lead, as it has in countries like Canada and England, to a significant drop in quality and rationing. That, of course, is what we should not have happen in reforming our health care system.

There are reforms which have been proposed by a number of Members in this body, both Republican and Democratic Members, which we all agree on today and which could be passed today and which fundamentally improve the health care system and which would address the primary concerns which the President has and I have and which most Americans have, which is that the people who need health care can get health care coverage, that people are not barred from health care as a result of a preexisting condition, that the health care system does not find itself being charged by insurance companies which try to keep those people working in industries which may be less healthy out of the system or force them to pay more, that we dropped, have a system where doctors are practicing defensive medicine because of fears about malpractice lawsuits and we allow the technologies and the ideas which are booming in the health care area and which are helping people and which are curing disease to continue to expand and grow through addressing the antitrust laws.

All of those issues have already been agreed to by a majority of both Houses of the Congress and could be passed today and would fundamentally improve the health care system. But this administration, rather than seeking to take that sort of approach, has decided no, we are not going to do that; instead we are going to nationalize the system and create everyone as a dependent of a small board here in Washington.

Is that transferring to the individual responsibility? Is that responding to the health care crisis the way that he has proposed that we respond to the health care crisis? No, it is just the opposite. The same can be said for education.

The education proposal of this administration called Goal 2000, which has a very nice, innocuous name, is essentially a proposal which says we, the Federal Government, know better how to manage education than you, the local communities, know how to manage education, than you, the parents, know how to manage education. We are going to design a national curriculum for you now. It is voluntary. Of course, it is voluntary. But just in case you decide you do not want it, we are going to structure it in a way where one of our local community groups or your State groups or maybe your national group can come in and sue you and make you force you to comply with it.

Alternatively, if that does not work, we may make more Federal funds de-

pendent on your complying with these curriculum standards or other standards which we design here in Washington.

Once again the Federal Government becomes the dominant force to force more dependency. Is that consistent with the welfare reform package which is being proposed? No, it is totally inconsistent. The welfare package which is being proposed is stressing flexibility at the local level, allowing the local States to make some decisions on how they structure the welfare programs and improve their welfare programs and requiring that individuals take responsibility for themselves. But in the education arena, it becomes the Federal Government dominating the arena and individuals become dependents of the Federal largess or the Federal kindness or the Federal Government regulations, whichever you wish to choose.

The same is true in the jobs training program. So there is this dramatic inconsistent step in the substance of the speech, and I regret that it has not really been noted. I listened to some of the commentators last night, and I appreciate the fact that they have found the speech attractive and entertaining and well delivered, and they referred to it on occasion as being almost Reaganese.

I call it ironic because I recall the comments on the Reagan speeches. I did not hear such when the President spoke from people like Bryant Gumbel and Peter Jennings. It seems to me he was Reaganized in their view of President Reagan at the time he actually delivered the speeches but now they appear to be willing to give this President the status of having given this Reaganese-type of speech in the style. That is true. It was brilliantly delivered and as I said the phraseology was suburb. The substance was inconsistent.

And I hope that as we move forward in this next legislative session that that part of the speech which talked about individual responsibility, that talked about giving States flexibility, that talked about the need to reform the way we approach Government in this country and allow the people of this country to once again take control of their Government and to have the capacity to make decisions without being told how to do things by their Government will be the theme that is dominant and that we will not see ourselves pushed further down the road toward a centralized bureaucratic type of society which has been designed for us in the health care proposals, in the education proposals, and in the job proposals which are presently pending from this administration.

At this time, I yield to the Senator from Wyoming, Mr. WALLOP, such time as he may desire under the previous order.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. WALLOP. Madam President, I thank the Senator from New Hampshire.

Let me say that he has put his finger precisely on what was wrong and what was not commented upon by the press on the President's speech last night, and that is the internal inconsistency.

It was a formula speech, beautifully delivered, with well phrased portions which were designed to appeal to the American public which had been thoroughly polled.

But, Madam President, one of the things that was very interesting to this Senator when he was musing on the fact that the symbol of America used to be Uncle Sam was a benign figure that sort of laid off in the country with the striped hat and the sense of patriotism but not a sense of involvement unless it was something like war.

Now the symbol has become not Uncle Sam but great Aunt Nanny. The Federal Government will do everything for everyone. We will all be dependents of that Government, make no mistake about it, and the one veto threat the President promised last night was "give me socialism or I will give you a veto. Nationalize health care or I will veto it."

He did say that he would not tolerate a further reduction in defense, but he did not promise to veto that.

On the issue of welfare reform, which he campaigned on, he was going to change welfare as we know it. Last year in his State of the Union speech, he was going to change welfare as we know it. He has yet to produce a recommended welfare reform. But during the year just past, this administration's addressing of the welfare problems that Americans have identified is guess what? To eliminate the work required for AFDC, to waive it.

The President told us all Americans, that Government employees, Members of Congress all have this wonderful generous health care that we have been provided by our employers, the public, and that is what the public wants.

Madam President, what the President did not say is in the health plan that they proposed Government employees are exempt because they do not want to be part of the program that the President has proposed. It was a bit fraudulent to tell the American people on the one hand that all he wanted to do was to give them what the Government employees wanted and then tell the Government employees "I promised not to give you what I am going to give to the American people."

On the issue of crime, Madam President, the only thing that happened last year was the Brady bill, which will do nothing for crime—will do a lot for symbolism—and cutting the budget for prison construction, which will do a lot for crime, nothing to crime.

Madam President, we talk about family. This is a button that Americans care deeply about and was well pushed by the President. But keep in mind the performance of his administration has been to have his Attorney General fight the Congress, the Senate, the previous administration and the law to see to it that child pornographers are not judged so harshly as they have been the year before. Is that the way we go about protecting America's families?

Madam President, I hope during the year—and I agree with the Senator from New Hampshire—that we can address the real problems that America has, but we are not going to address those problems by gathering them all into the bosom of Washington and dictating to every family, every small village, town and city, every county and State, just precisely how Washington wants it solved.

And that was the call of the speech last night. It was a call to arm the Government against the States, against the communities, against the individuals of America, being told how to behave. Actively serve your Government. Your Government no longer serves you. Your Government will be in charge.

Madam President, I do not think that is what the American people wish. I do not think that is what the American people are going to get. I do think that is what the fight this year will be all about.

Madam President, I yield to the Senator from Oregon such time as he may choose.

Mr. PACKWOOD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

HEALTH CARE REFORM IS NO CURE FOR DEFICIT

Mr. PACKWOOD. Madam President, there was an excellent article in the Wall Street Journal today by Senator DOMENICI. I ask unanimous consent that it be printed in the RECORD.

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

[Wall Street Journal, Jan. 26, 1994]

HEALTH CARE REFORM IS NO CURE FOR DEFICIT

(By Pete V. Domenici)

As we in Congress examine President Clinton's health care reform plan in the wake of his State of the Union message, we would do well to recall what he told the nation about its fiscal health last July: Health care reform is key to reducing the federal deficit and keeping it down.

In fact, throughout last year's budget debate, the president made it clear that he was proposing a two-pronged attack on our nation's deficit. The first step had been presented in his budget plan (primarily increased taxes); the second step would come in health care reform, which would, once and for all, control federal health care entitlements, and therefore, the federal deficit.

"We need to bring the deficit down to zero," President Clinton said. "To do that, we have to pass health care reform."

By the time the president's health care proposal reached Congress in late October, however, money "saved" from reforming federal health care programs was being earmarked not for deficit reduction but for extending coverage to the uninsured.

The administration's plan is not unique in using whatever savings are achieved via health care reform to extend coverage. This is true of other reform plans as well, including the GOP Task Force proposal I have cosponsored. An important distinction, however, is that the GOP Task Force plan at least recognizes that we cannot add to the current deficit with uncontrolled and open-ended health care entitlements. It places a spending limit on any new health programs so that they cannot exceed the savings achieved from controlling current health program outlays. No such mechanism exists in the administration's bill.

Consider the consequences. The deficit, using the Congressional Budget Office's numbers, will dip slightly to below $200 billion in four years. Then it begins rising again. Without the administration's $300 billion in deficit reduction from health care reform, as promised back in July, the deficit will once again reach nearly $360 billion within seven or eight years.

In other words, most of the deficit reduction resulting from the $255 billion in taxes and user fees and further cuts in defense spending adopted last year will still not eliminate the long-term deficit projections. Failing to control entitlement spending during last year's budget deliberations—particularly the health care entitlement programs—will go down in history as the great missed opportunity of the Clinton administration.

How, then, can Mr. Clinton make good on his stated desire to take the deficit "down to zero"?

The first option, obviously, is more taxes. But, economic negatives aside, there clearly is little political support for more taxes.

Some will argue that we can cut more out of the defense budget. But the defense budget, already on a downward path since 1985, will be reduced further under the Clinton defense plan. In just a short four years we will be devoting less than 3.2% of our gross domestic product to national security, a level not seen since 1940.

How about more cuts in other domestic programs? Not easy. Just to stay within the spending limits established in the budget, discretionary spending will have to be reduced nearly $20 billion over the next five years—not counting at least $25 billion for the President's investment initiatives he claims he didn't get last year.

Bob Reischauer, director of the Congressional Budget Office, recently observed: "All the numbers that will be generated for the health care reform debate will be highly uncertain and should be treated accordingly." Unfortunately, health care estimates in the past have underestimated the costs and overestimate the savings. Two examples: When the Medicare hospital insurance program was adopted in 1965, it was estimated to cost about $9 billion in 1990; the actual cost was $67 billion. When the 1990 Budget Agreement was adopted, we thought we had cut the cost of federal health programs by more than $42 billion. Since then, "technical reasons" have more than wiped out any real savings.

If we repeat history and our estimates are off by similar magnitudes, hold on. Instead of helping to reduce the deficit, as the administration still asserts, the White House plan could increase the deficit by $400 billion. National health care expenditures could be more than 19% of GDP. Therefore we would go through a tremendous shake-up of the health care system, not reduce the federal deficit and not change the proportion of our national wealth devoted to health care.

If would behoove us all, regardless of political affiliation, to be humble in our ability to predict the fiscal impact of any proposal. Let us hope that the administration, in an effort to guarantee health security to all Americans that can never be taken away, does not ignore our country's economic security, threatened by increasing federal debt.

HEALTH CARE

Mr. PACKWOOD. Madam President, I had a sense of deja vu last night. The President, at one point in his speech, related to health care and said:

> And, I might say, employer-based private insurance for every American was proposed 20 years ago by President Richard Nixon to the United States Congress. It was a good idea then, and it is a better idea today.

I say deja vu, because I was the Senator that introduced that bill for President Nixon and carried that bill 20 years ago. It was defeated by an interesting combination of both the right and the left. The right not liking the employer mandate; the left wanting national health insurance. Together, they succeeded in killing the bill.

But I agree with the President. It was a good idea by President Nixon, and it is a good idea today.

I would say to the President, he will find Republicans who will work with him if—if—there is not imposed an immense Government bureaucracy and if there is no Government monopoly through which you must purchase your insurance.

But can we agree with him that there should be universal coverage, that everyone should be covered? You bet we can. Can that be phased in overnight? Maybe not. Maybe we have to do it over 1 year, 2 years, 3 years, 5 years. But we will agree with him on universal coverage. We will.

Will we agree that there should be no exclusion for a preexisting illness? We will.

Will we agree that you ought to be able to keep your coverage when you change jobs? You bet.

Do we think that small business ought to be able to buy insurance at the same price as large business? Again, we agree with that, and it can be relatively easily accomplished.

Do we think you ought to be able to choose your own doctor? Absolutely.

Here, however, comes the rub. I think we can agree with the President on 80 percent of what he wants. It is the 20 percent that may be the sticking point, and it could be a fatal sticking point.

I do not think the Republicans—I know I cannot—support Government price controls for medicine. I know the President, at the moment, says that is not part of his package. But a package as introduced may not be the package as it attempts to come out of the Congress. And if price controls are in this, we will not support it.

If there are health alliances in this bill through which you are compelled to buy your health insurance instead of being able to purchase it through private insurance companies, I think we will not support it.

And if there is a prohibition against States experimenting, varying the national plan a bit so that my State of Oregon could not experiment with its Medicaid waiver plan, so other States could not experiment with their idea of what is the best way to have a health insurance plan for their States, then I think we would not support it.

But in this whole area, there is room for conciliation and compromise. This does not have to be the budget battle of last year. This, instead, can be NAFTA, from where you will have Republicans and Democrats for the bill and Republicans and Democrats against the bill.

I will conclude with what I said at the start. I introduced a bill very similar to this bill for President Nixon 20 years ago and supported it then. It was an employer-based bill. It was a mandate on employers.

I would prefer the German system, where we mandate individuals to have to purchase their own insurance. The employer pays half the bill and the premium is withheld from your wages. It is a flat percentage, but it is based on your wages. Assume the percentage is 10 percent. If you make $10,000, you pay $1,000. If you make $20,000, you pay $2,000. The employer matches. It is more like automobile insurance in this country, where we compel individuals to have their own insurance. I would prefer that.

But there is room for compromise, as long as we do not attempt to compel price controls and some kind of mandatory Government monopoly that would be the only type of insurance.

I compliment the President. I compliment his reference to President Nixon, with whom many of us are having lunch today.

I thank the Chair and yield back the remainder of my time.

Mr. DOMENICI addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

VIOLENT CRIME

Mr. DOMENICI. Madam President, I do not have very much time here this morning. Obviously, 5 minutes does not allow me to review the President's speech.

I congratulate him on the speech in terms of content of the message and the way it was delivered. Obviously, the President is very good at that and I am sure he knows it. And I am sure the American people appreciated the speech in terms of raising their spirits.

I choose today just to take a few minutes to talk about one aspect of the President's speech that I agree with. That has to do with violent crime by our teenagers and young people.

First of all, I am convinced that we have an opportunity, because of this President, to adopt some very, very tough but, as he said, smart new laws with reference to crime; crime prevention in particular with reference to violent crime.

But I am concerned, while the President is for three times and you are out—meaning with a third felony of a violent nature you get life imprisonment and you do not get out—I am concerned that there are other provisions of the crime bill that the Senate passed that are very good and at least implicitly the President supports, but I am not at all sure that the Democratic majority in the House is not going to do what they have done on several other occasions when a crime bill is sent to them. I am concerned that they will not adopt a bill that is strong enough and will go to conference and we will not bring back to the U.S. Senate and the House and thus to our people and ultimately to the President—we will not bring back the kind of crime bill that left the Senate in terms of dealing with violent crime.

So I would just like to suggest that I think our conferees, the distinguished chairman, Senator BIDEN, and the ranking member, Senator HATCH, deserve our assistance once again. I intend today to discuss a motion I intend to introduce to instruct conferees, which I hope all Senators, or at least an overwhelming majority, will support. It will take on the issue of three-time losers. It will also take on truth in sentencing. It will say we ought to build the regional prisons that were provided for in the Hatch crime bill. It will highlight about six or seven sections that we are not at all sure the House will accept. And we are saying to our conferees in this motion to instruct that we want you to insist on these tough provisions.

Now, I will outline them in more detail. I will be speaking with Senator HATCH and perhaps Senator BIDEN today. The following remarks outline my reasons for doing this and my concern. If ever there was a time that violent crime was on the minds of our people, it is now. It is the most serious substantive issue in the minds of average Americans wherever they are. It is far more important today than any of the other issues raised in the President's State of the Union address or that we raise regularly here. It might be in the minds of Americans, three times as important as health care reform. There might be three times as many Americans concerned about violent crime as there are about health care and other substantive issues.

So what I suggest is that we, once again, give our leaders, who are going to conference soon, support by telling them we insist on the tough parts of this bill and that we insist that they come back from conference with those provisions in the bill.

Mr. President, one of the most important tasks of this session of the Congress will be to enact a comprehensive and effective crime bill. The threat of violent crime has risen to become the No. 1 concern of the American people. We must respond to this concern in a forceful way, or we will lose not only the war on crime but the confidence our citizens have in the ability of the Government to control the outbreak of violence in our streets.

The Senate took a major step in that direction by passing a bill last fall that includes significant initiatives to punish and reduce violent crime. Senators BIDEN and HATCH did a masterful job of fashioning a strong, bipartisan bill that was approved in the Senate by a vote of 94 to 4. They deserve our thanks, and our strong support when they go to conference with the House.

Indeed, the conference with the House represents the most difficult hurdle for enactment of a major crime bill.

In the past, major crime bills have been enacted despite the House Judiciary Committee. The first major crime bill of the 1980's, the 1984 Crime Act, was included on a continuing appropriations resolution after House Republicans successfully amended the resolution on the House floor. The 1986 and 1988 antidrug abuse acts were enacted only due to intense pressure from the White House and congressional leadership, and the provisions of these bills were adopted in ad hoc conferences that often included members not on the House and Senate Judiciary Committees.

Unfortunately, we all know the fate of the 1990 crime bill; it would have been vetoed by President Bush after the House Judiciary Committee conferees successfully removed its strongest provisions.

I am not a member of the Judiciary Committee, and will probably not be a conferee. But I want to assist Senators BIDEN and HATCH and the other Senate conferees. We need to help them by sending a strong, unmistakable message to the House conferees that certain aspects of the crime bill are nonnegotiable; that we will not stand for a conference agreement that eliminates or softens those portions of the Senate bill that are the toughest on violent criminals. The best way to do this, and to provide support for the Senate conferees, is to instruct those conferees to insist on retaining these provisions.

At the appropriate time, I will move to instruct the Senate conferees to retain those provisions that have the greatest potential in the near term for reducing violent crime and punishing violent criminals. Undoubtedly there could be disagreements about the scope of the instructions to the conferees.

However, there should be no disagreement that the crucial elements of any crime bill should include provisions to put three-time losers behind bars for life; to require truth in sentencing; to increase penalties for crimes committed with firearms; to provide additional prison space; to provide additional penalties and resources to combat gang violence; and to provide additional resources to prevent violence against women.

My instructions will not include many of the aspects of the Senate bill that focus on alternative activities for youth, rehabilitation, and other programs not directly related to penalties and incarceration for violent criminal offenders. I support many of these programs, but my focus will be on those aspects of the bill that will meet the greatest opposition in the House.

In addition, my instructions will not address the Violent Crime Reduction Trust Fund. It is a foregone conclusion that any agreement will include a means to provide funding for the crime bill without adding to the deficit.

At the appropriate time, I intend to move that the Senate instruct the conferees on the crime bill to insist on the Senate position on seven sections or groups of sections in the crime bill.

One of these is the three strikes, you're out provision, which the President endorsed in his State of the Union Address. I would include instructions that we insist that three time losers—violent felons convicted of three crimes—be sentenced to life imprisonment, as provided in the Senate bill; 7 percent of criminals commit 70 percent of violent crimes. Lawmakers from around the country, including the Governors of California and New York, recognize that it is time to lock up—permanently—these violent criminals that continue to prey on the public.

Truth in sentencing is also a key component of the Senate bill. My instructions would include an insistence that the Senate conferees retain the section authorizing 10 regional prisons for violent criminals and violent criminal aliens. This proposal was included in the Republican crime bill sponsored by Senator HATCH. It includes the truth in sentencing provision, which would require that States can qualify to put convicted criminals in these regional prisons only if State law is modified to require defendants to serve at least 85 percent of the sentence ordered for crimes of violence.

In addition, I would instruct the Senate conferees to insist on sections 101 through 103, which would authorize an additional 100,000 cops on the street for State and local governments. While I have concerns about committing Federal resources for the long term for such a program, it is clear that additional police can at least have a deterrent effect on crime in the streets.

Sections 201 through 215, the Federal Death Penalty Act of 1993, provides for the death penalty for a variety of Federal crimes, including the participation of drug kingpins in a continuing criminal enterprise and the use of a gun during a crime of violence or a drug trafficking crime. It is vital that we severely punish those who use firearms in crimes of violence and that we include these sections in a final crime bill.

Sections 601 through 624 would provide for additional penalties and resources for the prosecution of gang-related crimes. it is clear that one of the major components of street crime is the proliferation of gangs that are committed to drug activity and other criminal enterprises. Senator DOLE recognized this when he offered the amendment to the crime bill that contains many of these sections. Gang activity that involves murder or conspiracy to commit murder would be punishable by death or life imprisonment; gang leaders could receive minimum mandatory sentences of 15 years for certain violent crimes; Federal racketeering criminal charges could be brought against individuals who involve minors in criminal enterprises; and serious juvenile drug offenders could be tried as adults.

Section 2405 of the Senate crime bill contains the D'Amato-Domenici amendment which requires mandatory prison terms for use, possession, or carrying of a firearm or destructive device during a State crime of violence or a State drug trafficking crime. My instructions would insist that the conferees retain this provision.

Finally, my instructions would require the Senate conferees to insist on section 3221 of the Senate bill, which authorizes grants to State and local governments to combat violent crimes against women. One of the most alarming and disturbing trends in recent years has been the increase and ferocity of violent attacks on women in our society. This provision will provide for grants to State and local governments, including Indian tribes, for programs for the apprehension, prosecution, and adjudication of persons committing such crimes.

Mr. President, not everyone will agree with this list of essential elements of the Senate crime bill; no doubt there are other provisions that could be included. However, these sections are the core of the effort to remove three time losers from society; to require truth in sentencing; to increase penalties for violent crime; to provide prison space for violent criminals; and to assist State and local governments with the resources to combat violent crime.

I hope every Senator will vote in favor of these instructions. We need to help Senator BIDEN and Senator HATCH in every possible way, and the best way to do so would be a unanimous vote in favor of these provisions.

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

DOMENICI MOTION TO INSTRUCT CONFEREES ON H.R. 3355, THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. President, I move that the conferees on behalf of the Senate on H.R. 3355 be instructed to insist on the Senate position in the following sections of the Senate amendment:

Sections 101–103, the Public Safety Partnership and Community Policing Act of 1993;

Sections 201–215, the Federal Death Penalty Act of 1993, including section 213 regarding the death penalty for gun murders during Federal crimes of violence and drug trafficking crimes;

Sections 601–624, criminal youth gangs and gang prosecution;

Section 1341, regional prisons for violent criminals and violent criminal aliens, including section 1341(d)(1)(A) requiring truth in sentencing;

Section 2405, mandatory prison terms for use, possession, or carrying of a firearm or destructive device during a State crime of violence or State drug trafficking crime;

Section 5111, mandatory life imprisonment of persons convicted of a third violent felony; and

Section 3221, grants to combat violent crimes against women.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

THE PRESIDENT'S STATE OF THE UNION ADDRESS

Mr. FAIRCLOTH. Madam President, I have spent 45 years of my life in the private sector, meeting a payroll every Friday as a businessman and farmer. I have watched the Congress, each time it came into session and adjourned, make it more difficult for me and every other businessman in this country to run a business. New rules, excessive rules, regulations, and new Government spending programs have led this country on a path to economic catastrophe.

Last night, the President spoke about his desire to radically change the health care system in this country, all in the newly coined phrase of "health security." We already have the finest health care system the world has ever known. The security most people want is economic security. President Clinton has already hit the working people of this country with the largest tax increase in history, including a retroactive tax increase. Now he wants another tax increase to pay for a new health-care-bloated Government bureaucracy. I am adamantly opposed to it.

This is not economic security. We need to make health care more affordable for working people who are most concerned about the security of their pocketbooks.

President Clinton also mentioned reforming the welfare system in his speech last night. I wish he were sincere in his desire, but I am afraid it is more of the same hollow rhetoric that has become the trademark of Mr. Clinton. Of all of the spending programs implemented by the Federal Government, I do not know of a group that has been a bigger failure than those collectively known as welfare. Some almost $4 trillion of American taxpayers' money has gone into so-called poverty programs in the last 30 years. It has been well intended, but they have destroyed the initiative of whole generations of citizens to participate in the American process of working for a living.

Observers from across the political spectrum have recognized that a simple, commonsense principle has gotten our Nation and the poor into the present fix we are in. You get more of what you pay for, and for the last 30 years we have paid people not to work. So we have more welfare and more people not working. We have people who are paid but do not work. Consequently, we have seen an explosion of entitlement spending and entitlement mentality that has permeated the mindset of a large segment of the American people. Millions of Americans live day after day, month after month, year after year, and generation after generation, on paychecks from the Government and never give anything in return, except the assurance that they will stay poor and continue to fuel the Government's poverty machine.

I propose that we place a cap on the growth of welfare entitlement spending. We must restrict the long-term aggregate growth in welfare spending to 4 percent. Some individual programs might, under some conditions, have to grow more, but others would have to grow less. But the total aggregate would have to be no more than 4 percent.

Madam President, it only makes common sense to expect that people who are being given a helping hand by the working people of America should expect at least to do a day's work for themselves. Those working taxpayers who struggle every day with no guarantee should not be expected to guarantee a way of life for those who choose not to work.

The search for true welfare reform will come from spending the taxpayers' money more wisely. The current process is blind, it is reckless, it writes checks to the numerous failed Federal and State programs. To get the welfare house in order, we have to have firm caps and stop spending. I look forward to working toward true welfare reform with men and women of good will of both parties.

Finally, last night, Mr. Clinton said that some people do not want to get off

of welfare because then they would have to pay taxes for support and health insurance for those still on welfare. Unbelievably, he said this was incredible that they should have to work and pay taxes. Well, it might be incredible to him because he has never been involved in the private sector. But it is time that he realizes there are a lot of us out there who have worked and paid taxes all of their lives, never taking anything from the Federal Government but giving always.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, in light of the time of the special order and the time of the leader in his opening comments, I ask unanimous consent for an additional 5 minutes.

Mr. REID. Madam President, the majority will yield 5 minutes to the Senator from Idaho.

Mr. CRAIG. I thank the Senator.

The PRESIDING OFFICER. The Senator is recognized.

THE PRESIDENT'S STATE OF THE UNION MESSAGE

Mr. CRAIG. Madam President, last night in the State of the Union Address, we heard our President speak from the well of the House in an emotionally charged statement that I think sincerely addressed some of the key issues that this country and our citizens demand be spoken to and clearly are beginning to demand that this Congress respond to in a responsible fashion.

But, again, our President attempted to sell an idea that the American people are rapidly beginning to reject, and that is his concept and his wife's concept of health care reform.

Clearly, we all recognize that our health care system does not serve all Americans. There are those who fall through the cracks and desperately need care, and this Congress should address that issue. Senator KEMPTHORNE of Idaho, and myself, in the last week, have traveled across our State holding town meetings and listening to thousands of Idaho citizens, and we heard a very clear message from those citizens and that was: Do not vote for the Clinton plan.

We do not want a federalized, federally controlled health care system in this country. Now, while we know there are needs and while we recognize that costs must be contained because our own insurance and our families' welfare is at risk, we also recognize that the Federal Government largely creates bureaucracies that grow in size while their ability to serve in a businesslike fashion rapidly diminishes, and the quality of what we attempt to achieve through these kinds of federalized programs ultimately does not serve the citizens in the fashion that they would expect to be served.

So, Mr. President, I know you tried hard last night to sell your program. But be ready to accept a different program. Be ready to work with the Congress in making the kinds of adjustments that are going to deal with antitrust, that are going to deal with malpractice, that are going to deal with driving down the costs, but are going to allow our system, our quality, best-in-the-world health care system, to remain in the private sector where it belongs and where it can be controlled by the consumer and not a Federal bureaucracy sitting in Baltimore or sitting in Washington, DC, like our current Federal bureaucracy, that has already made Medicare a program that does not serve the citizen in the fashion that it was designed.

Mr. President, you made another appeal last night. It was an appeal to law-abiding citizens—I think you called them sportsmen and hunters—to stand out of the way of their second amendment rights so you could control crime.

Mr. President, it is not the law-abiding citizen's problem. It is the criminal of our society who misuses the gun that has created the problem in this country that has all Americans crying out for a solution. And if you will work with us here in the Senate in the crafting of a crime bill much like the one that we have already passed that goes after the criminal and not the law-abiding citizen and his or her constitutional rights, then you are going to have our full cooperation. We will work with you, we will devise and revise the crime laws of this country to go after the criminal and to hold whole the law-abiding citizen and his or her constitutional rights.

One other issue, Mr. President, you are absolutely right on, and that is the question of welfare reform. If you stick to your ideas and work with us, we will have welfare reform and those combinations will serve our country well for now and into the future.

I yield the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

THE NEED FOR PRESIDENTIAL LEADERSHIP ON THE CRIME BILL

Mr. HATCH. Madam President, I will speak just a few minutes here.

The American people are demanding that Congress take action against crime. The Senate has acted. We have passed a very tough bill.

Last week, I wrote a letter to President Clinton urging him to call on the Congress to pass certain key provisions that are currently a part of the Senate crime bill. Last night, the President endorsed one of these measures: the three-time-loser provision. I commend him for this step. Still, I am concerned that without his strong, specific support and leadership on several worthy, tough-on-crime provisions, they will be jettisoned in conference or significantly weakened.

Accordingly, I again ask President Clinton to express his support publicly for the following provisions of the Senate-passed crime bill. I am only listing some of them.

No. 1, comprehensive Federal death penalty. The President must make it clear that he expects the Congress to pass a true workable death penalty that is free from any gutting amendments, such as the Racial Justice Act, which death penalty opponents may seek to add to the bill.

No. 2, death penalty for major drug traffickers. The Senate added a provision authorizing the death penalty for major drug traffickers even where murder is not directly involved. It is always indirectly involved. The Senate needs President Clinton's personal endorsement of this provision because some reports indicate that the Department of Justice opposed inclusion of it in the crime bill.

No. 3, $6 billion in increased prison construction. Given current prison overcrowding, providing resources for additional prisons is one of the most important steps the Federal Government can take to keep criminals off the streets, and President Clinton should support this effort.

No. 4, truth in sentencing. The American people are fed up with a revolving door criminal justice system wherein vicious criminals serve only small portions of their sentences. The Senate crime bill conditions a State's ability to participate in the new Federal regional prison system on the State's adoption of truth-in-sentencing policies.

No. 5, Federal anti-gang initiative. The growth in criminal street gangs and the violence they spawn has truly made gang violence a national problem. There are at least 215 identified gangs in the Salt Lake City region of my home State of Utah. The Senate adopted an amendment making it a Federal offense to participate in a criminal street gang, to recruit persons into such gangs, or engage in gang-related crimes. The provision subjects gang members to stiff mandatory minimum penalties.

No. 6, mandatory minimum penalties for violent offenders. The Senate measure provides enhanced mandatory minimum terms of imprisonment for the use of a firearm in the commission of a crime.

No. 7, expedited deportation of alien terrorists. The Senate bill establishes a special mechanism for removal of alien terrorists.

No. 8, rural crime provisions. In recognition of the growth of crime in our Nation's rural areas, the Senate bill contains a $355 million initiative to ad-

dress crime in such areas. Rural States have a growing crime problem and need this additional assistance.

No. 9, telemarketing fraud. Our Nation's citizens are increasingly being victimized by telemarketing scam artists. The Senate bill contains a bipartisan provision making telemarketing fraud a Federal offense and authorizes funding for additional FBI agents and Federal prosecutors.

The Senate bill, of course, contains many other worthy provisions, including the Violence Against Women Act, which have strong bipartisan support. I am confident that President Clinton shares my view that law enforcement, victims, and prosecutors cannot afford to have these measures weakened or removed in conference. The President's public support and his willingness to fight for these provisions would go a long way toward insuring that Congress will pass a tough anticrime bill.

Action speaks louder than words. We need the President to actively fight for all of these specific and important parts of the Senate-passed bill. There are others as well, but I have run out of time. I yield the remainder of my time and thank my colleague from Nevada for his patience and courtesy.

The ACTING PRESIDENT pro tempore. Under the previous order, the time of the Senator from Wyoming has expired. The time from 9:45 to 10:20 shall be under the control of the majority leader or his designee.

The Senator from Nevada.

Mr. REID. Madam President, I ask unanimous consent the next 20 minutes be controlled by the Senator from Nevada [Mr. REID], and the Senator from Illinois [Ms. MOSELEY-BRAUN].

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE STATE OF THE UNION

Mr. REID. Madam President, the deficit reduction package that passed last year had a number of important elements in it. Those elements have borne fruit. We talked, when the package passed, about creating new jobs. That has been accomplished. Last year we created 1.6 million jobs. That is more jobs than were created in the total of the previous 4 years.

In addition to that, it has been forecast that there will be 2 million new jobs created this year. That is important. It can be attributed to the deficit reduction package that passed last year.

In addition to that, we were told that the top 1 percent of American taxpayers would pay more taxes; that the 99 percent of other taxpayers would pay less taxes or no more taxes. That is the fact. So when people go to pay their taxes on April 15th, there will be approximately 1 percent of the American public, that are the wealthiest people in America, who will pay more taxes; 99 percent of the people in America will find out on April 15th that they will pay less taxes or no more taxes.

In addition to that, the deficit reduction package indicated that we would do something significant relating to the accumulation of debt. That has been accomplished. It was forecast last year that we would have a debt, a yearly deficit, of over $300 billion. The prognosticators were 40 percent wrong. Conservative estimates are that we will be under the figure by more than $120 billion. These are some of the things that occurred as a result of the action that this Congress took last year.

As to crime, the President's speech last night directed the American public's attention to crime. Not only did he direct the attention of the American public to crime, which is easy to do because it is on everybody's mind, but he talked about doing specific things. It is easy to talk about how bad crime is in America but it is more difficult to do something about it.

It is recognized that 7 percent of the criminals commit over 75 percent of the violent crimes. Therefore, we must do something to keep that 7 percent off the streets. That is the reason the President has called for "three strikes and you're out"; three violent crimes and you are locked up for life without the possibility of parole. I think that is important.

I think it is also important that the President is calling for more police officers to be on the streets—in fact, 100,000 police officers—because it has been established that the mere presence of police officers stops the commission of crimes.

In addition to that, we hear a lot about punishment. But in America today, as the President indicated last night, punishment is not good because it is severe, punishment is good because it is certain. We have lost the certainty of punishment in our criminal justice system. Therefore, we need to develop certainty of punishment. When a person commits a crime, he must serve the time that he is given, and that is why, under the crime bill that has passed this body calls for doing something about prison sentences. If we have to build more prisons, we will build more prisons.

From 1979 to 1981 in America, over 50,000 children were killed; over 50,000 children were murdered. A child would be safer in Northern Ireland or in Bosnia with those statistics than in America. These are children who are in elementary school or in middle school. Not high school kids, not college kids, but young boys and girls. The latest records that we have show that over 50,000 were killed in a 12-year period. It is obvious we have to do something about violent crime. That is why the President is doing more than just talking. He is suggesting and recommending and directing Congress to do something about it.

In America last year, over 13,000 people were killed with guns—over 13,000. Of the industrialized nations, the country next in line, that is second to the United States, is Japan. About 70 people were killed in Japan last year with guns, and we had 13,000. Then is it a wonder that Jim Brady, sitting behind me last night, received a standing ovation for the leadership that he has given in this area? Jim Brady is a Republican and was a Republican press secretary for a Republican President. This is not some screaming liberal calling to do something about guns. Jim Brady is a Republican. The man that he took a bullet for, President Reagan, supports the Brady bill. So for all my friends on the other side of the aisle who are saying that the Brady bill is liberality at its zenith, they simply do not understand that the American public wants something done. Even members of the NRA support the Brady bill; the vast majority of the members of the NRA support the Brady bill. We must do something, and we have done it with the Brady law.

We hear a lot about welfare, but my friends on the other side of the aisle should understand that President Bush vetoed a welfare reform bill, one sponsored by Senator SIMON, Senator BOREN, and myself, a bill that would have established pilot projects throughout the United States to bring about programs like the old Works Progress Administration. So before my friends on the other side of the aisle get too carried away, they should understand that President Bush vetoed that legislation.

Of course, we need to do something about welfare, and a program has been laid out to do something about it. It is now in broad terms. The President said he will become more specific when he sends a bill to Congress. Yes, we have to do something about welfare, and it should be done in conjunction with health care reform.

Last night, the President referred to a medical catastrophe that occurred to a family from Reno, NV, the Anderson family. I do not know the Anderson family in Reno, NV. Neither does my friend from Tennessee nor my friend from Illinois, who are here on the Senate floor, but in Illinois and in Tennessee and all through Nevada, there are many people with situations just like the Andersons, people who have become bankrupt as a result of their family becoming ill, something over which they had no choice or control.

We must do something about health care because there are too many Andersons in this country; 81 million Americans with preexisting illnesses who have difficulty getting insurance or cannot get insurance. Why must we

have insurance? Because I have had people say to me, "I am 25 years old and I don't have to be insured. It's my business."

But it is not an individual's business, it is society's business. Why? Because when that 25-year-old man is in an automobile accident or needs emergency treatment, who pays for that? That individual goes to an emergency room, gets the most expensive care available in America, and we pay for it. We all pay for it in the form of higher insurance premiums, higher hospital and doctor bills and, of course, we pay for it in the form of higher taxes for indigent care. So, it is society's responsibility that that 25-year-old man says, "I don't have to be insured."

This situation must be addressed, and that is what the President laid out in some detail last night. The President detailed the reasons that the administration's plan is not socialized medicine, as some people are saying. This is ridiculous, for lack of a better response. In fact, the President went out of his way to tell us that it would be a market-driven health care reform system, and we all know that that is what we are working toward.

Some have said we do not need to drastically change our health care. We must do it. For example, we must be concerned about prenatal care so that any pregnant woman in America, no matter how rich or how poor, is going to have the appropriate prenatal care. Throughout Nevada, women go to delivery and have not seen a doctor. Why? Because it is too expensive.

That is what health care reform is all about. It is about providing the necessary care at an affordable cost. Women who have babies who have not had prenatal care are certainly more apt to have premature or unhealthy babies and the cost escalates. Women who obtain prenatal care are more likely to deliver healthy babies and costs are contained.

It is no secret that the American people are unhappy. Their unhappiness ranges from health care to crime to the current welfare program, and of course to urban decay. There is no question we live in turbulent times. The American people are seeking solutions. Really, what they are seeking is leadership. The problems I outlined this morning about deficits, health care reform, welfare reform, and crime are not partisan issues. These are not problems that are Democratic or Republican. These are problems that the American people have to deal with, and they are tired of gridlock and castigation and name calling and finger pointing. They want solutions, and I think that is why the people believe in President Clinton. He may not be able to deliver a speech like Ronald Reagan, but he is able to take on the hard issues, and that is what we have to do. We have to do something about crime, something about welfare, something about health care. We cannot just talk about these problems. We must have specific solutions. The President has come forward with solutions and now the Congress must act.

It has been said that a true leader inspires conviction in others. Last night President Clinton talked about leadership and he did it with conviction. It is time that we, as the American public, should follow his lead and do something about these most pervasive problems that are now confronting the American people.

I yield my time.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER (Mr. DORGAN). The Senator from Illinois.

A CALL OF ACTION FOR CHANGE

Ms. MOSELEY-BRAUN. Mr. President, last night President Clinton gave the State of the Union Address. I found it to be a call of action on a wide-ranging agenda for change. This President was elected in 1992 because he promised to bring about change. That is what he and the majority of this Congress have done for the past year, and that is what the Congress and the President must continue to do.

Last year, gridlock was finally broken. As the President pointed out last night, Congress and this administration, working together, enacted legislation that cuts the deficit by $500 billion, gives people the ability to deal with serious family and medical problems without risking losing their jobs, makes voter registration easier to further open up our democracy, implements the North American Free Trade Agreement and, at long last, makes the Brady bill the law of the land.

The end of gridlock has been good for our economy. Interest rates are at their lowest level in decades. Unemployment is down. Inflation is down. Federal deficits are down, down actually by more than 40 percent than the estimates of just 2 years ago.

Job creation, on the other hand, Mr. President, is up. Economic growth is up. Consumer confidence is up.

There is a lot for us of which to be proud. But, as the President said last night, there is more to do. Indeed, there is a lot more to do.

I believe the President showed great leadership in laying out a comprehensive, ambitious agenda for change. I would like to talk for a moment about three of the items on that agenda.

First, the President talked about health care. At the present time some of the forces, frankly, of the status quo—and we have heard some this morning—are suggesting doubt that there may be a health care crisis in this country. I think President Clinton hit the nail right on the head when he said that those who think there is no crisis in health care should get in touch with America; 58 million Americans have no health coverage at all at some time during the year, and 81 million Americans—I am sure, Mr. President, you have heard more complaints about preexisting conditions than anything else—81 million Americans have preexisting conditions that either prevent them from obtaining affordable coverage or locks them into their current jobs. Small businesses have to pay 35 percent more than large companies, or the Government for that matter, to provide comparable levels of health coverage for their employees.

Talk about employer mandates, Mr. President. The system we have now mandates that small businesses pay the most for health care coverage if they can obtain it at all. And health care costs continue to grow. That is the problem we are currently facing, and that is the reason we absolutely have to reform the system. We have to reform it in a way that provides the kind of comprehensive coverage that President Clinton addressed last night.

The President made it clear that he wants to work with Congress on a bipartisan basis to get the kind of health care reform our country so badly needs, and he made one point with which I particularly agree, which is that there is no real health care reform unless we ensure for every single American health security. Anything we do here must include every American, every person. Otherwise, we will not have accomplished health care reform at all.

The President went on to make the connection, Mr. President—I think this is really significant—between health care and welfare reform. He talked about giving people the opportunity to do for themselves, a chance for all who can to work, either in the private sector or, if necessary, in the public sector, but giving value back to work and giving people an opportunity to participate. The tone of his remarks was not punitive; it was not finger pointing; it was not the blame game. Instead, this President spoke with real compassion about the needs and the concerns and the interests of Americans who are trapped in a web of poverty to escape that web and to participate fully in the American dream. He talked about the fact that this is, indeed, the land of opportunity and that all of our people, all Americans should have a chance to contribute to this society. It is for this reason that welfare reform is so vitally important.

But the President last night not only spoke about the importance of welfare reform, he made the connection between health care reform and welfare reform because, indeed, they are connected; one goes with the other. I believe we have a golden opportunity to take these issues up in tandem, to effect changes that will give us econo-

mies in both systems so that we can pay for these reforms within current resources.

The President made it clear also that education is a real priority, and that the Federal Government must be involved in seeing to it that our Nation's children have the skills and knowledge they need to meet the challenges of an increasingly interdependent and competitive world.

I believe the President's goals make sense. We need strong standards, and we need grassroots reform because those who are closest to our neighborhood schools often know best what those schools require. But certainly at the same time the Federal Government can do a lot more than it has in support of elementary, secondary, and higher education to give our youngsters the chance to compete in this global economy. The President made it clear that education is a thread which runs through preserving the American dream, something that we have to preserve, we have to protect, we have to provide support for if, indeed, we are to go into the 21st century as strong a nation as we came into the 20th. We all want a better life for our children. We all want them to have the opportunity and the ability to succeed. That is what education provides, and that is what we must provide for them.

The President also made the connection between education and crime, and again I wish to talk about connections a little bit because I think that was the implicit message in his speech last night, the connection between these items of the social agenda, that you cannot separate these matters one from the other.

The President wants to lock up violent criminals, Mr. President, so do I, and I think so does everybody else in this Chamber. Those who terrorize our neighborhoods and our communities must be made to understand that those actions will not be tolerated, that they will be held responsible, and that they will go to jail. I join my friend, the Senator from Nevada, in emphasizing the importance of the certainty of punishment.

The President also recognized, however, how important it is to prevent crime in the first place with initiatives like community policing, which will put 100,000 more police officers on the streets. Community policing will work, and I am pleased the Congress and the President are working cooperatively to turn that commonsense idea into a reality again. And I say again because I think many of us had the experience with what was called the beat cops a generation ago, or close to a generation ago, where policemen were part of the community. It worked then. It will work now. It will help us prevent crime before the damage is done, before the costs are incurred, before people are made victims.

I am greatly pleased also that the President made it very clear he is not content with just signing the Brady bill as a way of dealing with the epidemic of handguns on our streets, as important as that legislation is. Mr. Brady took a bow last night after all the hard work he has done to see to it, after his own tragic injury, that a beginning, a first step in sensible gun control take place. I believe his recognition last night was altogether appropriate. But the President made it clear that he is not content with signing the Brady bill; that he views it as a first step in dealing with the epidemic of gun violence.

Mr. President, I come from a law enforcement family. I am accustomed to having guns in my house. My father used to hunt, so I am accustomed to that as well, and so I do understand the concern legitimate gunowners, owners of firearms, have expressed about their second amendment rights. But I believe there is no compatibility between the second amendment and sensible, responsible gun control. I join the President and applaud him for calling on responsible gunowners, people who use guns and firearms for lawful purposes, to join in this battle to get handguns out of the hands of people who would use them illicitly. We have to make certain that the guns are off the streets in the first place; that they do not become a deluge so that they are more accessible to a youngster than a bicycle, which, in many communities, is the unfortunate reality we face today.

Mr. President, there is a lot more I could say about the State of the Union Address, but I do want to end up by talking about the fact that the President last night talked about—it was important that he talked about it—the interrelationships between these issues, between health care reform and welfare reform, between acting on education and job training and crime, between creating opportunities and using that as the engine to fuel the further economic recovery for our Nation.

The President was right to talk about the connection, but I suggest to you, Mr. President, that it was entirely consistent with the platform on which he ran for office. This President ran for office talking about bringing Americans together, about ending the years of finger pointing and the blame game and focusing on the divisions and focusing on the negatives. He ran on a platform of saying to Americans we have the capacity in this generation to address the host of problems which confront us in a way that is sensible, in a way that is rational, in a way that respects our traditional values. That was the basis upon which he ran for office, and the American people responded to that message.

Mr. President, I suggest to you his speech last night was entirely consistent, was a followthrough on the promise that was made in that campaign, on the promise to bring America back to the basics of understanding that this Nation is based and predicated on providing opportunity, on giving breath to the expression and the creativity our people have to give, on making certain we address the concerns of all Americans and not just some Americans, and that in the process we treat fairly with the concerns and the interests of people wherever and at whatever level.

That is why this President talked about connection because he recognized and is giving leadership to the American people, that we are all in this together. We cannot separate one from the other. As we address these issues, as tough as they may be, as we fix health care, we will be well on the way to fixing welfare. As we fix welfare, we will be well on our way to addressing the issues of crime. As we fix crime, we will be well on our way to making our communities places that are safe to live in, do business in, to thrive in, and to grow in.

So, Mr. President, I want to congratulate the President on his speech last night and to say that I very much look forward to working with him, to working with the Members of this Congress, in making all of that part of the ambitious agenda reality in this 103d Congress.

Thank you very much.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. MATHEWS addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

SUPPORT FOR THE STATE OF THE UNION MESSAGE

Mr. MATHEWS. Mr. President, I do not know when we Americans have had a better occasion or an opportunity to be more proud of a President of our country than last evening as he addressed the Nation about those ills and those opportunities that are before us.

Mr. President, this morning I join my colleagues in welcoming the new day and in saluting the continuing direction that President Clinton presented in last night's State of the Union Message.

It was a message marked by determination and a sense of new possibilities. And we as a nation are discovering more of both because of Bill Clinton's leadership.

The President's remarks last night confirmed that the United States has passed the torch to a new generation. It is a generation defined not by age but by shared resolve—in many cases bipartisan resolve—to do what needs doing. The President's message reinforced that resolve and invited more of us to join the company who share it.

The first year of a new administration and the first session of the 103d

Congress took beginning steps in the right direction.

We reduced our deficit by $500 billion and restored equity in the Tax Code, especially for middle- and low-income Americans. We acted to tap the energies of our most committed young people by offering them money for college in exchange for an investment of their time in American communities. We acted to make Americans safer by passing aggressive anticrime legislation that keeps firearms away from children, criminals behind bars and bystanders out of the crossfire. Our vote to approve the North American Free-Trade Agreement announced that America would lead a new international era.

President Clinton committed himself to all of this as a candidate, and as Chief Executive he accomplished all this without a single veto.

In the first year of a new administration and in the first session of a new Congress, we found our feet. As the President starts the second year of this administration—and as we reconvene for the second session of the 103d Congress—we are ready for giant strides.

As President Clinton rightly said in my home State of Tennessee a few weeks ago—and as he said again last night—our communities deserve more of our attention. The President's position is clear: Accept no truce in the fight against violent crime, drugs, and gangs. His charge to Congress is equally clear: Bring last session's crime bill out of committee, pass it into law with its teeth intact, and add to it this year with measures that are smart as well as tough.

As a Congress, we know that the greatest good we can do for homes, families, and communities is to reward work. There is no greater source of pride and self-respect than being able to pay your own way in this world. Yet we have a welfare system which perpetuates its recipients in lives of subsistence and despair.

That has to change. As President Clinton said last night, we must revolutionize a system that makes welfare more attractive than work. No one wants us to succeed more than the people who are on welfare and want to join the ranks of working Americans.

President Clinton has integrated American trade policy and American foreign policy in unprecedented ways. For the rest of this century, domestic economic policy will be inseparable from global economic policy. We in Congress can face that fact with confidence in what we have already accomplished. As the President said, "In 1 year with NAFTA, GATT, our efforts in Asia, and the National Export Strategy, we did more to open world markets to American products than at any time in the last two generations."

Yet as the president also said, "There's much more to do."

Especially with the enormous challenge of health care reform. We must strengthen what is best in our health care system. But we cannot continue to pay more money for less care, to swamp health care providers under paperwork, and to tolerate a system that creates so much insecurity and leaves so many out in the cold. Our only course is to assure health security that can never be taken away—and to assure that health reform is fully and fairly funded. We are ready to do just that.

As someone who spent 40 years of public service in finance and administration, I especially applaud the President's pledge to submit one of the toughest budgets ever presented to Congress.

He says he will cut spending on 300 programs, eliminate 100 domestic programs, and reform the way Government buys goods and services. I say that is a good start. But Congress will never get that start under way until we realize that fiscal integrity means having a brain connected to a backbone. We have got plenty of brains working on the budget and the deficit. But only Congress can supply the backbone. This year we have to make the hard choices, live within our means, and honor the spending ceilings we have set.

The President's State of the Union was hailed for its new approaches and its new direction. But as I see it, the President spoke about basic and fundamental things—health, safety, jobs, dignity, self-determination. These are the most fundamental things of all, as the President has reminded us with his message.

The President deserves the highest marks for his ambitious agenda and for his focus on basic things that matter to all Americans.

He is providing us leadership, and he has invited Congress to become a full partner in building a stable, prosperous, and forward-looking America.

I, for one, am eager to accept his invitation and to realize his goal of an America brimming with opportunity and brightened by a higher quality of life.

Mr. President, I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The minority leader, Mr. DOLE, is recognized.

Mr. DOLE. Mr. President, is leader time reserved?

The PRESIDING OFFICER. The Senator is correct.

TRIBUTE TO WALLACE BENNETT

Mr. DOLE. Mr. President, Senator Wallace Bennett represented Utah in this Chamber for 24 years.

And his death, which occurred during the congressional recess, deprived America of a truly outstanding public servant.

Senator Bennett was a person of unimpeachable integrity, tremendous common sense, and a great sense of humor.

One of his top concerns during his years in the Senate was ensuring the survival of America's business community.

Senator Bennett's experience as head of a family paint and glass company, and as president of the National Association of Manufacturers made it clear to him that all too often, Government rules and regulations prevented business growth and expansion.

But there were two things far more important to Senator Bennett than politics or business—his church, and his family.

And I know all Senators join with me in extending our condolences to Senator Bennett's family—especially his son, Senator BOB BENNETT, who brings the same intelligence and integrity to this Chamber that his father brought before him.

TRIBUTE TO TIP O'NEILL

Mr. DOLE. Mr. President, I joined with many Members of the House and Senate this month in attending the funeral of former Speaker of the House, Tip O'Neill.

Everyone who was privileged to call Tip their friend—and that was nearly everyone with whom he came into contact—has a story or two about Tip.

His great sense of humor. His stories. His love of all things Irish and a good cigar. His dedication to his family, his church, his constituents, and the House of Representatives, where he served for 34 years.

"All politics is local," said Tip. And he lived those words throughout his career, never forgetting the people that sent him here or the issues that mattered to them the most.

And as Speaker, Tip regarded the whole country as local, and he was committed to helping all Americans in need.

No doubt about it, Tip O'Neill was larger than life. And although he is gone, his presence and his accomplishments will be remembered in this city for many years to come.

TRIBUTE TO SENATOR BOB TAFT

Mr. DOLE. Mr. President, my friend and former colleague, Senator Bob Taft of Ohio, who passed away over the congressional recess, carried on a remarkable family tradition of public service with great distinction.

I imagine that having a grandfather serve as President of the United States and Chief Justice of the Supreme Court, and a father who is regarded as one of the outstanding Senators of all time can be a bit intimidating.

But Bob Taft never put on airs, and he never took anything for granted. Al-

though he probably could have started his political career at the top, he did not.

Only after serving in the Ohio State Legislature for 8 years did he come to Washington to serve first in the House for 2 years and then in the Senate for 6.

I had the pleasure of campaigning in Ohio with Bob on several occasions. And it did not take me long to figure out why Bob was a great public servant. He knew everyone in the State.

At every stop, Bob would wade into the crowds, shaking hands, calling everyone by their name, and remembering the issues that mattered to them.

Here in the Senate, Bob's colleagues regarded him as a "lawyer's lawyer," and for his ability to write clear and concise legislation that actually did what it was supposed to do.

I was deeply honored when Senator Taft's son, Ohio Secretary of State Bob Taft, asked me to speak at his father's funeral, where I extended the sympathies of the U.S. Senate, and of his many friends in this Chamber.

Mr. President, I yield the floor.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. Senator from Wisconsin is recognized.

PRESIDENT CLINTON'S STATE OF THE UNION ADDRESS

Mr. KOHL. Mr. President, I come here today to commend President Clinton for his vision and eloquence in last night's State of the Union speech and, in particular, for recognizing our urgent need to address the crime problem in our country.

The first responsibility of Government is to protect its citizens, to banish the paralyzing fear and violence that crime is visiting upon our country. We are all, by now, familiar with the tragic statistics that have caused us to question what kind of society we have become. Not a day goes by during which we are not reminded again of how crime has twisted and perverted the American dream.

Mr. President, the time has come for us to stop lamenting this fact and start taking bold steps to make our streets and neighborhoods what they once were and what they ought to be: safe and peaceful.

Step No. 1: We must recognize that as a society, we are doing a shockingly inadequate job of incarcerating violent criminals. According to Justice Department numbers, a murderer in America typically receives a prison sentence of 18 years. But, on average, that murderer only serves about 6 years in prison. Thus, murderers typically receive an astonishing 66 percent discount on their prison sentences.

The numbers for rape and robbery are no more comforting. First-time rapists serve less than 4 years and muggers and robbers less than 3 years.

This troubling and unacceptable state of affairs resulted because we lack the prison space necessary to do the right thing. So step No. 1 dictates that we must build enough prison cells to keep violent criminals off the streets where our children should be playing. For us in the Federal Government, that means building prisons that States can use, because it is primarily at the State and local level that violent criminals are prosecuted and imprisoned.

Step No. 2: The criminal justice system has become little more than a game for many of the people who have chosen a life of crime. They know that if they break the law, there is only a possibility—and usually not a very good possibility—that they will ever serve significant time in prison.

We must change this calculus and promote certainty of punishment. Violent offenders should know if they murder, rob, or rape, they will necessarily—and without exception—serve extended time in prison.

Moreover, as President Clinton said last night, violent offenders should know that on the third strike they will be out, just as surely as a child knows this fact from the first day he steps up to the plate in little league.

Step No. 3: This step is simple and straightforward. We must put enough police on our streets. Police who walk our streets banish fear; they broadcast the message that street crime will not be tolerated; and because they work closely with their communities, they are more successful at catching criminals when the law has been broken.

If this step is to be meaningful, however, a bigger, bolder, and broader police presence must be complemented by additional courtroom resources—by prosecutors and judges—so that we can be assured that an arrest will quickly result in a conviction and punishment.

Step No. 4: Our cities have become shooting galleries, with criminals often carrying more firepower than the police officers who have pledged their lives to protect us. Too many of our children are now carrying revolvers rather than writing tablets in their knapsacks. So step No. 4 dictates that we ban those cop-killing assault weapons that have no other purpose. And it means that we take guns out of the hands of our children, with a number of exceptions.

Finally, and no less important, is step No. 5. While Government must squarely face its responsibility to address the crime problem, it cannot succeed without help—help from the television, cable, and video game industries that will enable parents to better regulate the violence that inundates our TV screens; help from parents who realize the importance of values and discipline; and critical help from churches, schools, and community organizations who can make—and who have already made—a big difference in the fight against crime in many of our cities.

So, Mr. President, it is time for the Congress to take seriously its mandate. The Senate passed a strong, smart, tough crime bill in 1993, and now it is the House's turn to do the same. We must join together in a bipartisan spirit, sooner and not later, to enact an omnibus crime bill that will allow no one to mistake our resolve to fight crime and to make America a safer place. Thank you, Mr. President.

I yield the floor.

THE PRESIDENT'S STATE OF THE UNION MESSAGE

Mr. BENNETT. Mr. President, I understand we are having a vote soon. I would like to take the time between now and then to make a few observations about the State of the Union Message last night.

I congratulate President Clinton on his rhetorical gifts. I cannot resist commenting or repeating the comment made to me by a number of people, which is that he has begun to reach out for the techniques of Ronald Reagan, known as the Great Communicator. One of the President's strengths is his ability to pick up the techniques that President Reagan demonstrated so well over the period of time he was here.

But I must, in an attempt to set the record straight, make two comments. The description of the President's accomplishments in his first year are quite different from my memory of what happened in the first year. And that which I found the most outrageous was his congratulatory reference to 9 out of 10 small businesses getting significant tax cuts as a result of his domestic program.

I have not found a single small business in my State that has congratulated me on the tax cuts that came as a result of that program. Indeed, I have had a number of letters about people protesting significant tax increases that are hitting small businesses. I think that was an issue that needed to be set straight.

The other one that I would like to comment on has to do with the President's reference to international trade. I was heartened by the President's emphasis on international trade. I supported him on NAFTA and the successful completion of the Uruguay round of GATT and was delighted to have him highlight international trade in the way he did.

Very significant, however, was the President's omission of any mention whatsoever of Asia. He talked about South America. He talked about Central America. He talked about NAFTA. He talked about Europe, the former republics of the Soviet Union. He talked about Haiti. He talked about South Africa. But he did not mention

those economies that are the fastest growing economies in the world, in Asia, and I would hope that this administration would now begin to focus on that portion of the world and recognize its importance in the international trade.

I see the time has come, Mr. President, and I thank the Senate for the opportunity to make these comments.

The PRESIDING OFFICER. The time of the Senator from Utah has expired.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,508,807,864,929.16 as of the close of business yesterday, Monday, January 25. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,294.28.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

FOREIGN RELATIONS AUTHORIZATION ACT

The PRESIDING OFFICER. Under the previous order the Senate will now resume consideration of S. 1281 which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1281) to authorize appropriations for fiscal years 1994 and 1995 for the Department of State, the United States Information Agency, and related agencies, to provide for the consolidation of international broadcasting activities, and for other purposes.

The Senate resumed consideration of the bill.

Pending: Helms Amendment No. 1248, to withhold funds for fiscal years 1994 and 1995 from the funds authorized for contributions for International Organizations until the President certifies that no United Nations Agency or United Nations-affiliated agency grants any recognition to an organization that condones pedophilia.

VOTE ON AMENDMENT NO. 1248

The PRESIDING OFFICER. The question occurs on amendment No. 1248 offered by the Senator from North Carolina [Mr. HELMS]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Rhode Island [Mr. PELL] is necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL] would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 2 Leg.]

YEAS—99

Akaka	Faircloth	Mathews
Baucus	Feingold	McCain
Bennett	Feinstein	McConnell
Biden	Ford	Metzenbaum
Bingaman	Glenn	Mikulski
Bond	Gorton	Mitchell
Boren	Graham	Moseley-Braun
Boxer	Gramm	Moynihan
Bradley	Grassley	Murkowski
Breaux	Gregg	Murray
Brown	Harkin	Nickles
Bryan	Hatch	Nunn
Bumpers	Hatfield	Packwood
Burns	Heflin	Pressler
Byrd	Helms	Pryor
Campbell	Hollings	Reid
Chafee	Hutchison	Riegle
Coats	Inouye	Robb
Cochran	Jeffords	Rockefeller
Cohen	Johnston	Roth
Conrad	Kassebaum	Sarbanes
Coverdell	Kempthorne	Sasser
Craig	Kennedy	Shelby
D'Amato	Kerrey	Simon
Danforth	Kerry	Simpson
Daschle	Kohl	Smith
DeConcini	Lautenberg	Specter
Dodd	Leahy	Stevens
Dole	Levin	Thurmond
Domenici	Lieberman	Wallop
Dorgan	Lott	Warner
Durenberger	Lugar	Wellstone
Exon	Mack	Wofford

NOT VOTING—1

Pell

So the amendment (No. 1248) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will be in order.

The Chair recognizes the Senator from South Dakota [Mr. PRESSLER].

AMENDMENT NO. 1253

(Purpose: Relating to United Nations budgetary and management reform)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER], for himself, Mr. BYRD, Mr. HELMS, Mr. CONRAD, Mr. BURNS, Mr. DOLE, Mr. STEVENS, Mr. LOTT, and Mr. DOMENICI, proposes an amendment numbered 1253.

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:

Beginning on page 72, strike out line 1 and all that follows through line 5 on page 74 and insert in lieu thereof the following:

SEC. 170B. UNITED NATIONS BUDGETARY AND MANAGEMENT REFORM.

(a) WITHHOLDING OF ASSESSED NONPEACEKEEPING CONTRIBUTIONS TO THE UNITED NATIONS.—(1) In fiscal year 1994, 10 percent of the amount of funds authorized to be appropriated for that fiscal year for United States assessed contributions to the United Nations and its specialized agencies shall be withheld from obligation and expenditure until a certification is made under subsection (b).

(2) Beginning with fiscal year 1995 and at the beginning of each fiscal year thereafter, 50 percent of the amount of funds authorized to be appropriated for each fiscal year for United States assessed contributions (other than for peacekeeping activities) to the United Nations and its specialized agencies shall be withheld from obligation and expenditure until a certification is made under subsection (b).

(b) CERTIFICATION.—The certification referred to in subsection (a) is a certification by the President to the Congress that—

(1) the United Nations has established an independent and objective Office of Inspector General to conduct and supervise audits, inspections, and investigations relating to the programs and operations of the United Nations and each of the specialized agencies of the United Nations;

(2) the Secretary General of the United Nations has appointed an Inspector General, with the consent of the General Assembly, solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations;

(3) the United Nations Office of Inspector General is authorized to—

(A) make investigations and reports relating to the administration of the programs and operations of the United Nations and its specialized agencies;

(B) have access to all records and documents or other material available which relate to those programs and operations; and

(C) have direct and prompt access to any official of the United Nations or of any of its specialized agencies, including any head of a specialized agency or official of the United Nations Secretariat;

(4) the United Nations Office of Inspector General is keeping the head of each specialized agency, the Secretary General, the members of the Security Council, and the members of the General Assembly fully informed about problems, deficiencies, and the necessity for, and progress of, corrective action;

(5) the United Nations has established measures to protect the identity of, and to prevent reprisals against, any staff member making a complaint or disclosing information to, or cooperating in any investigation or inspection by the Office of the Inspector General; and

(6) the United Nations has enacted procedures to ensure compliance with the recommendations of the Inspector General.

(c) DEFINITION.—For purposes of this section, the term "United Nations operations" includes any program, project or activity conducted or supported, in whole or in part, by the United Nations or any of its specialized agencies.

Mr. PRESSLER. Mr. President, this amendment is cosponsored by my col-

leagues, Senator BYRD, Senator HELMS, Senator DOLE, Senator STEVENS, Senator DOMENICI, Senator LOTT, Senator BURNS, and Senator CONRAD, among others.

The broad cosponsorship from across the political spectrum, I think, indicates the interest in management reform in the United Nations. This amendment requires that beginning in fiscal year 1994, 10 percent of our assessed contributions to nonpeas established a permanent, independent inspector general as well as a system for review of internal audits by member nations.

If, in 1995, the President cannot certify that an independent inspector general has been established or that a system for review of internal audits has not been established by fiscal year 1995, 50 percent of our assessed contributions to nonpeacekeeping operations of the United Nations will be withheld.

Mr. President, there has been much discussion ranging from a piece on "60 Minutes" to several articles about corruption and mismanagement in the United Nations. The United Nations seems unable or unwilling to reform itself. Our taxpayers are asking very hard questions about why it is that supplies that are sent to a point in Africa or Asia disappear overnight and we are told they are stolen and the next day they turn up on the black market. It has also happened in Yugoslavia.

The system of management and controls is out of hand. The United Nations needs an inspector general, a real inspector general, an independent inspector general, someone who can check up, do the audits, and punish people within the system. There is no such system presently.

I have described the amendment. It is quite simple. It seems the only way we can get the attention of the United Nations is by threatening to do some withholding of funds, but also we have the attention of our taxpayers on this issue because of the large amount of press and other information that has been made available.

This is a tough amendment. I am sure many of my colleagues will agree. Some may say too tough. But it is necessary. It is necessary if this Congress finally is to take a stand against the rampant waste, fraud, abuse, and outright thievery that takes place at the United Nations.

The season premiere of the television newsmagazine 60 Minutes, last fall, led off with a scathing report on the U.N.'s runaway gravy train. This report is only the most visible example of the growing worldwide media and public interest in U.N. mismanagement. In the past year alone, I have talked with journalists in this country, as well as reporters from England, Germany, and Japan. United Nations mismanagement is a page 1 story. It is about time.

In roughly 13 minutes, 60 Minutes documented what I have known for years: The United Nations suffers from serious financial irresponsibility. We have learned that the U.N.'s peacekeeping operation in Cambodia has been a diplomat's dream, but an auditor's nightmare. Consider the following:

When awarding contracts for helicopters, the United Nations shunned cost effective bids in favor of more expensive, but preferred clients;

Scores of vehicles and equipment were bought but never used;

U.N. vehicles and equipment were stolen by the Cambodian Government—only to resurface on the open market;

Water purification systems were purchased, but didn't work;

U.N. auditors recommended the dismissal of two U.N. personnel for misconduct, but no action has been taken against them; and

The United Nations "inadvertently" purchased 850 minibuses that were never needed for the operation—a waste of $10 million.

The examples I have described demonstrate that U.N. management is seriously out of control. Yet, according to the former U.N. Under Secretary General for Administration and Management, Melissa Wells, confidential internal audits of the U.N. operation in Cambodia have uncovered far more abuses beyond those I have just cited. Think of that for a moment—as disturbing as the examples I have described are, the chief management officer at the United Nations said we have only exposed the tip of the iceberg.

Incidentally, Melissa Wells was forced out of her position recently by none other than U.N. Secretary General Boutros Boutros-Ghali and his staff. Melissa Wells was the highest ranking American official at the United Nations. The position of under-secretary general for administration and management has oversight over efforts to reform the United Nation's inefficient bureaucracy, and responsibility for security, contracts, and support services for peacekeeping operations. Her removal hampers the reform effort. And it exemplified the unwillingness of the leadership at the United Nations to deal with reform.

Mr. President, I think we should also say that the previous holder of a high post, Governor Dick Thornburgh, of Pennsylvania, was at the United Nations. After a year, he was forced out but he did a report and he himself has testified that his report was shredded at the United Nations. It has pointed out many of the mismanagement things and he has put that on the official record.

So it seems to me that we have a very serious problem here. We have been working on it every year before the Foreign Relations Committee. We get assurances that our State Department is going to be tougher up there in insisting on this. They sort of brush us off, take the money, and do the same thing. It goes on year after year after year. So with this amendment, finally we are getting to some teeth. Finally we are trying to actually do something about it.

This country is the largest donor to the United Nations.

If we threaten to withhold funds—I think we have a right to do that if some changes are not done—then we will accomplish our goal. The fact is, even President Clinton was not allowed to view any of the United Nations' confidential internal audits.

Why? Because, the United Nations prohibits representatives of member countries from doing so. Think of that, the United States—the single largest contributor to the United Nations—is not allowed to see how its money is being managed, or in this case, mismanaged. Mr. President, that must change.

The 60 Minutes team pointed out other examples of U.N. mismanagement in New York. Mike Wallace uncovered evidence that the United Nations was publishing reports of events years after the fact. For example, a 1986 human rights report was not published until 1992. Mr. Wallace also found that the U.N. Public Information Office could do without 700 of its 1,000 employees if cost-effective automation were instituted. Yet, no U.N. official has the authority to effect any reorganization plan that results in the reduction of U.N. personnel, regardless of how much time and money it would save. Mr. President, this too must change.

Consideration is one of the many reforms sorely needed in the United Nations. Melissa Wells' predecessor, former Attorney General Richard Thornburgh, wrote a blistering report of the U.N. management fiasco. Was the Thornburgh report welcomed? No. In fact, the only notable U.N. element that tore through the Thornburgh report was the U.N. paper shredder.

Mr. Thornburgh found numerous U.N. bureaus, commissions, and agencies with overlapping or duplicated functions. For example, there are three different U.N. offices in Rome dealing exclusively with food. There are reports of unauthorized staff—U.N. deskwarmers. There are reports of retired U.N. personnel who are hired back as consultants and receive a consulting fee as well as their full pension. Recently, the Secretary General created a new position for a special representative to manage the U.N.'s golden anniversary next year. This position and salary—approximately $140,000 per year net of taxes—were never approved by the General Assembly. Mr. President, again, that must change.

The United Nations has no system to monitor cash flow. No U.N. official could tell us how many people are on the U.N. payroll. It is reasonable to assume the personnel levels are above the

amount authorized by the U.N. General Assembly.

Despite—or perhaps because—it spends as if it possessed a bottomless well of wealth, the United Nations leadership claims it is in a financial crisis. Should we and other member nations come to aid the United Nations in this crisis? Absolutely. But future funds should come at a price—the price of reform. It is time for the United Nations to implement management, accounting, and personnel reforms.

The United Nations can do plenty to save money. Its administrative operations can be streamlined. Unauthorized staff and those found to have engaged in practices of waste, fraud, or abuse should be dismissed. Duplicate or unnecessary bureaus, agencies, or offices can be eliminated. In short, the United Nations can tighten its belt a few notches and channel those savings into needed programs.

Regrettably, the United Nations seems prepared to trade in its belt for an elastic waistband. The Secretary General's United Nations operating budget for 1994–95 calls for an 11-percent increase over the current year, including a 20-percent increase in travel expenses. This is the United Nations normal operating budget. It does not include the budget for peacekeeping. Both the operating budget's amount and the growth rate exceed the levels authorized by the 47th General Assembly. As a result, the United States is required by law to withhold 20 percent of funds appropriated for our assessed U.N. contributions.

Just to be fair, the United Nations has proposed several measures aimed at coping with its cash flow problem. However, these so-called economy measures are reductions in services that amount to savings of no more than $5 million per year—a very meager amount for an institution that spends $10 million per day. Further, the Secretary General has pledged that any reorganization would not result in the reduction of U.N. personnel. Is this reform? Not even close.

So, Mr. President, the Secretary General has made a commitment that whatever they do up there they are not going to reduce U.N. personnel regardless of what. He made that promise. I think that is unfair to our taxpayers.

Finally, Mr. President, I have serious concerns that we have allowed our financial obligations to the United Nations to be increased fraudulently. Let me explain. Under its own rules, the United Nations operates a separate fund to finance administrative costs in direct support of peacekeeping activities. These funds are included as part of the U.N.'s peacekeeping budget. The United States is obligated to pay 31.7 percent of the U.N. peacekeeping budget, compared to our obligation to pay 25 percent of the regular budget. Last fall, the Secretary General submitted a proposal for the General Assembly to allocate an additional $32 million for administrative costs for peacekeeping. At that time, I learned that most of the proposed expenditures have nothing to do with peacekeeping. In fact, I wrote to our representative to the United Nations, Madeleine Albright, urging her to look into this matter. Surprisingly, in light of all of this information, the State Department has endorsed the United Nations' supplemental budget request, which amazes me.

Mr. President, this matter has far reaching implications. I have no doubt the U.N. supplemental budget fiasco could lead to a larger effort to shift regular budget expenses to peacekeeping. This would force the United States to pay 31.7 percent of U.N. costs rather than the 25 percent regular budget assessment. Thus, the U.N. leadership is pulling a fast one on the American taxpayer by artificially inflating our financial obligations to the United Nations. Mr. President, that kind of magician's management must be stopped.

I believe my point has been made. The United Nations is the world's policeman, but it has neither the resources nor the will to police itself. The United Nations is home to the world's most distinguished diplomats, but it needs an undiplomatic, distinguished, tough-minded inspector general to clean up the United Nations' financial house.

That is the bottom line. The United Nations is in need of reform now. The United Nations can start by establishing a permanent, independent inspector general. I understand the U.N. leadership does not find tough fiscal management very exciting. U.N. personnel are there to participate in the grand world of diplomacy, not the mundane world of balance sheets. I fear the repercussions if we continue to allow the United Nations to turn its back on sound management practices. I fear that once the American taxpayer learns what is going on in the United Nations, the credibility of and support for the United Nations will suffer. We must do something about it.

I am here to do something about it because I support the United Nations. I twice served as a delegate to the United Nations from this Senate.

As a young person, I belonged to the Minnehaha County U.N. Association in South Dakota. I believe we must make the United Nations work and I have worked on this problem for years. Even in committee, every year the Ambassador who comes forward always promises they are going to work hard on this issue. I have been up and met with Boutros-Ghali. I met with Dick Thornburgh after his report was shredded. I have been plugging away at this problem for a long time. I regret offering an amendment of this sort, but it is the only way we are going to get anything done, and that is the truth of the matter.

I served on the U.S. Commission to Improve the Effectiveness of the United Nations, along with my good friend from Rhode Island, the chairman of the Senate Foreign Relations Committee. Though the Commissioners had differing opinions on many subjects, the entire Commission strongly believed the United Nations needed a tough, independent inspector general.

The United Nations represents one of our Nation's most sound, cost-effective foreign policy investments. Let me make one point very, very clear: My problem is not with the United Nations as an institution. My problem is with U.N. leadership. In fact, my frustration would not be so strong if I did not believe in the United Nations itself.

There have been recent attempts to withhold funds from the United Nations to achieve reform. The fiscal year 1994 Department of State appropriations bill includes report language calling for the withholding of 10 percent of assessed nonpeacekeeping contributions until an inspector general is established. I commend my good friend from New Mexico, Senator DOMENICI, for leading that effort. It is an important step. In fact, my amendment would write that report language into law.

I want to commend PETE DOMENICI for the great work he has done on this. He has been a leader on the Appropriations Committee, and this is written into the Appropriations Committee law. For people listening to this who are confused why we are doing the authorization after the appropriations, it indicates the need for reform in the Senate, but that is my opinion. That is a technical matter. I do commend Senator DOMENICI for having that written into the appropriations law.

Frankly, I am not optimistic that withholding 10 percent of our assessed contributions—roughly $50 million—will compel the United Nations leadership to take action. We already withhold an amount that exceeds $44 million annually in order to achieve relatively minor administrative reforms. Some things did happen under the Kassebaum amendments of the past. These current withholdings have not had the desired effect.

We need to be prepared that the United Nations will not take action during the current fiscal year. If reforms are achieved, we need to be prepared to hold the United Nations to them. We need to be prepared to be even tougher.

That is what my amendment would do. My amendment would require that, beginning in fiscal year 1994, 10 percent of our assessed nonpeacekeeping contributions to the United Nations be withheld until the President certifies that an independent office of inspector general is established and in operation. If, in 1995, the President is unable to

certify the establishment of an independent inspector general, the withholding will increase to 50 percent of our assessed nonpeacekeeping contributions. This is not just one certification requirement. It is an annual certification that would begin on the first day of the next fiscal year.

Some will argue that we are making political hay of the United Nations. Some have stated the U.S. Government is full of waste, fraud and abuse, and Congress should not be pointing fingers at the United Nations. Yes, waste occurs in our Government. The difference is we have independent inspectors general to investigate fraud, and recommend punishment of wrongdoers. U.S. attorneys can indict any one of us here in Congress for violating the law. They have done so. Not one U.N. official has that kind of authority. When asked by Mike Wallace when the last time a U.N. employee was fired for fraudulent or illegal activities, the United Nations chief management officer could not answer the question.

Some also will argue this amendment would hurt very needy programs and projects within the United Nations. I disagree. The United Nations is being hurt now. Every dollar that is wasted, embezzled, or stolen is a dollar taken away from projects or programs in the United Nations that work. It is about time we withhold a significant portion of those funds until we know they will be put to good, sound use. If we pass this amendment, all the United Nations has to do to receive its full assessed contributions from the United States is to get its house in order.

With my amendment, the reform ball will be in the United Nations court. That is where it should be. Let us pass them the ball by agreeing on this amendment.

Some also will claim the United Nations is cleaning up its act. Some may point to last summer's appointment by the United Nations of a so-called inspector general. If any of my colleagues believe this is true reform, I have some monuments for sale here in town real cheap. I urge my colleague to take a look at the fine print on this so-called inspector general. The office is only temporary. It is not independent. It uses the same resources that have failed to accomplish management reform. And to top it off, the person appointed to fill this so-called inspector general position is a two-decade veteran of the runaway U.N. gravy train and is a friend of the Secretary General.

Is this reform? Hardly. This is window dressing. It is a feeble attempt to assuage the concerns and silence the critic in the United States.

Mr. President, it is very unfortunate that I have to stand here today and recommend we take punitive action. I do not enjoy doing this. I am here because we have little choice. The U.N. leadership refuses to take seriously our requests for a tough inspector general with teeth. We have tried diplomacy. We have tried friendly persuasion. My friends, the United Nations is paying little, if any, attention to its largest contributor. Our words have received little notice. If the Senate passes my amendment today, the U.N. leadership will sit up and take notice. It is about time that the single largest contributor to the United Nations exercise its ultimate leverage.

Yes, Mr. President, it has come to that. Our obligations to the United Nations will continue to grow. The U.N. responsibilities will continue to grow. It is time for the United States to take a step back and insist the United Nations police itself with the same vigor and commitment it applies when it polices the world.

I urge my colleagues to adopt the amendment.

(Mrs. BOXER assumed the chair.)

Mr. PRESSLER. Madam President, let me summarize and conclude by saying that, based on my experience serving as a delegate to the United Nations twice, in New York, we have and have had a very serious attitude problem with waste, fraud, and abuse, and there definitely is a culture within the United Nations of waste, fraud, and abuse. Many countries in this world look upon participation in the United Nations as an opportunity to make some money. Frankly, there are many countries in this world that are autocracies. They are also stealing from their own people.

But the situation has reached a point in the United Nations where our taxpayers and our press and our citizens are in an uproar. We do, however, want the United Nations to succeed. Indeed, as I have said, I have devoted many years of work to U.N. activities. This amendment will make the United Nations better. It has teeth in it. It has already been adopted in the appropriations language, as the Domenici amendment.

It is very important that the Senate vote for this amendment. I am proud to say we have bipartisan leadership on both sides of the aisle. I hope that this amendment is adopted.

Mr. BYRD. Madam President, I commend the Senator from South Dakota for his leadership on this issue. The Senator is on exactly the right track with his efforts. The United Nations needs the oversight of its budget and programs that would be provided by an office of inspector general. As the Senator will recall, when he offered a similar amendment to the foreign operations appropriations bill last year I indicated my support for his initiative, but I wanted to wait for consideration of the State Department authorization bill which is now before the Senate. This bill includes authorization for the general assessment for overall U.N. funding and I thought it would be preferable to attach such an amendment to that funding rather than the voluntary contributions for the specialized agencies contained in the foreign operations bill. The Senator from South Dakota graciously agreed to withhold his amendment and I thank him. I can now fully support this very important effort to encourage the United Nations to create an independent, effective inspector general.

As the post-cold-war international order continues to evolve, the United Nations has begun to assume a much more activist role in world affairs. Across a broad range of issues, but most importantly with respect to humanitarian relief and peacekeeping, the nations of the world increasingly have tried to use the United Nations as a mechanism for coordinated multilateral action. Unfortunately, the current U.N. bureaucracy is the product of more than four decades of cold war gridlock, with the world's superpowers treating the United Nations as little more than an arena for nations to blow off steam, and not as an organization to be trusted with any real responsibilities.

The neglect of the United Nations during the cold war has produced what Richard Thornburgh, former U.S. Attorney General and U.N. Undersecretary General for Administration, described as an antiquated management structure, with budgeting practices that are almost surreal. He is only one of a chorus of voices calling for reform of U.N. management, budgeting, and oversight. In fact, it is nearly impossible to find someone familiar with the functioning of the United Nations that does not recognize the need for dramatic restructuring and reform.

Despite the seriousness of the situation, it is obvious that the system will not be reformed from within. Too much dead wood has become too entrenched over too long a period of time, and inefficiency has become self-perpetuating. The August 1993 announcement of the appointment of a new Assistant Secretary General for Inspections and Investigations was encouraging, but it falls short of what is needed in the area of oversight. Undersecretary Thornburgh wrote that the United Nations is "almost totally lacking in effective means to deal with fraud, waste, and abuse by staff members." The new Assistant Secretary General will only exist for 1 year, will have limited resources, very little stature, and no increase in current authority. This does not begin to address the problem.

Unfortunately, even this modest attempt at reform has now been overshadowed by the firing of Melissa Wells, the U.N. official in charge of reform efforts. Ms. Wells had succeeded Richard Thornburgh as the Undersecretary General for Administration and was the highest ranking American at the United Nations. She was dismissed

even though the Washington Post of January 18, 1994, reported that the U.S. mission to the United Nations thought that she was moving too slowly in the direction of reform. If that is the case then it is even more troubling that Secretary General Boutros-Ghali and the U.N. bureaucracy found her efforts to be too intrusive.

The United Nations desperately needs true oversight in the form of an office of inspector general with all the attributes normally associated with such a position. Undersecretary Thornburgh had suggested creating this office as the centerpiece of his U.N. reform proposal. More recently, the U.S. mission to the United Nations, under the leadership of Ambassador Madeleine Albright, has tried, without success, to prod the United Nations into creating this office. If the United Nations has any hope of fulfilling a more activist role in world affairs it must first have the full support of its membership, including the United States. Providing adequate review and oversight through an inspector general would represent an important first step to putting a very messy house in order at the United Nations, and the United States, as its largest contributor, should insist on at least this most basic reform.

Mr. PRESSLER. Madam President, I would be happy to have a stacked vote. I might ask my colleague from Massachusetts if he prefers that this vote be stacked. Would it be appropriate to ask for the yeas and nays at this point?

Mr. KERRY. Madam President, we agreed previously to temporarily set this aside. Senator GLENN, I believe, is going to speak for a few moments, and subsequent to that Senator HELMS will propose a separate amendment, and there will be some debate on that. I say to my colleague, it may be that we will wind up accepting this amendment, and I would like to have a discussion with him on it. There is great merit to much of what he has said, and we have debated this and discussed this within the committee. I have worked with him on this issue. He has been a stalwart advocate of reform within the United Nations. But there are some problems we see in this amendment. It may be possible to work them out.

Madam President, I ask unanimous consent that after the statement of the Senator from Ohio [Mr. GLENN], the amendment be temporarily set aside and subsequently we proceed to the amendment of the Senator from North Carolina.

The PRESIDING OFFICER. Is there objection?

Mr. PRESSLER. Reserving the right to object, and I will not object, I hope we can get back to this amendment, perhaps hold a vote on the two amendments stacked after that. Would that be agreeable?

Mr. KERRY. It would be agreeable, providing we can have an agreement as to subsequent business. There is a luncheon, I understand, that may take some Members away. We need to be working during that time. So if we can have an agreement as to an amendment to proceed on during that time, I would be happy to stack. In the absence of an agreement to proceed forward, we would have to simply vote and continue as we go.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Madam President, I wish to make very short remarks.

First, I should like to congratulate my colleague from South Dakota for his work in this particular area. It is an area which has interested me for many years also, one about which I talked to some of the people at the United Nations. In fact, during the past break I planned to go to New York sometime to go over this matter with some officials at the United Nations.

The Senator has taken very forceful action here, and we may want to approve this later. I do not know.

At the United Nations we are beginning to be more active. The United Nations is more active in more events around the world that require more military activity by more countries than ever before, and yet support for the United Nations is not going to long endure or expand in all this increased functioning they are doing around the world if the people around the world who support the United Nations, primarily the United States as the biggest contributor, do not have faith that the money is being spent wisely, is being monitored, and is going to the purpose for which intended.

So the distinguished Senator from South Dakota points out a very real problem. I have discussed some of the proposals for an IG at the United Nations with some of the people up there. I did that because I have had some experience here. The IG legislation goes through my Governmental Affairs Committee, the committee I chair. I supported it years ago. And then it was my legislation which expanded the inspectors general just a few years ago. They are doing a great job within our own Government, doing a superb job, as a matter of fact, in ferreting out fraud, waste, and abuse in our own Government and, I think, eventually could do the same thing in the United Nations.

There is only one place I would part company a little bit with my colleague from South Dakota. I understand his frustration, but I am a little hesitant about cutting off funds. I would like to first perhaps go with him in maybe a delegation to the United Nations and sit down with the appropriate people up there and outline how IG's are working within our own Government, how they could work at the United Nations and how this is going to be absolutely necessary if we are going to have the support of the U.S. Government and the citizens of the United States into the future. This is going to be absolutely necessary. I think an IG at the United Nations absolutely has to be put into place, and it cannot just report to its own people. It has to report to the member governments so we will have faith in what that IG is doing and faith that the United Nations is being run as efficiently as possible.

So I support the objectives of my colleague from South Dakota. I hope perhaps we could set up such a visit to the United Nations with representatives from appropriate committees in the Senate and maybe convince them to accept this so we do not have to really go through a cutoff of funds. I would hate to see us go that route.

So I am very much in support of what the Senator is doing and want to support him and hope we can work together on this.

I thank the Chair.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. If the Senator will withhold, without objection amendment No. 1253 is laid aside.

Mr. PRESSLER. Reserving the right to object, as I understand it, we will get a vote on my amendment.

Mr. KERRY. Madam President, in answer again I said to the Senator that it may be possible we will not need to have a record vote. We may be able to voice vote and accept it.

Mr. PRESSLER. I would like to have a vote on it. I would like to show a clear vote because I think the Senate feels very strongly about this. I would like to get an agreement here that we will go forward to a vote. I am not causing any controversy. I am not prolonging the discussion. I have a vast number of cosponsors on both sides of the aisle. I think we can move this amendment very quickly, but I do not want to alter it. It is not my intention to make any changes.

We are ready to go. I am trying to speed things up.

Mr. KERRY. Madam President, the Senator obviously has the right to ask for the yeas and nays on his amendment any time he wants. So I am not trying to prevent him, obviously, from something I cannot prevent him from doing. I am simply suggesting that there may be a way to diminish the amount of time we spend on this amendment, the amount of debate that is necessary. So if the Senator would agree to at least temporarily set aside—it is already set aside, as a matter of fact. I would simply ask him to reserve the request on a vote at this moment until we have had time to converse, but he obviously is entitled to have a vote on this at any time he wants.

Mr. HELMS. As one of the two managers of the bill, I am prepared to assure the Senator from South Dakota

that his amendment will not be passed on a voice vote in his absence. I am sure the Senator from Massachusetts feels the same way.

Mr. KERRY. I would make the same——

Mr. PRESSLER. What I am trying to do here is speed things up. We are trying to get this bill going. We are trying to get Senators to the floor.

Mr. KERRY. Let me say to the Senator from South Dakota, nobody wants to speed this up more than I do. We have about 70 amendments filed. The majority leader has made it clear that the issue of whether or not we are here Friday is dependent on our ability to finish this bill by tomorrow night.

If we do not finish this bill by tomorrow night, the majority leader has made it clear we will be here until late on Friday working on this bill.

So I want to move the amendments. One of the efforts to move the amendments is predicated on diminishing the areas of contention by trying to work them out together so we do not have a prolonged debate on an amendment if it is not necessary. I simply would like to see, with my friend from South Dakota, if we can avoid contention on this amendment, in which case it might pass very quickly with a record vote or otherwise.

But let us spend a minute trying to do that if we can.

The PRESIDING OFFICER. Is there further objection? Without objection, the amendment is laid aside.

Mr. KERRY. I say to my colleagues, I repeat this entreaty on behalf of the majority leader, we have proceeded fairly rapidly through some noncontentious amendments and they have been accepted by voice vote. We are prepared to move very rapidly with the other amendments if we can work them out. But those colleagues who have filed amendments should come to the floor now so that we can proceed to work and, hopefully, finish this bill by tomorrow night precluding the necessity of everybody being here Friday.

I believe now, Madam President, that the Senator from North Carolina has an amendment.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina, [Mr. HELMS].

AMENDMENT NO. 1254

(Purpose: To strike all language in Section 170A relating to support for an international criminal court)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1254.

At the appropriate place, strike section 170A in its entirety.

Mr. HELMS. Madam President, I thank the Chair for recognizing me.

Madam President, in all candor, the International Criminal Court is a very unwise and very dangerous proposal.

Yesterday, I alluded to one of the truly great Senators who served in this body, the late great Senator Sam J. Ervin, Jr. I am looking at the desk that he occupied as I speak.

I had the privilege of serving as Senator Ervin's junior colleague for the first 2 years that I was in the Senate. I have never spent two more enjoyable or meaningful years than those 2 years. He was a great American. He was a great constitutional scholar. And he was respected throughout this land.

He constantly warned, on this floor and off, to be wary of turning over the sovereignty of the United States in the slightest degree to a world court or any other tribunal by any other name. He was eloquent every time this matter was mentioned.

So here we are proposing to do something that I know, if I may use the expression, is causing Sam Ervin to spin in his grave because he would say today, if he were here, what I am about to say; that is, that what is at stake is a proposed total reversal of longstanding U.S. policy against encouraging the establishment of a permanent international criminal court to try individuals, potentially including American citizens, for such vague crimes as "colonialism," or "environmental crimes." These crimes and these cases would be tried before judges who could be from North Korea, Cuba, or other unfriendly places.

But the principle is that we must protect the sovereignty of this country and the rights of American citizens. Otherwise, we ought to give up professing to be an American institution called the U. S. Senate.

I daresay I do not take to the likes of nations like North Korea or Cuba sitting in judgment upon the United States of America or any citizen thereof.

I have laid down the predicate.

Now I specifically reject the view expressed at the subcommittee markup that this, after all, is just sense-of-the-Senate language. If a sense of the Senate does not mean anything, let us stop doing it.

The Foreign Relations Committee adopts a number of such positions every year. I, as a rule, respect them because to me a sense-of-the-Senate resolution means what it says. If we do not mean for it to mean anything, I say again we ought to stop doing it.

I know that my good friend from New York, the distinguished Senator, Mr. MOYNIHAN, respects the Burma resolution that he and I collaborated on. And from time to time Senator BIDEN and I have written a few resolutions regarding China issues.

Let me say again that back in 1973 I had the privilege of serving with an authority on this subject. I pay tribute to Sam Ervin again because in my judgment, and in the judgment of millions of other Americans, he was one of the wisest men who ever sat in this Senate. And if there is anything that I have learned from him, it is to never, never agree to turn our precious constitutional guarantees of liberty and justice over to any sort of world court by any name.

With regard to this vague, open-ended concept that is a part of this bill, it is difficult to begin to point out all of its flaws and all of its problems, potential and otherwise. At the subcommittee hearing on May 12 of last year, the Hon. Edwin Williamson, the former legal adviser to the State Department, identified nine separate legal and practical issues which must be resolved before an international court could go forward.

Every one of those nine major issues raised by Mr. Williamson, such as the methods of selecting judges and other personnel, contains separate sub-issues which are significant in their own right. In October 1993, after being pushed and pulled by several prominent Senators and urged enthusiastically to endorse the concept of a criminal court, the State Department legal adviser could only muster faint praise for the concept. You can almost see that club over his head when he did that.

Speaking before the U.N. General Assembly's 6th committee regarding a 68 article draft international criminal court statute, legal adviser Harper said—and these are his words:

In general, although the underlying ideas must be appropriately resolved, the concept of an international court is an important one, and one in which we have a significant and positive interest.

What Mr. Harper went on to say in the most diplomatic terms was that this concept has such serious shortcomings. Mr. Harper stated strong reservations about the jurisdiction of the court, which is precisely what Sam Ervin stood here and said time and time again. Mr. Harper had great concern about the removal of national cases to the international forum. He expressed significant concerns over "how an international jurisdiction would relate to existing status of forces argument prosecution of war crimes and other military matters." Those are his words. So what he was saying is that our basic national security and defense relationship may be in jeopardy, and who wants to take a chance on that? Last, but certainly not least, the Clinton administration's legal advisor stated:

"We note that the current draft's provision for immediate arrest and surrender of an offender may be inconsistent with requirements for a judicial hearing that are for the United States, and likely other states as well, a matter of constitutional dimension."

What an understatement. He is absolutely right. What does that statement,

however, mean in the United Nations legalese? The answer is simple—that it is in our Constitution. There is even a real concern that the U.S. standards for due process are not met. So you are running into that brick wall up in New York.

There are three major and immediate issues. Who would sit in judgment? Who? What constitutes an international crime? And then, of course, what constitutional questions are raised? Since there is not a formal proposal for a permanent international criminal court, we have to look at current practice and the various academic proposals.

In his May 3 report to the Security Council on a proposed war crimes tribunal for Bosnia, the Secretary-General indicated that judges would come from member states of the U.N. and permanent observer missions. Well, just to begin with, every country on the United States' terrorism list would be eligible under that, including Iran, Iraq, Syria, Libya, Cuba, and North Korea. Every one of them is a member state of the United Nations. And based on what the Secretary-General said, they would be eligible to provide the judges to judge actions of the U.S. Government or U.S. citizens. I do not know about other Senators, but I am not willing to trust the sovereignty or the liberties of the American people to anybody from any of those countries.

That very real possibility was confirmed to me by a leading academic proponent of an international criminal court, Professor Bassiouni of DePaul University. As the record will show, this past May 12, a subcommittee of the Foreign Relations Committee conducted a hearing on this question, and I asked the professor if judges from Communist China, Iran, Syria, or the PLO could sit in judgment of the United States Government, or one or more American citizens. In all honesty, he said, "There is no guarantee" that that will not happen. Of course, there is not. So what are we walking into?

In a sense of the Senate, we either mean what we say or we ought not to toy around with things like that.

Moving on to the question of what constitutes an international crime, the situation gets even muddier. We do not even know whether the subject matter jurisdiction of the court has been framed appropriately or what is meant by the words "crimes under general international law." What are we to make of the meaning of the words "colonialism" or "intervention," both of which are endorsed by the International Law Commission which is, of course, a U.N. agency?

The State Department authorization bill before us contains, in section 702, explicit recognition that Tibet is not a part of China. This is the amendment of the distinguished Senator from New York, Mr. MOYNIHAN, and I enthusiastically endorse it. But does that make both PAT MOYNIHAN and JESSE HELMS guilty of intervention? What about environmental crimes, as proposed by the leading academic on this subject, or insults to a foreign state? If that means Iraq or Libya, I plead guilty. They would haul me off in chains, I suppose, before some international tribunal, with somebody from Cuba and somebody from Red China and somebody from Libya, sitting in judgment on the rest of the world.

Finally, and most importantly, there is the question of our—the United States of America's—guarantees. This is not the first time we have looked at this issue. In 1991, section 599(e) of the Foreign Operations Act, which is Public Law 101-513, directed the United States to "explore the need for the establishment of an international criminal court report on the results of efforts to establish an international criminal court."

And in an October 28, 1991 letter to House Speaker FOLEY, Mr. L. Ralph Mecham, Director of the Administrative Office of the U.S. Courts, responded to the congressional reporting requirement. Mr. Mecham pointed out that trial by jury is fundamental to our system under article III of the U.S. Constitution. Yet, none of the draft statutes for an international criminal court provides for a jury trial in even the most serious crimes.

Mr. Mecham also points to a question of a speedy trial, and the concept of the international criminal court is in direct conflict with the most basic constitutional rights guaranteed by the U.S. Constitution to all American citizens.

So, Madam President, do you see, as they say in North Carolina, why I am so "het up" about this matter? Sam Ervin taught me to become heated about it. He is gone, but I told him in one of the last conversations I had that I would stand against this as long as I had breath. And I am going to do it. The Senate may vote in opposition to my position, but the Senate, I believe, will rue the day that the Senate takes that action.

But the problem does not end with conflicts with the most basic constitutional rights of American citizens. One of the international crimes being discussed in the literature—now get this—is dissemination of false or distorted news. I could just see the rolling paddy wagons up to the Washington Post, New York Times, CBS, NBC, and taking all the reporters out. I can think of several media sources that could not pass the most liberal interpretation of that little standard.

So, in summary, I guess it is safe to say that it is my view that the very concept of an international criminal court is fatally flawed.

First and foremost, this scheme is a constitutionally impermissible assault on the basic liberties enjoyed up to now by the American people.

Second, as I have already noted, there is nothing to prevent people representing terrorist countries or representatives of terrorist organizations from sitting in judgment against this country of ours and the American people.

And, lastly, the list of international crimes being discussed is unconstitutionally vague and is absolutely wide open, inviting abuse. We do not want that.

This is not the vehicle to pronounce the fatal wounding of our basic constitutional guarantees. I would think the Judiciary Committee might want to review the constitutional impact of these efforts. I would hope the Senate would hear from the Judiciary Committee before acting. Senate Joint Resolution 32 is almost identical to the language found in section 170A of S. 1281. Yet, this independent legislation has not made its way to a hearing by, in and among the Judiciary Committee members.

Nor has the Senate scheduled floor consideration of this legislation. Either the international criminal court does affect our constitutional guarantees and is deserving of a thorough review or it has little, if any, impact and is unnecessary of enactment.

I urge my colleagues to support the amendment to strike this section from the bill.

Madam President, I thank you for having recognized me, and I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I rise in opposition to the amendment being offered by our distinguished colleague from North Carolina.

Let me say at the very outset that this debate is really not about a specific treaty or agreement at all. As the Senator from North Carolina has very candidly said, he is opposed in concept to the notion of an international criminal court. So there is no configuration of any such court which he could ever accept.

There are those of us who believe that the concept of an international criminal court makes sense, but we are very cautious to reserve any judgment on what that court may constitute until we are offered such a proposal. We have not been offered such a proposal.

What we have before us today in this particular piece of legislation is the simple expression of a sense of this body that, conceptually, the idea of an international criminal court makes sense. We do not endorse any particular proposal for such a court but merely state our opinion that it ought to be pursued.

I would like, if I could, just to state for my colleagues what the resolution

says, and I am going to read the operative language of this provision in its entirety. It is very brief. But I think my colleagues ought to know what they are voting on here. I will read it verbatim:

It is the sense of the Congress that: (1) the establishment of an international criminal court with jurisdiction over crimes of an international character would greatly strengthen the international rule of law; (2) such a court would thereby serve the interests of the United States and the international community; and (3) the United States delegation should make every effort to advance this proposal at the United Nations.

That is the entire sum and substance. If, conceptually, you align yourself with Senator HELMS, the senior Senator from North Carolina, and conceptually the notion of any international court is abhorrent to you, then you ought to vote for the amendment of the Senator of North Carolina. If you believe that it is worthy to examine the issue of an international criminal court, then clearly his amendment ought to be rejected. I will lay out the arguments why I believe that is such.

Madam President, one of the hallmarks of a civilized society is that it holds its citizens accountable for crimes against the public order. With the end of the Second World War and the success of the Nuremberg and Tokyo trials, many people in this country and elsewhere believed that this bedrock principle would soon hold true for the international community as well.

I point out that my father, a former Member of this body, served as the executive trial counsel for the United States prosecution team at those Nuremberg trials. So I have more than just a passing familiarity with those tribunals and the important role they played in bringing to justice those people who were guilty of significant war crimes.

It was possible to envision at the end of World War II a world in which the rule of law would be supreme, where international agreements would be reached by debate and consent, and where violators would be met by a swift and certain punishment.

This vision was shaken by the onset of the cold war and the sudden emergence of a bipolar world. Today, from Angola to Iraq, from Haiti to the former Yugoslavia, despots and tyrants thumb their noses at the rule of law. It is not that the international community is unable to agree on what defines a crime, or even, in most cases, who is breaking the law. But the world still lacks a dependable and effective mechanism for bringing these individuals before the bar of justice.

Today, just as we did after the Second World War, we stand at the beginning of a new era in history. We have an opportunity that comes along only once or twice in a century, a chance to shape a vision of the future that accords with our highest aspirations of freedom and human dignity. And the first of our many priorities should be to deal with those who would tarnish that future, who would subvert its promise for their own self-serving ends.

It was in this spirit that 12 months ago I introduced Senate Joint Resolution 32, to put the Congress on record in support of the establishment of a permanent international criminal court. I introduced this legislation because I felt that if the new international order was to have any real meaning at all, it must include some provision for punishing or otherwise sanctioning those who failed to abide by its rules. The operative language of this legislation—and I have read it to my colleagues in this Chamber—is very clear. It does not bind us to any particular proposal. It merely says, do you think this is worth doing? Do you see it as being in the interest of the United States, which has had a longstanding commitment to the rule of law, to try to adopt those basic principles on an international level?

I believe it does. The legislation, I would point out, also requires that the administration submit to Congress a detailed report "on developments relating to, and United States efforts in support of, the establishment of an international criminal court with jurisdiction over crimes of an international character."

Well, obviously, there is no list of crimes before us yet. There is no proposed jurisdiction. The suggestions that Senator HELMS, our colleague, makes are nothing more than that; merely suggestions. The crimes that some have advanced, many of them are absolutely ridiculous and should never be a part of any international criminal court. But that is all they have been, the ideas of some people.

You are not voting on those crimes. You are not voting on that jurisdiction today. All you are being asked to do is accept or reject the concept, the idea, of an international criminal court. That is the issue before us; only the concept.

Is it in our interest to advance that idea or should this body, the U.S. Senate, go on record today saying never, ever, ever; that, in concept, fundamentally the notion of an international criminal court is abhorrent to this body and we will prevent any idea like that from ever being adopted? That is the issue and only that issue.

I think this body believes that international criminal courts makes sense. Here we are in the midst of this debate advancing the idea of an ad hoc tribunal on Bosnia. We all watch, every night, the television screen and we see the covers of our newspapers and magazines. It is abhorrent to us that innocent civilians are being gunned down by the ruthless terrorists of the Serbians and others. We are incensed by it. And so we support an international criminal court on an ad hoc basis to deal with it. What I am suggesting is, does it not make some sense to maybe deal with this in a more substantive way rather than on an ad hoc basis?

Madam President, I was greatly pleased at the level of support this measure has received from our colleagues. I would note the presence on the floor of my colleague from Pennsylvania, Senator SPECTER, who has been at this as long as I have; in fact, longer. And while we discussed the various ideas and concepts, he testified before our committee on May 12, along with other witnesses, about this general concept and general idea.

This legislation was also cosponsored by the distinguished majority leader, Senator MITCHELL; the chairman of the Foreign Relations Committee, Senator PELL; Senator KERRY, my colleague from Massachusetts, who is managing this legislation; Senator KENNEDY; Senator MOSELEY-BRAUN; Senator REID; Senator BOXER, the Presiding Officer today; and Senator FEINGOLD.

Last year, Madam President, S.J. Res. 32 was given thorough consideration by the Committee on Foreign Relations. A hearing on the legislation was held, as I said, on May 12, in which the committee took testimony from witnesses in support of and opposed to the concept. The legislation was marked up by the committee and passed on a vote of 11 to 7, and was later accompanied, Madam President, by a 236-page report that we have prepared on this concept. I would invite my colleagues' attention to that. In this report we provide all the pros and cons and the arguments and the history. It is a significant and very thorough examination of this issue. We have not treated it lightly at all.

Finally, Madam President, the language in S.J. Res. 32 was debated once more in the Subcommittee on International Operations on June 29 when the subcommittee voted to add it as an amendment to the State Department authorization bill. That is the language we are considering today.

Madam President, let me turn to a discussion of some concrete examples which, in my view, demonstrate the need for an international criminal court.

Perhaps the most obvious example is in the area of war crimes and crimes against humanity. As my colleagues know, it took a great deal of time and effort to establish the ad hoc tribunal for the former Yugoslavia. As a result, valuable time was lost in the gathering of evidence and in the preparation of cases. Had a standing tribunal already been in place, the chances of a successful prosecution would no doubt have been greatly increased.

Make no mistake about it, Madam President, there will be more Yugo-

slavias, and there will be other atrocities committed in the future. It is happening right now in Haiti, in Angola, in Burundi, just to name a few. If we should decide in the future to call these individuals to account for their crimes, logic only dictates that we will need the services of a permanent international criminal tribunal.

Even in cases where we are unable to get our hands on the alleged criminal, an international criminal court would provide us with a forum to at least secure an indictment, perhaps even a conviction in absentia, to forever brand that individual a criminal in the eyes of the world. Most importantly, Madam President, since the court would operate on the basis of established and agreed-upon procedures, no one could argue that a prosecution was being carried out for political purposes, or that it represented a victor's vengeance.

Another area in which an international criminal court would prove useful, in my view, is in the fight against drug trafficking and terrorism. One might consider, for instance, the difficulty we often have in prosecuting drug lords from certain countries in Latin America and the Caribbean.

In a sense, these nations are in a double bind: On the one hand, they often find it difficult to bring cases against the suspected drug lords themselves because of violence directed against the judicial system in their own country. On the other hand, they find it impossible to extradite them to the United States because of political resentment back at home. An international criminal court, if properly structured, could provide an important third option.

As for terrorism, it is often said that one man's terrorist is another man's freedom fighter. And yet the international community has managed to come to an agreement on a certain array of crimes that are clearly unacceptable no matter what the context, such as the taking of hostages, the hijacking of a civilian airliner, or attacks on diplomats and other internationally protected persons. In these cases, an international criminal court could play an important and useful role.

One notable recent example is the 1985 terrorist attack on the Achille Lauro, which resulted in the tragic death of an American citizen, Leon Klinghoffer. Egypt captured the suspects in this case, but then, bowing to domestic political pressure, put them on a plane to Tunis to be tried before the Palestine Liberation Organization. The United States intercepted the jet and diverted it to Italy, but Italy refused to turn over the suspects. Italy then let the mastermind of the attack go free for alleged lack of evidence and convicted several other persons for sentences ranging from 6 months to 30 years.

When all was said and done, the United States was angry at Italy for what it viewed as insignificant sentences for the terrorists, Egypt was angry at the United States for intercepting its airline, and the United States was angry at Egypt for not prosecuting the suspects in the first place. All in all, the interests of everyone involved would have been better served by recourse to a neutral tribunal.

Finally, Madam President, there are a host of other circumstances in which, for practical reasons, an international criminal court might facilitate the prosecution of alleged offenders. These would include cases where evidence is located in two or more countries; where there is a disagreement between nations over the appropriate punishment to be meted out, such as the death penalty; where victims are found in two or more nations; and where no extradition treaty exists between the requesting country and the country with possession of the alleged offender.

Madam President, in the time I have remaining, I would like to briefly give my colleagues some sense of the growing measure of support for this proposal, both here at home and throughout the international community.

Here in the United States, the issue of an international criminal court has gained the attention of the American Bar Association, which endorsed the concept at its 1992 annual meeting. The ABA has also appointed a blue ribbon task force, led by former Attorney General Benjamin R. Civiletti, to examine a number of questions surrounding the proposal.

I might point out our colleague from North Carolina has raised some of these questions. He asked exactly the right questions, in my view. But to be opposed in concept fundamentally before even examining those issues, I think is where he is making his mistake.

The final report, I would point out, from the ABA task force was completed on January 11 of this year, and it contains a number of recommendations as to the proposed court's jurisdiction and scope.

In addition, the concept was also endorsed by the majority of the members of the U.S. Commission on Improving the Effectiveness of the United Nations, a bipartisan task force that reported to the Congress in September 1993.

At the United Nations, the U.N.'s International Law Commission has been examining the issue of the international criminal court for the past 4 years. Last year, in its most visible sign of progress yet, the ILC put forth a 67-article draft statute for such a court. While elements of that statute have been criticized by some, most observers agree that the draft statute represented an important step forward in the deliberations at the United Nations. This past November, the General Assembly voted to request the ILC to complete its work on the draft statute at its 1994 session.

Among member states at the United Nations, support for an International Criminal Court is also growing. United States allies and other international partners that have indicated their support for the concept in recent debate at the United Nations include Germany, Russia, Canada, Spain, Poland, Hungary, Nicaragua, Mexico, and Australia, among many others.

Finally, as for the United States, the administration's official position is also evolving. In 1992, at the United Nations, the Bush administration sent State Department legal adviser Edwin D. Williamson to the United Nations to argue that a delay in the consideration of the proposal would be acceptable, and to say only that the United States was not necessarily opposed to the concept. Last year, under the Clinton administration, legal adviser Conrad K. Harper told the United Nations that "My Government has decided to take a fresh look at the establishment of such a court."

In fact, Mr. President, the Clinton administration is indeed taking a fresh look at this issue, and it is my strong hope that it will conclude that this is a concept to which it can lend its clear endorsement. The legislation that we are considering today is merely intended to encourage the administration in that direction.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an assortment of items that lend support to the concept of the International Criminal Court. These include the following: newspaper editorials in support of the International Criminal Court from the New York Times and the Hartford Courant; an excerpt from the final report of the ABA Task Force on an International Criminal Court; an excerpt from the final report of the United States Commission on Improving the Effectiveness of the United Nations, and a list of the Commission members; the statement delivered by State Department legal adviser Conrad K. Harper at the United Nations last fall; excerpts from statements made last year before the Foreign Relations Committee by Secretary of State Warren Christopher and U.N. Ambassador Madeleine Albright on this subject; and a copy of a recent article by Benjamin Ferencz, a former chief prosecutor at Nuremberg, calling for the establishment of a permanent court.

In addition, Mr. President, I would also like to include at this point several other letters that I have received from members of the academic community that indicate their support for the concept of the International Criminal Court. Several of these scholars took the opportunity to offer comments on certain portions of the ILC's draft statute and I would ask unanimous consent

that these be made a part of the RECORD as well.

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

[From the New York Times, July 6, 1993]

A COURT FOR INTERNATIONAL OUTLAWS

How to deal with a person like Gen. Mohammed Farah Aidid, the Somali, warlord who orders attacks on United Nations peacekeepers and uses women and children as shields for the killers?

Under whose jurisdiction could he be prosecuted? There is no functional civil government in Somalia. Even if U.N. soldiers could arrest him, what would they do with him after that? Convene a war crimes tribunal, as is being done now to try the ethnic cleansers in the Balkans? That idea summons up the daunting prospect of establishing ad hoc tribunals in every corner of the world where civil law breaks down.

There is a better way: establish a permanent international criminal court to try people who flout globally recognized standards of behavior. The World Court in The Hague deals with disputes between governments, but there is no comparable body to judge individuals.

The need is obvious. In Colombia, leaders of the big drug cartels are so powerful that they can order the murder of judges, jury members, journalists and government officials who try to thwart them. The crimes committed by terrorists, hijackers and smugglers of drugs, wildlife and other contraband know no national boundaries. And in small conflicts all over the world (East Timor, for example), people get away with murder because there's no way to bring them to justice.

In January Senator Christoper Dodd, Democrat of Connecticut, introduced a joint resolution in Congress calling for the United States to support United Nations efforts to establish such a court. Last fall the U.N. Security Council unanimously requested that the International Law Commission start to draw up the terms of such an agreement.

There are obvious problems. What crimes should be covered, and who would decide whom to prosecute? What if Saddam Hussein tried to have George Bush arrested? How should the requirements of different legal traditions be reconciled? What rules of evidence would be used?

Some countries would see an international court as a threat to their sovereignty. One way to get around this would be to require an accused person's country to consent to prosecution. But that would present its own problems. Would Libya really surrender the suspected Pan Am bombers to such a court? Colombia's powerful drug lords have already forced their Government to abandon its extradition treaty with the United States; they would surely try to make life miserable for a government that consented to hand them over to an international court.

These problems are real but surmountable. The U.N. is already developing a powerful precedent as it sets up the terms for the war crimes tribunal for the former Yugoslavia. Another possible formula would be to limit the court's jurisdiction to crimes, like slave trafficking and hijacking, already covered by international conventions.

The Bush Administration's attitude toward such a court was to list the inherent problems and wait until somebody else ironed them out. The Clinton Administration has yet to take a position. Mr. Clinton could give the international court a significant nudge by throwing his weight behind the effort.

Unfortunately, there will always be outlaws like General Aidid. The international community will continue to suffer as long as there is no way to bring them to justice.

[From the Hartford Courant, Feb. 6, 1993]

TIME FOR AN INTERNATIONAL COURT

If the authorities in Colombia ever recapture Pablo Escobar, they'll be faced with a conundrum. The leader of the Medellin cocaine cartel, Mr. Escobar is so powerful and so ruthless that any judge, any juror, any policeman who came into contact with him would be in danger of assassination. His organization has casually executed journalists, judges, politicians, even innocent tourists, to strike fear in its opponents. The message is clear: Try to stop us and we will kill you.

In such an atmosphere, bringing these murderers to justice is almost impossible. The only alternative—extraditing drug lords to the United States, where they are also wanted—chafes at national pride and has become too risky for political leaders.

Sen. Christopher J. Dodd of Connecticut has introduced a joint resolution that points toward a possible solution to the problem of prosecuting international criminals such as Mr. Escobar. Mr. Dodd has called for creation of an international criminal court to try individuals who violate an agreed-upon set of standards.

The need for such a court is obvious. Each week news stories reveal the limitations of law enforcement. As the world shrinks, international crime increases. How to bring to justice the pirates who prey on refugees on the high seas in southeast Asia? The poachers of endangered species? Those who flout environmental regulations and cause large-scale damage to the earth? People who kidnap young girls to sell as wives to wealthy men in other countries? Military commanders in the Balkans who encourage rape and genocide?

In introducing the resolution, Mr. Dodd rightly harked back to the Nuremberg trials, which set a precedent for international scrutiny of crimes that went far beyond violating the laws of an individual nation. He quoted former Secretary of State Lawrence Eagleburger's vow to bring the ethnic cleansers in the former Yugoslav republics to justice, promising a "second Nuremberg."

The notion has been around for a while. In 1991, the United Nations International Law Commission adopted a draft code of international crimes. Under the Bush administration, U.S. support for the notion was lukewarm.

Last year, after some pressure from other countries, the United States relaxed its stance and the U.N. General Assembly granted permission to begin work on drafting a statute to set up an international court.

The United States has been reluctant in the past to support such a move out of fear that U.S. citizens might be brought before an international court. That is, indeed, a possibility. As Americans, we should not fear it—any more than we fear the rule of law in our own communities.

Mr. Dodd's resolution deserves the support of Congress, and of the Clinton administration.

[The views expressed herein have not been approved by the House of Delegates or the Board of Governors of the American Bar Association and, accordingly, should not be construed as representing the policy of the American Bar Association.]

AMERICAN BAR ASSOCIATION TASK FORCE ON AN INTERNATIONAL CRIMINAL COURT

FINAL REPORT

At the Annual Meeting of the American Bar Association, on August 11–12, 1992, the House of Delegates adopted the following recommendation, submitted by the ABA Task Force on an International Criminal Court and by the New York State Bar Association:

RECOMMENDATION

Be it Resolved, that the American Bar Association recommends that the U.S. Government work toward finding solutions to the numerous important legal and practical issues identified in the accompanying reports of the Task Force on an International Criminal Court and the New York State Bar Association, with a view toward the establishment of an international criminal court, considering the following principles and issues:

A. Jurisdiction of the court shall be concurrent with that of member states. It may cover a range of well established international crimes, but member states shall be free to choose by filing a declaration of the crimes they shall recognize as within the court's jurisdiction.

B. No person shall be tried before the court unless jurisdiction has been conferred upon the court by the state or states of which he is a national and by the state or states in which the crime is alleged to have been committed.

C. The fundamental rights of an accused shall be protected by appropriate provisions in the court's constituent instruments and in its rules of evidence and criminal procedure.

D. The obligations of states under the court's constituent instruments shall be enforced by sanctions.

The report submitted with the recommendation by the Task Force on an International Criminal Court identified and discussed a number of legal and practical issues regarding the establishment of an international criminal court. Admittedly, however, the report was unable to explore all of these issues in a thorough fashion, and it was understood at the time of adoption of the recommendation that the Task Force would continue its work in an effort to examine those issues it previously had given little consideration to, such as, for example, proceedings at trial. There was also general agreement that the Task Force would benefit from the addition of several new members.

Accordingly, at its meeting in September 1992, the ABA Board of Governors approved the Annual Plan of the Task Force and authorized the Task Force to accept external funding for the purpose of continuing its operations during the 1992–1993 ABA Year. The new President of the ABA, Michael McWilliams, appointed seven new members of the Task Force. These new members are, in alphabetical order: Michael Abbell, Craig Baab, Eric L. Chase, William M. Hannay, Louis B. Sohn and Rebecca J. Westerfield.

The composition of the reconstituted Task Force, then, is as follows. The chairperson is Benjamin R. Civiletti. The other members of the Task Force are, in alphabetical order, Michael Abbell, Donald B. Ayer, Craig Baab,

Eric L. Chase, Stuart H. Deming, Edward S.G. Dennis, Jr., Helen M. Eversberg, Robert B. Fiske, Jr., William M. Hannay, Jerome J. Shestack, Louis B. Sohn, Melvyn Tanenbaum, Michael E. Tigar, Rebecca J. Westerfield, and Bruce Zagaris.

Professor John F. Murphy continues as reporter for the Task Force.

After being reconstituted, the Task Force divided into working groups on the following topics: (1) Jurisdiction, Applicable Law, and Sentences, chaired by Professor Louis B. Sohn; (2) Structure, Process, Procedure, and Rules, chaired by Judge Melvyn Tanenbaum; and (3) Investigation, Charging, Prosecution, and Incarceration, chaired by Michael Abbell. These working groups exchanged views by letter and telephone and also commented on discussion papers prepared by the reporter.

The reconstituted Task Force as a whole held two meetings. In addition to general discussion members of the Task Force commented on drafts of this report by the reporter.

The Task Force also benefitted from the participation in its meetings of Bruce C. Rashkow, Assistant Legal Adviser for United Nations Affairs, and Michael P. Scharf, then Attorney/Adviser, Office of the Legal Adviser, U.S. Department of State, now Assistant Professor of Law, New England School of Law. Ms. Jamison Borek, Deputy Legal Adviser, provided helpful comments on a draft of this report, and the Office of the Legal Adviser also kindly supplied the Task Force with various documents relevant to an international criminal court.

A special note of thanks and appreciation is due Alaire Bretz Rieffel, staff liaison for the Task Force and Director, ABA Section of International Law and Practice. Ms. Rieffel's cheerful and efficient handling of numerous administrative details associated with this project has been of great assistance to the Task Force.

The expanded size of the Task Force has increased the already substantial diversity of views represented on it. Accordingly, it proved impossible to achieve agreement on all the propositions set forth in this report. To the extent possible, where there has been a sharp disagreement of view, this has been noted in the report. Every effort has been made to give a fair hearing to the full range of opinions. Association with the report as a member of the Task Force does not necessarily signify complete agreement in every particular, but rather general agreement with the report's substance.

This report should be read as a supplement to, as well as an updating and expansion of, the Task Force's report that accompanied the recommendation adopted by the House of Delegates in August 1992. In order to assist the reader in this endeavor a copy of the Task Force's first report has been attached to this report as Appendix A.

As a supplement to the first report this report does not reexamine the arguments for and against an international criminal court. Also, as we shall see, these arguments have largely been overtaken by recent developments. Rather, the report begins with a brief examination of major developments since the date of the first report. Next the report turns to the issue of the court's subject matter and personal jurisdiction and the law it should apply. The report then explores, in separate sections, the nature and structure of the court; its pre-trial and trial procedures; and the enforcement of sanctions against persons convicted of crimes within the court's jurisdiction.

[Final Report of the United States Commission on Improving the Effectiveness of the United Nations]

DEFINING PURPOSE: THE U.N. AND THE HEALTH OF NATIONS

INTERNATIONAL CRIMINAL COURT

In view of the transnational nature of modern criminal conduct and the increasing interdependency of nations, the Commission recommends creation of an International Criminal Court (ICC) to hold accountable criminals who violate specific international conventions. For any just international order to become a reality, it must address international and transnational criminality and demand the cooperation of states to redress such crime. The system proposed here, however, should be viewed not as a substitute for but a complement to national criminal systems and other modalities of bilateral and multilateral cooperation in penal matters.

Various arguments have been raised against an ICC. Some critics contend that it would hinder efforts to strengthen existing extradition procedures, because countries would be reluctant to allow extradition of suspected criminals to a foreign country when they could be turned over to the ICC for prosecution. The same argument, however, is also a persuasive reason for the ICC.

Another argument is that a permanent ICC would become politicized and lose its effectiveness. This danger exists in any U.N. agency, but can be minimized by the way the court is established and the procedures under which it operates. Still another concern is that, given the diversity of nations and legal systems in the world, it will be difficult, perhaps impossible, to create a code of international laws, form a court and establish rules of jurisdiction and procedure to which all members will agree.

There will undoubtedly be problems in the creation and implementation of a permanent International Criminal Court, but the Commission believes that the potential benefits outweigh the arguments against it. Successful prosecutions in such a court would not only result in punishment for the perpetrators, but would help deter behavior repulsive to the international community.

A permanent International Criminal Court should be created through a multilateral treaty to be written and ratified under U.N. auspices. Its jurisdiction would proceed along two tracks. On the first track, the Court would deal with "international crimes," the most serious of which are the product of state action or state policy, affect the peace and security of humankind or are particularly offensive to basic human values. These crimes are: Aggressive war, war crimes, unlawful use of weapons, crimes against humanity, genocide, apartheid, torture, unlawful human experimentation, slavery and slave related practices.

On the second track, the Court would consider "international delicts"—international misdemeanors that offend human values but are not usually the product of state action or policy and do not threaten the general peace and security. They include: Piracy, aircraft hijacking and other threats to international air safety, threat and use of force against internationally protected persons, threats and attacks upon international maritime navigation, the taking of civilian hostages, drug offenses, destruction or theft of national treasures, environmental damage, theft of nuclear weapons and materials, and illegal forms of mercenarism.

The Commission recommends that, initially, the Court have concurrent jurisdiction with national courts. It would present a neutral alternative forum for the prosecution of individuals accused of committing international crimes. Many countries would be more likely to relinquish the prosecution of an individual in their possession to an international body than to a sovereign state. Some countries may also be more willing to let the Court prosecute a suspected criminal than to try him in their own courts.

There is considerable sentiment among U.N. members that violations of humanitarian law, like war crimes, if not prosecuted before national courts, should be tried before *ad hoc* tribunals established by the Security Council rather than a standing ICC. This is chiefly because the violations may be the result of orders from the highest levels of government and bringing the perpetrators to trial may require the enforcement powers of the Security Council.

This is the course taken by the Security Council for dealing with crimes in what used to be Yugoslavia. The jurisdiction of the special tribunal being established is limited to "serious violations of international humanitarian law committed in the territory of the former Yugoslavia between 1 January 1991 and a date to be determined." Specifically, the crimes covered by the court's statute include "grave breaches of the Geneva Convention of 1949," "violations of the laws or customs of war," "genocide" and "crimes against humanity."

The Commission recognizes the arguments for *ad hoc* tribunals, but believes that a permanent court is preferable, because it would avoid the politicized process of establishing an *ad hoc* tribunal for every criminal violation of this kind.

[Statement by Hon. Conrad K. Harper, Legal Adviser, U.S. Department of State and U.S. Representative to the 6th Committee 48th Session of the United Nations General Assembly, Oct. 26, 1993]

AGENDA ITEM 143: REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-FIFTH SESSION INTERNATIONAL CRIMINAL COURT

Madam Chairman, as this is my first time addressing the Committee, I wish to express my appreciation for the work of the Committee and its officers. I am very pleased to be here for the discussion of the work of the International Law Commission ("ILC"), which is one of the most important elements of the annual deliberations of the Committee.

My delegation commends the ILC for the valuable work it has done in many fields, including its expeditious work on the vital topic before us today. My delegation also wishes to note with appreciation the excellent work done by the ILC's working group. The working group's strong efforts have produced a thoughtful and serious work product that deserves attention by members states.

I am pleased to provide comments for my Government on the question of the establishment of a permanent international criminal court, and in particular the proposed statute contained in the report of the International Law Commission (A/48/10) and prepared by the ILC's working group over the past year.

My Government is firmly committed to the fight against transnational crime in all its forms. We have taken an active role in all fora where proposals for international cooperation in this area are debated and implemented. In addition, we actively pursue bilateral and multilateral relationships that underlie cooperation in the criminal justice field, and have entered into numerous extra-

dition treaties as well as treaties on mutual legal assistance in criminal matters. We have placed considerable emphasis on international efforts to curtail drug trafficking, money laundering, organized crime, and terrorism.

Last May, the Security Council created an Ad Hoc Tribunal to address serious violations of international humanitarian law in the former Yugoslavia. My Government is a major proponent of this effort to ensure that those who have committed such crimes are held personally responsible. This Tribunal for Yugoslavia establishes a new and largely untested mechanism—one that has gained wide-ranging support in part because it was carefully tailored to meet the needs of a specific situation. The same level of care must be taken with other new mechanisms in the criminal justice field.

It is in this context of multilateral and bilateral cooperation that this Committee considers the question of an international criminal court. My Government has decided to take a fresh look at the establishment of such a court. We recognize that in certain instances egregious violations of international law may go unpunished because of a lack of an effective national forum for prosecution. We also recognize that, although there are certain advantages to the establishment of ad hoc tribunals, this process is time consuming and may thus diminish the ability to act promptly in investigating and prosecuting such offenses. In general, although the underlying issues must be appropriately resolved, the concept of an international criminal court is an important one, and one in which we have a significant and positive interest. This is a serious and important effort which should be continued, and we intend to be actively and constructively involved.

Madam Chairman, my Government continues to study the concept of an international criminal court and the ILC working group's proposal. While some of the issues are very difficult and the review is not complete, we do have a number of comments on aspects of the draft at this stage. Ultimately, no proposal can gain the support of governments if certain key issues are not satisfactorily resolved. I believe that many member states may share our concerns, and will agree that careful study is required.

Careful consideration needs to be given, for example, to whether the subject matter jurisdiction of the court has been framed appropriately. We are not yet convinced that the general category of "crime[s] under general international law" is sufficiently well-defined or accepted by the world community that it could at this stage, form a basis for jurisdiction of the criminal court. We will also need to consider, for example, whether drug crimes and crimes by terrorists are better handled by an international court than by national courts. We will want to ensure that cases which can be properly and adequately handled in national courts are not removed unnecessarily to the international court. We also have a concern over how international jurisdiction would relate to existing status of forces agreements, the prosecution of war crimes, and other military matters.

We also note that, under the current proposal, many states which have a definite interest in a particular case have no role in deciding whether the international criminal court or national courts handle that case. Thus the state or states where the crime took place, where the victims reside and the state of nationality of the accused person might none of them consent to a given prosecution, yet it might proceed. At this point, we do not suggest that all states with any of these various interests in a case must give consent, or otherwise accept the jurisdiction of the court over the particular crime, before a prosecution with proceed. Nonetheless, and in view of the fact that there would always be the possibility of cases initiated by the Security Council, we believe that further review of this issue is warranted.

We also believe that there is a need to think through how the international criminal court will affect existing extradition relationships, whether according to treaty or other legal mechanisms. The United States has, as we have pointed out, put considerable energy into entering into bilateral extradition treaties with numerous governments. The arrangements for the proposed court should be in addition to, and not frustrate the purposes of, those treaty relationships. Thus, we should consider whether a request for surrender of an accused person to the international criminal court should really take precedence over a proper request for extradition under an extradition treaty, or whether the court should function more as a mechanism to be used when national courts are unable or unwilling to act.

In this connection, we note that the current draft's provision for immediate arrest and surrender of an offender may be inconsistent with requirements for a judicial hearing that are for the United States, and likely for other states as well, a matter of constitutional dimension.

We will also want to ensure that the treaty is consistent with international standards for due process and human rights. The ILC working group has certainly taken these concerns into account to a considerable extent. At the same time, others may have further contributions to make on this subject. We note, for example, that the current draft does not make provision for a true "appeal" to a separate group of appellate judges. The War Crimes Tribunal for Yugoslavia, on the other hand, includes this very important feature. More generally, given the extent to which the court's rules will give definition to the principles of due process and human rights, consideration should be given to drafting those rules in conjunction with the statute.

Cognizant of the budgetary pressures on the United Nations and other organizations, we believe that an international criminal court will need to have an acceptable mechanism for budgetary and administrative oversight.

Madam Chairman, we believe that it is critical for the success of this endeavor that the court have the full support of the world community. Any other course would run the danger of undercutting cooperation in international criminal matters. For this reason, it is essential that the fundamental issues relating to such a court be satisfactorily resolved.

Our review is continuing, and this is not a complete list of our concerns. Nonetheless, we wanted member states to have the benefit of our views. I wish to emphasize that my Government is ready to work energetically with the members of this Committee to examine the issues related to establishing an international criminal court, and to work together to resolve the relevant issues and concerns.

ESTABLISHMENT OF AN INTERNATIONAL CRIMINAL COURT

[Statement of Secretary of State Warren Christopher at a hearing before the Foreign Relations Committee, January 13, 1993, and response to a question by Senator Dodd]

On the establishment of an international criminal court: "I think that it's a good time now, with the leadership at the UN which is I think prepared to think new thoughts and develop new ideas, to see if we can't find some permanent mechanism rather than having to set up an ad hoc mechanism each time."

[Statement of UN Ambassador Madeleine Albright at a hearing before the Foreign Relations Committee, January 21, 1993, in response to a question by Senator Dodd]

"As far as I'm concerned there is [nothing] more important than really strengthening the international rule of law, and establishing a tribunal, which you discussed, which Secretary Christopher also said. I think that part of the problem we have now is that such a place does not exist. We have a hard time trying to sort out where we would bring the war crimes—where we would present them—and therefore, creating this organization is very, very important."

[From Constitution magazine, Fall 1993]

NEEDED: AN INTERNATIONAL CRIMINAL COURT

(By Benjamin B. Ferencz)

After the genocide and inhumanity of World War II, the United States took the lead in drawing the charter for the International Military Tribunal at Nuremberg. The Nuremberg principles, which provided the legal basis of the tribunal, were affirmed by the United Nations in 1946 and made clear that aggressive war and crimes against humanity would no longer be tolerated.

In opening the Nuremberg tribunal, Justice Robert Jackson, on leave from the U.S. Supreme Court to serve as chief prosecutor for the United States, heralded the rule of law. "That four great nations," he said, "flushed with victory and stung with injury stay the hand of vengeance and voluntarily submit their captive enemies to the judgment of the law is one of the most significant tributes that Power ever has paid to Reason. . . . We must never forget that the record on which we judge these defendants today is the record on which history will judge us tomorrow."

Yet, since Nuremberg there has been no international criminal court to call international criminals to account. And the crimes continue.

Iraq immediately comes to mind. The United Nations Security Council, led by the United States, mobilized international forces to repel aggression by Iraq against Kuwait. But contrary to the Nuremberg doctrine that only the guilty should be punished—after a fair trial and with evidence of guilt beyond doubt—Iraq's civilian population has become the main victim of both economic sanctions and missile attacks, while its leader, allegedly responsible for every war crime in the book, remains head of government. It is sadly ironic that a great military victory won by brave young people upholding American principles abroad should be followed by a lack of legal courage on the part of political leaders back home.

But perhaps change is at hand. In the former Yugoslavia, "ethnic cleansing" and mass rapes so outraged public opinion that the Security Council ordered that evidence of infringement of human rights in the Bal-

kans be assembled. On May 25, 1993, the council established an "international tribunal for the sole purpose of prosecuting persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia." While the ad hoc tribunal can deal only with crimes committed after January 1, 1991, its creation may be a stepping stone to a permanent court.

Setting up such a court would involve limiting sovereign rights in a way that would certainly be familiar to Americans: just as the 13 Colonies found it necessary to cede many sovereign rights to a central government in 1787, so the violent and interdependent global community of today is beginning to learn that real sovereignty belongs to the people and that no one should be allowed to get away with murder.

Although the Constitution authorizes Congress to punish "offenses against the law of nations," the question of indicting a sovereign before an international court did not arise until after World War I. A 15-member Commission on Responsibility of the Authors of the War, chaired by secretary of State Robert Lansing, reached the conclusion that violations of the "laws and customs of war or the laws of humanity" were criminal offenses for which even a chief of state could be punished. But almost immediately after signing it, defeated Germany began to resist the Treaty of Versailles on the grounds that it was a diktat that it had been forced to accept. The Kaiser had already escaped to neutral Holland, and Germany refused to hand over any of its nationals for trial by an Allied court.

In 1920 a Committee of Jurists appointed by the League of Nations and dominated by Elihu Root, a former U.S. secretary of both war and state and a senator from New York, proposed that an international criminal court be established "to try crimes constituting a breach of international public order or against the universal law of nations." The advice of these expert jurists was politely brushed aside by professional diplomats. Sovereign states were not ready to yield authority to a permanent international tribunal, even after World War II when the U.N. was founded.

Although the United Nations charter requires that peace be maintained "in conformity was the principles of justice and international law," the U.N. has no legislative authority, its World Court lacks compulsory jurisdiction, and there is no effective system to enforce world law. But the end of the cold war has given us an opportunity to create a mechanism that would allow the U.N. to begin to carry our its charter goals. The absence of an international criminal court of law to punish offenders mocks the victims of war and inhumanity and encourages more criminality. All who imperil humanity must know that they will be held to personal account, regardless of rank, station or nationality. As Telford Taylor, who served as U.S. chief of counsel at Nuremberg, has written, "The laws of war are not a one-away street." Law poses no threat to the innocent. A permanent international criminal court with worldwide jurisdiction would close a gap that now exists in the world legal order; it is long overdue and would uphold America's finest moral traditions in protecting peace and human dignity.

RUTGERS,
SCHOOL OF CRIMINAL JUSTICE,
Newark, NJ, September 9, 1993.

Hon. CHRISTOPHER J. DODD,
U.S. Senate, Washington, DC.

DEAR SENATOR DODD: Thank you for your letter of August 30, transmitting the report of the International Law Commission (A/CN. 4.L 490) Add. 1, and inviting me to provide you with my comments.

As both an academician, who published the first American coursebook on International Criminal Law (1965), and as a practitioner in the field, as Director of the United Nations Crime Prevention and Criminal Justice Branch (1974–1982), I have been keenly interested in the creation of the International Criminal Court and, from time to time, had occasion to work with agencies responsible for the current draft. It is a great relief that the I.L.C. has concluded its work which, at times, it seem incapable or unwilling to accomplish. Moreover, the Draft Statute looks very good indeed. While here and there I would have structured it somewhat differently, the draft is wholly acceptable to me.

To any critic it should be pointed out that the most crucial provision is Article 32, which creates the Indictment Chamber (analogous to a Grand Jury), composed of the Bureau of the Court. This is a vast improvement over other drafts, which did not envisage an indictment chamber. Yet, such a body is absolutely necessary since it establishes by a high standard of proof (prima facie case) whether the case should move to trial. This is a judicial determination of acts and therefore differs vastly from a mere prosecutorial accusation that may be regarded as politically motivated. The objective affirmation of the indictment by the indictment chamber warrants an arrest. Now, it is very likely that, for the time being, the Court may not be able to obtain jurisdiction over the person indicted, but indictment and warrant of arrest serve as a powerful restraint on the accused who may not be able to venture out into the world for fear of an arrest and trial. Defendants may be able to hide from the reach of international criminal justice for a while. Most can ultimately be reached. True, some may never be brought before the International Criminal Court—instead ultimately dying the death of an indicted international criminal.

In sum, the Draft Statute for an International Criminal Court is solid and practical. It will derive to the benefit of the World Community and of our country, which cannot solve the problems of crimes against the peace and security of mankind by itself.

All good wishes for your important work in the Senate,

Respectfully yours,

G.O.W. MUELLER,
J.D., LL.M., Dr. jur. (h.c.),
Distinguished Professor of Criminal Justice.

UNIVERSITY OF HOUSTON, LAW CENTER,
Houston, TX, November 15, 1993.

Hon. CHRISTOPHER J. DODD,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR DODD: Thank you very much for your letter of October 28th and the opportunity to comment on the U.N. Draft Statute for an International Criminal Tribunal (19 July 1993).[1]

First, I applaud the considerable efforts of the Working Group and other members of the International Law Commission and all those who made contributions to such efforts. The Draft Statute is remarkable for its relatively lucid and thorough consideration of the important issues to be addressed before final adoption of a Statute for the Tribunal. Already, it is remarkable as a working draft, nearly complete in several respects.

Second, with a few minor changes, I assume that this draft will have the support of nearly all international law professors in the United States. Here, I merely provide a set of preliminary remarks that hopefully will be of use to those involved in the creation of a final document and in United States adherence to the final instrument. There are a few changes that should be made in the interest of independence of the Procuracy and the Court as well as in the overall interest of the international community in effective enforcement of international criminal laws. Once again there is genocide in Europe, and it is especially appropriate to keep the criminal events in the former Yugoslavia in mind as we contemplate the fine-tuning of an instrument for the creation of a permanent International Criminal Tribunal. In particular, there is a difficulty with the present draft of Article 24(b), as explained in comments that follow. Similarly, no state should be allowed to control the ability of the International Tribunal to prosecute on behalf of humankind a crime under customary international law over which there is universal jurisdiction, especially a crime such as genocide which is not only prohibited under customary international law (see U.N. Commentary, at p. 29, paras. (3)–(4)) but is also a prohibition under customary *jus cogens* (and, thus, a peremptory prohibition—see, e.g., Restatement (Third) of the Foreign Relations Law of the United States §702(a) and Comments d and n (1987)).

In the following paragraphs, I address particular articles in the Draft Statute, identifying some concerns and needed changes. With respect to Article 6, it is important that judges and prosecutors have at least a working knowledge of international law. It would be most useful for States to allow private organizations concerned with international law, such as the International Law Association or the American Society of International Law to have input concerning state nominations.

With respect to Articles 9, 13(3) and 17(2)–(3), in my opinion Judges and Prosecutors should be full-time so that no conflict arises in terms of their prior employment or other commitments. Judges should be available on short notice if they are not sitting full-time. This also seems critical for a full guarantee of the rights of the accused.

Article 19 must be amended to assure that: "(d) in no event may the rules adopted deprive an accused or other person of any of the human rights to due process addressed in Article 44 or otherwise developed under customary international law." The language here is merely suggested language, but the point must be assured in order fully to guarantee the rights of those suspect of having committed crimes, the accused, and possibly other persons not yet suspects or accused.

With respect to Articles 30 and 44, the rights of witnesses should also be assured—for example, rights related to those of the accused in Article 44, paras. (f)–(g).

Article 22 should be amended to cover the 1907 Hague Convention No. IV (recognized as customary laws of war at Nuremberg over which there is universal jurisdiction). This is addressed somewhat in the U.N. Commentary at p. 29. Here, I also agree with the

[1] U.N. Doc. A/CN.4/L.490 (19 July 1993)

U.N. Commentary at p. 23 concerning the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and urge that this crime also be listed. Additionally, there is a problem with respect to some of the treaties listed in Article 22, in particular, those listed in paras. (c)-(h). It is likely that these are not yet customary international law (over which there is universal jurisdiction) but merely binding among the treaty signatories and their nationals (the so-called "universal by treaty" circumstance allowing jurisdiction with respect to signatory nationals). In view of this point, it may be desirable to change Article 24(1)(a) by deleting "under the relevant treaty." It is, of course, true that a state does not have jurisdiction under a relevant treaty or in any other respect in connection with a non-customary offense allegedly committed by a national of a state that is not a signatory to such treaty, but the deletion would solve any ambiguity here. Also, subparagraph (b) of Article 24(1) should be deleted. Jurisdiction over genocide and related crimes exists with every state since the prohibition of genocide and related crimes, as defined by the Genocide Convention, has now become customary *jus cogens*, as noted above. It is most inappropriate, therefore, to limit submission under Article 24 to those states that have ratified the Convention (and whose ratifications are not void ab initio as a matter of international law because their attempted ratifications are fundamentally inconsistent with the object and purpose of the Genocide Convention). Clearly, other states can (by "special acceptance" under Article 26) submit such criminal accused even if they are not a signatory (see, e.g., Article 26 (2) (a)), and a state's acceptance of the jurisdiction of the Tribunal to address such crimes can occur after the commission of such crimes and not violate notions of ex post facto or nullum crimen sine jus (since the crime already exists as such under customary international law), but there should be no room for escape of criminal liability for those reasonably accused of having committed genocide or related crimes against humanity.

In my opinion, paragraph (2) of Article 24 should be deleted. There should be no such veto power of a state if other states have a competence to submit the case for prosecution. With this sort of clause, it may become unclear whether the U.N. Security Council has the power to order "extradition" or "surrender" of such an accused under Articles 39 and 103 of the Charter, as in the case of the Lockerbie bombing. In this regard, what does "on the authority of the Security Council" now mean under Article 25? Do Articles 24(2) and 25 reverse the decision of the International Court of Justice?

Article 27 provides a veto power in the Security Council with respect to one crime—aggression. This is understandable politically, but logically inconsistent with a notion of an independent prosecutor and an independent court. Also, the crime of aggression should not be limited to aggression by a "state," since civil-war belligerents can engage in outlawed acts of aggression against other states and peoples. Also inconsistent with the independence of prosecutors is the "review" procedure in Article 30(1) (see U.N. Commentary, 2nd part, at p. 6).

With respect to rights of suspects and those accused, Article 30(4) needs supplementation in order to assure the human rights of suspects of access to counsel, adequate time and facilities to prepare, privacy during communications with counsel, and to be questioned if the suspect wishes only with counsel present. See, e.g., Paust, von Glahn & Woratsch, Inquiry into the Israeli Military Court System in the Occupied West Bank and Gaza (Report of the International Commission of Jurists, Geneva 1989), reprinted in 14 Hastings Int'l & Comp. L. Rev. 1 (1990), addressing also the U.N. Supplemental Rules of Criminal Procedure of the U.N. Command (Korea). In order to assure the accused minimum guarantees under international law, a savings clause should be added to Article 44 as new subparagraph (i): "(i) any other minimum guarantees under customary international law." First, these minimum standards are not fully protected in the language of Article 44. See also rights of the suspect addressed above. Second, human rights to due process may develop with the Ad Hoc Tribunal For Crimes Against Humanitarian Law in the Former Yugoslavia and in other ways. Third, when prosecuting violations of the Geneva Conventions, there are circumstances when a signatory is bound to accord an accused "the same procedure as in the case of members of the armed forces" of such country. See, e.g., Geneva Convention Relative to the Treatment of Prisoners of War, arts. 1 and 102. Since all signatories to the Geneva Conventions must "respect and . . . ensure respect for" the Conventions "in all circumstances" (id., art. 1; see also id., art. 131), how can a signatory send an accused to or participate in the prosecution of an accused with lesser standards? Fourth, there may well be standards of due process common to the legal systems of the world that partake of the nature of general principles of law and which might influence the interpretation of custom or the interpretation of relevant international agreements. The Court should have the express power to recognize other standards of human rights law or general principles of law, and the accused should have an express right to any minimum guarantees under customary international law.

Article 45 (1) and (2) should be changed to reflect the fact that the 1966 Covenant on Civil and Political Rights, and international law more generally, prohibits merely the same "offense" being tried again, not "acts constituting crimes" but the "crimes" themselves. This is particularly so with respect to the fact that independent states are independent sovereigns. The same is true in this country with respect to federal and state crimes. Any ambiguity here can be dealt with by simply deleting the phrase "acts constituting" in each paragraph.

Article 64(2) should be deleted. It is fundamentally inconsistent with the principle of independence of the prosecutor, the independence of the Court, and the principle of state responsibility under customary international law with respect to international crimes over which there is universal jurisdiction and responsibility. See generally, Paust, Universality and the Responsibility to Enforce International Criminal Law: No U.S. Sanctuary for Alleged Nazi War Criminals, 11 Houston J. Int'l L. 337 (1989). Several times before the United Nations entities have affirmed that a refusal to cooperate in the arrest, extradition, trial and punishment of persons accused of such crimes is contrary to the United Nations Charter "and to generally recognized norms of international law." It simply cannot be appropriate that evidence tendered should be subject to the control of the state submitting such evidence.

Unlike prisoner-exchange agreements with respect to ordinary foreign crimes, Article 66 seems to raise no constitutional powers questions. The offenses are already either treaty-based for the United States or part of customary international law, both of which have constitutional bases in Articles II, III and VI of the United States Constitution as treaties or laws of the United States. See, e.g., Restatement, supra, §111 and Comments and Reporters' Notes thereto; Paust, Customary International Law: Its Nature, Sources and Status as Law of the United States, 12 Michigan J. Int'l L. 59, 77-90 (1990); cf. Paust, The Unconstitutional Detention of Prisoner by the United States under the Exchange of Prisoner Treaties, in International Aspects of Criminal Law: Enforcing United States Law in the World Community 204 (Richard B. Lillich ed. 1981); Thomas M. Franck & Michael J. Glennon, Foreign Relations and National Security Law 312 (2 ed. 1993).

Finally, I thank you once again for the opportunity to participate in this historical effort to create a Tribunal so necessary for the effective enforcement of international criminal law.

I will circulate this set of preliminary remarks to members of the American Society of International Law's International Criminal Law Interest Group for their comments. In this way, perhaps we can provide further assistance at some time in the near future. Of course, these comments are merely my own. Also, I will send these to certain members of the executive branch, the U.N. Secretariat, and others for comments.

Until later,

Warm regards,

JORDAN J. PAUST,
Professor of Law.

NEW ENGLAND SCHOOL OF LAW,
Boston, MA, September 25, 1993.

Hon. CHRISTOPHER J. DODD,
U.S. Senate, Washington, DC.

DEAR SENATOR DODD: In response to your letter, dated August 30, 1993, I am pleased to provide the enclosed comments on the International Law Commission's draft statute for an international criminal court for your submission in the Congressional Record.

As you may know, from August 1989 to July 1993, I served as the lawyer at the State Department with responsibility for drafting the Department's reports to Congress and to the United Nations on the issue of an international criminal court, which expressed a degree of skepticism about the feasibility and desirability establishing such a court. I have been pleasantly surprised at how far the international consideration of this issue has progressed since I wrote "The Jury is Still Out on the Need for an International Criminal Court," *Duke Journal of Comparative and International Law* 135-168 (1991). As detailed in the enclosed comments, I believe the International Law Commission's draft, with some relatively minor revisions, can serve as the basis for negotiation of a statute for an international criminal court which should meet the major concerns of the United States and other countries.

I applaud your efforts to persuade the Clinton Administration to take the lead internationally in establishing an International Criminal Court. I would be happy to provide any further assistance to you in this important endeavor.

Sincerely,

MICHAEL P. SCHARF,
Assistant Professor of Law.

COMMENTS ON THE INTERNATIONAL LAW COMMISSION'S DRAFT STATUTE FOR AN INTERNATIONAL CRIMINAL COURT

(By Michael P. Scharf)

I. INTRODUCTION

The recent establishment of the Yugoslavia War Crimes Tribunal by the Security Council greatly enhances the prospects for a permanent International Criminal Court (ICC). Many of the complex legal and practical issues involved in creating an ICC have now successfully been tackled in the context of the Yugoslavia Tribunal. By borrowing liberally from the Statute of the Yugoslavia Tribunal, the International Law Commission (ILC) has come up with a draft that provides a solid basis for negotiation of a statute for an ICC that will be acceptable to a broad range of countries. In particular, the draft's provisions for selecting judges, commencing prosecutions, conducting trials, and enforcing sentences are unlikely to engender much criticism. The following comments focus exclusively on those areas in which the draft should be revised to address the major concerns that have been expressed in the past by the United States and other countries.

In its May 1993 report to the U.N. pursuant to G.A. Resolution 47/33, the Clinton Administration stated "we believe the basic approach advocated in the ILC's 1992 report (i.e., that the court be a flexible and supplementary facility for States parties to its statute and that the Court not have compulsory or exclusive jurisdiction) strikes a proper and realistic balance between the many competing interests at stake." As envisioned by the ILC's 1992 report, the ICC would merely provide States, in whose territory a person accused of an international offense is located, with a third option to prosection or extradition. *See* 1992 Report of the ILC Working Group on the question of an International Criminal Jurisdiction at 15. An important aspect of the ILC's approach is the bifurcation between becoming party to the ICC's statute and accepting the ICC's jurisdiction over particular offenses. As described by the ILC's 1992 report, Parties to the ICC's Statute would select from a list of international offenses those offenses for which they would be bound to hand over suspects and provide other assistance to the Court. *Id.*

The ILC's draft Statute has departed in several important respects from this sensible approach, most notably with respect to the obligations it imposes on States that are Party to the Court's Statute but have not accepted the Court's jurisdiction with respect to the type of offense involved in a particular case. For example, under Article 33(2) of the draft Statute, such States are required to ensure that the accused is arrested. Article 46 provides that the Court has authority to "require any person to give evidence at trial," even if that person is a national of a State that has not accepted the ICC's jurisdiction with respect to the particular offense. The commentary to Article 58 provides that Parties have a "general obligation to cooperate with and provide judicial assistance" to the Court, even in cases over which they have not recognized the Court's jurisdiction. Article 45 requires Parties not to try the accused if he/she has been acquitted or given a light sentence by the international criminal court even for offenses over which the State has not accepted the Court's jurisdiction. Article 63 provides that Parties that have not accepted the Court's jurisdiction over the type of offense at issue, must prosecute the offender and forgoes the option of extradition to a third State.

The comments below describe problems with the current wording of several of the provisions contained in the ILC's draft Statute and propose revisions to bring the statute in line with the ILC's original proposal for an international criminal court and to meet the important concerns that have been expressed by the United States and other countries.

II. COMMENTS ON SPECIFIC ARTICLES

Article 2

Article 2, which is in brackets to indicate that the ILC seeks guidance on the issue from the General Assembly, provides that the ICC shall either be a judicial organ of the United Nations or that it be linked with the United Nations, much in the same manner as the U.N.'s Specialized Agencies. The latter approach is strongly preferable. It is not at all clear that the General Assembly has the competence to create an International Criminal Court without amendment to the U.N. Charter and cooperation by States with the Court is more likely if they became party by Treaty rather than by virtue of their membership in the U.N.

Article 5

Pursuant to Article 5, the ICC would have three organs: a trial court, a registry (administrative office) and a Procuracy (office of prosecutor). Although defendants would have the right to court-appointed counsel (Article 44), as drafted the Statute does not establish a separate Office of Defense Counsel. It is important that the ICC have an Independent Office of Defense Counsel to ensure adequate representation of the accused and promote institutional balance. The Office of Defense Counsel could develop an expertise similar to that of the Procuracy, and would also enhance the adversarial nature of the Court. Both the Procuracy and Office of Defense Counsel would be able to monitor their counterpart's interaction with the Court and further ensure that the proceedings will be impartial.

In addition, in contrast to the Yugoslavia War Crimes Tribunal, the ICC would not have a separate appellate chamber, but rather appeals would be heard before a panel of those trial court judges who did preside over the defendant's trial (Articles 55 and 56). It is a fundamental principle of U.S. jurisprudence that judges of the same rank should not review each other's decision. This principle is also codified in the Covenant on Civil and Political Rights, which provides that "everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law." Consequently, the statute should be revised to provide for the creation of a separate appeals chamber in addition to a separate Office of Defense Counsel.

Article 19

Article 19 provides that the Judges of the ICC will promulgate the Court's rules of Evidence and Procedure. The United States and other countries have expressed the position that the rules of procedure and evidence are critical to the acceptability of an ICC. The Tribunal has broad discretion to adopt Rules that, for example, do not fully protect the rights of the accused. The Nuremberg and Tokyo Tribunals have been subject to criticism for their use of *ex parte* affidavits against the accused at trial. Unlike the situation of the Yugoslavia War Crimes Tribunal whose jurisdiction is restricted to offenses committed in the territory of the former Yugoslavia since 1991, few States would agree to become party to the ICC's statute or consent to the Court's more sweeping jurisdiction without first agreeing to the Rules of Procedure and Evidence. The rules developed for the Yugoslavia War Crimes Tribunal can, with minor modification, serve as the basis for the rules for the ICC. These rules should be enumerated in an instrument to be adopted at the same time as the ICC's Statute.

Article 21

Article 21 provides for a review conference to be held to review the operation of the ICC's statute and to consider possible additions to the list of crimes for which the ICC has jurisdiction including "in particular, the addition to that list of the Code of Crimes against the Peace and Security of Mankind." The Code of Crimes is like a bad penny that continues to turn up in relation to the ICC. Many States and commentators have strongly objected to the Code of Crimes. As they have pointed out, the Code is redundant with existing international conventions and would be disruptive of these where it deviates from existing statements of the law. Moreover, it fails to specify the state of mind necessary to be charged with a criminal violation and neglects concepts of due process basic to most countries' jurisprudence (e.g., that offenses must be defined with precision sufficient to inform people of what acts will be considered criminal). Consequently, the reference to the Code of Crimes should be removed from Article 21.

Article 22

Article 22 contains a list of international offenses, codified in Conventions containing the prosecute or extradite requirement over which States can accept the ICC's jurisdiction. The list is over-inclusive to the extent that it includes the offense of "apartheid," considering how far South Africa has come in dismantling the vestiges of apartheid. It is under-inclusive in that it does not include torture as defined in the Torture Convention or major narcotics crimes as defined in the Convention against Illicit Traffic in Narcotic Drugs. The list should be revised accordingly.

Article 24

Article 24(1) provides that the ICC has jurisdiction over an offense if the ICC's jurisdiction has been accepted by a State with jurisdiction under the relevant treaty to try the suspect before its own courts. Article 24(2) provides that if the suspect is present in the State of his nationality or the State where the offense was committed, such State must also consent before the ICC can exercise jurisdiction. However, if the suspect is in a State that is not the State of the suspect's nationality or the State where the offense occurred, the ICC need not obtain the State's consent to issue an indictment and arrest warrant and take other steps to bring the suspect to trial before the ICC (See Articles 30, 31, 32, and 33). This ambitious provision goes well beyond the role contemplated for an ICC in the ILC's 1992 Report. The primary need for an ICC was to provide a third alternative to States which, for a variety of reasons, find it difficult to prosecute or extradite a suspect (*See* 1992 Report of the ILC Working Group on the question of an International Criminal Court at pp. 11–12). Consistent with this, the consent of the State in which the suspect is located, whether or not it is also the State of the suspect's nationality or the State where the offense occurred, should be required.

Article 25

Article 25, which provides the ICC with competence over cases submitted by the Security Council is an important provision. With the growing number of attacks against UN Peace Keepers throughout the world

(which constitute offenses under the Internationally Protected Persons Convention), it is likely that the Security Council will be a significant source of the ICC's cases. As drafted, however, Article 25 unduly limits the power of the Security Counsel, acting under Chapter VII of the Charter of the United Nations, to prosecute such cases before the ICC. The Article should be revised to explicitly exempt from Security Council initiated cases the requirements of consent contained in Article 24 as well as the ability of States that have not accepted the ICC's jurisdiction over the act in question to refuse to surrender suspects or provide judicial assistance.

Article 26

Article 26 gives the ICC jurisdiction over other crimes "under general international law" and "under national law which give effect to provisions of a multilateral treaty," provided the State on whose territory the suspect is present and the State on whose territory the crime occurred give their consent. This provision is the most problematic of those contained in the draft Statute. It would give the ICC jurisdiction over uncodified, open-ended offenses that are not defined with sufficient specificity and precision to inform people of what acts will be considered criminal. It would also give the ICC jurisdiction over offenses listed in regional conventions and international conventions that are not widely adhered to on the basis of their objectionable subject matter. This Article should be omitted altogether from the Statute.

Article 27

Article 27 provides that the ICC has jurisdiction over the offense of aggression only if the Security Council has found that the suspect's State has been guilty of aggression. The term "aggression" is too political and ambiguous to be the basis of individual criminal liability. The history of the General Assembly's 1974 definition of aggression (G.A. Res. 3314, 29 GAOR Supp. 31 (A/9631) at 142) shows that it was intended only as a political guide and not a binding criminal definition. Together with Article 26, this Article should be omitted from the Statute.

Article 33

Article 33(2) requires States Party to the ICC's statute that have not accepted the Court's jurisdiction with respect to the offense in question nevertheless to serve the indictment on the accused and ensure that the accused is arrested or detained. States that have not accepted the ICC's jurisdiction with respect to the offense in question should be under no further obligation to cooperate with the ICC than States that are not party to the ICC's Statute.

Article 44

The commentary to Article 44 requests the General Assembly to provide guidance to the ILC on the question of *in absentia* trials. In accordance with the Covenant on Civil and Political Rights, there should be no *in absentia* trials. However, consistent with U.S. case law, the situation in which the accused has been present at trial but escapes before the trial is completed should be understood not to be an *in absentia* trial.

Article 45

Article 45 obligates all Parties to the ICC's statute not to try a person for an offense for which that person has been tried before the ICC. This double jeopardy rule should not apply to States that have not accepted the jurisdiction of the ICC with respect to the offense in question.

Article 48

Article 48 authorizes the ICC to require any person to give evidence at trial. The Article should be revised to clarify that the ICC cannot compel the appearance of nationals of a State that has not accepted the jurisdiction of the ICC with respect to the offense in question.

Articles 55–57

Articles 55 and 56 envision an appeal before the trial judges that did not preside over the defendant's trial. As discussed above, this would not be consistent with an important principle of U.S. jurisprudence which calls for the establishment of separate trial and appellate courts.

In addition, Article 55 provides (in brackets) that the Prosecutor may appeal the Court's judgment of acquittal by asserting commission of errors of fact that have "occasioned a miscarriage of justice." Similarly, bracketed language in Article 57 would allow the Prosecutor to apply for a review of judgment if they discover a new fact, not known at the time of trial, "which could have been a decisive factor in reaching the decision." In either case, an appeal by the Prosecutor, resulting in a reversal of the judgment of the Trial Court, would necessitate a new trial for the same offense, thus violating the prohibition against double jeopardy as it is understood in the United States. Thus, the language of these articles should be amended to permit only the person convicted by the Trial Court to request an appeal after final judgment or a review proceeding. However, either the defendant or the Prosecutor should be permitted to seek interlocutory appeals of issues of law.

Article 58

As drafted, under Article 58, the only difference in the obligation of a Party that has not accepted the ICC's jurisdiction with respect to the offense in question and a Party that has done so is that the former is under a general requirement to provide judicial assistance to the ICC where as the latter is required to respond without undue delay to a request for assistance by the ICC. This Article should be revised to indicate that Parties that have not accepted the ICC's jurisdiction may, but are not required to, render judicial assistance.

Article 63

Article 63 provides that a Party should give priority to the ICC's request for the surrender of the accused over requests for extradition from other States. If the object is to ensure that the accused is prosecuted and to give States a third alternative to extradition and domestic prosecution, there is no good reason why a Party should not be able to choose instead to extradite the accused to a third State. There is no question that when it is available, national prosecution is inherently more effective than prosecution before an international body.

III. CONCLUSION

While the ILC has made a good start, it is important that the statute be revised as indicated above (1) to confine the Court's jurisdiction to the offenses defined in widely ratified multilateral conventions; (2) to provide for a separate office of Defense Counsel and a separate appellate chamber; (3) to ensure that the rules of evidence and procedure are adopted together with the ICC's Statute rather than promulgated afterwards by the ICC's judges; (4) to make clear that State Parties that have not accepted the jurisdiction of the ICC over a particular offense are not required to provide assistance to the Court with respect to that offense, are not prohibited from extraditing such offenders to a third State for prosecution, and are not prohibited from later prosecuting such offenders if the ICC acquits them or gives them lenient sentences; and (5) to clarify that the Statute's requirements for State consent do not apply to cases submitted by the Security Council acting under Chapter VII of the U.N. Charter.

Mr. DODD. Madam President, in my closing minutes, I want to make one comment in response to some of the arguments that have been made by those who oppose this measure. There have been questions raised about the particular operation of this Court—the crimes it would cover, the manner in which judges would be chosen, the protections available for the accused. Quite frankly, Mr. President, these questions put the cart before the horse. They are legitimate questions, but that is not the issue before us.

I remind my colleagues that we are not voting on a resolution of ratification, nor are we being asked to endorse any one proposal over another. Those questions will not be with us for several years, perhaps more. All we are being asked to do today is to lend our support to the basic proposition, affirmed at Nuremberg half a century ago, that when people commit crimes against the international order, they should expect to be brought to justice. Surely we can muster the courage, after all we have learned, to stand up for that basic principle.

I will not repeat the arguments I have made in support of the International Criminal Court or attempt to summarize them here. But I do want to emphasize one very important point.

Our moment in history is before us. With the end of the cold war we have been given a gift that previous generations could only have dreamed of: the opportunity to leave our indelible mark on the future itself. But as we take stock of this moment and all that it entails, I hope we will not forget a certain lesson from the past.

In his closing statement before the Nuremberg Tribunal, Justice Robert Jackson of the U.S. prosecution summarized the long list of crimes the Nazis had been accused of, and the evidence against them. He then turned his attention to the responsibility that rested upon the judges on the tribunal. Their decision, he said, was not simply a judgment on the guilt or innocence of the particular individuals involved. In truth, he said, it was a judgment on the Holocaust itself.

Justice Jackson's statement reminds us why it is that we must bring international criminals before the bar of justice, if not to undo the wrong, at least to restore our confidence in what is decent and what is just. He closed his argument with these words:

It is against this background that these defendants now ask this tribunal to say that they are not guilty of planning, executing, or

conspiring to commit this long list of crimes and wrongs. They stand before the record of this trial as blood-stained Gloucester stood by the body of his slain king. He begged of the widow, as they beg of you: "Say I slew them not." And the Queen replied, "Then say they were not slain. But dead they are * * *"

If you were to say of these men that they are not guilty, it would be as true to say that there has been no war, there are no slain, there has been no crime.

Madam President, I urge the defeat of the Helms amendment. And I remind our colleagues that this is our moment to fulfill the legacy of Nuremberg and establish, in our generation, an international criminal court so the thugs in Bosnia and Haiti and other places around the globe can be brought before the bar of justice. It would be a tragedy indeed, a tragedy indeed, if this august body on this day would turn its back on that very basic concept.

I urge again the rejection of the Helms amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I thank the Senator from Connecticut for his eloquent statement. He has passionately pursued this particular issue through the committee itself, which put this language in the bill that the Senator from North Carolina now seeks to strike.

I will not go over all of the areas, by any means. I know the Senator from Pennsylvania wants to speak momentarily on this. But I would like to call to the attention of my colleagues the de minimus aspects of the language that is in here, measured against the very significant and, I think, compelling rationale that has been laid out by the Senator from Connecticut.

What needs to be underscored here is, first, this is a sense-of-the-Senate resolution. It does not mandate or bind us to anything.

Second, I ask colleagues to measure what sense of the Senate it expresses. I read directly from the language. "The sense of Congress that the establishment of an international criminal court with jurisdiction over crimes of an international character would greatly strengthen the international rule of law," something for years that we have worked to uphold and to strengthen.

No. 2: "Such a Court would thereby serve the interests of the United States and the world community."

No. 3: "The United States delegation should make every effort to advance this proposal of the United Nations." That is all. It simply asks for the advancement of the proposal.

The Senator from North Carolina has asked good questions. Those are precisely the kinds of questions that we ought to be getting the answers to in the advancement process. Those are precisely the kinds of questions that we ought to be asking when and if we are told that those who are negotiating this have in fact come up with a concept. Those are the kinds of questions that we ourselves ought to be asking as observers to the United Nations, as the oversight committee, as we go through the process of trying to put together this court.

But to suggest that you should not even go through that exploratory process, that you should just automatically shut your eyes, turn your back and shut down the exploratory process to negate the compelling rationale for being able to find some mechanism that adequately addresses our interests to deal with these questions of international jurisdiction, of terrorism, of hijacking, of narcotics trafficking—we should not turn our backs on the effort to put that together.

So I would suggest that there really should not be an enormous engagement, there should not be a big argument here. This is a sense-of-the-Senate resolution saying that what we tried to do for years, what this Nation led and stood behind at Nuremberg, and other efforts, should not be just wiped away in its incipient exploratory stages because we have some fears about it. We ought to explore those fears, we ought to find out if they are justified, we ought to find out if there is a sufficient mechanism that we could put together that would address those fears, indeed eliminate them altogether.

So I think the Senator from Connecticut has made all the compelling rationale about why we ought to consider this. I simply think Senators ought to focus on the de minimis aspect of this sense-of-the-Senate language in terms of what it might do that is negative, balanced against the extraordinary positive benefits of what it would do were we to find a sufficient mechanism for implementing it.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair. Mr. President, I believe that the pending provision in the legislation to encourage the adoption of an international criminal court is an important step moving the United States forward in supporting this concept and in trying to bring this idea into reality. I have long been interested in the concept of an international criminal court, as I have watched a number of major international crimes go unprosecuted because of nationalism which has prevented international criminals from being turned over to the United States or to other countries where prosecutions would be obtained.

The case in the mid-eighties of Abu Abbas, an international terrorist on the Achille Lauro, is illustrative and has been referred to in part by the distinguished Senator from Connecticut. Abu Abbas was a coconspirator in the hijacking of the Achille Lauro. He was on an Egyptian airliner headed for an Arab country, but the plane was forced down in Italy. There was practically a shootout between Italian authorities and U.S. authorities, because the Italian authorities refused to turn over Abu Abbas to the United States where we had the jurisdiction to prosecute him.

He was then turned over by the Italian authorities to Yugoslavia. Ultimately, he was not brought to prosecution until he was tried and convicted in absentia in an Italian court and I believe received a sentence of some 30 years.

When a congressional delegation visited Italy in 1986, the members of the delegation confronted Prime Minister Craxi on the Abu Abbas case. In a rather embarrassed way, he said that Italian authorities simply could not do anything about it because of international pressure.

Later, a congressional delegation visited President Mesic in Yugoslavia. President Mesic of Yugoslavia said the Abu Abbas case was a hot potato that had been thrust in Yugoslavia's hands and Yugoslavia let Abu Abbas go. It seems to me had there been an international tribunal to take jurisdiction over Abu Abbas that Egypt might well have turned Abu Abbas over to such an international tribunal, or Italy might have done so, or Yugoslavia might have done so where they felt constrained not to turn over an international criminal to the United States because of nationalistic feelings in those countries.

There was a similar experience with an international drug dealer named Mata in Honduras. He was turned over to the United States and there was a virtual rebellion outside the American Embassy.

We now have a situation where the United States has indicted two Libyans for the destruction of Pan Am 103. As we speak, that matter is still a controversy, because the Libyan Government refuses to turn over those two men under indictment to either the United States or to a Scottish court for trial. If there were an international criminal court, that might be a jurisdiction suitable for such a trial.

The United States has taken strong measures in the course of the past decade to assert our own extraterritorial jurisdiction, which means that we have asserted our authority to try in the United States individuals who commit crimes against American citizens outside of the United States. Jurisdiction ordinarily turns on the situs of an offense. If someone is charged with committing a crime in the District of Columbia, that person can only be tried here and not in Pennsylvania.

On the international level ordinarily the situs of the crime would determine that it would be triable by the authori-

ties there, but we know that terrorism is not a crime which a country like Egypt would prosecute, or even a country like Italy would prosecute, or Yugoslavia, as illustrated by the Abu Abbas case. Therefore, the United States, in the Omnibus Crime Control Act of 1984, asserted U.S. jurisdiction over hijacking and hostage taking involving our citizens. In a 1986 statute, the offense of assaulting, maiming, or murdering a U.S. citizen anywhere in the world was passed into law by the United States, from a bill which I introduced.

In looking at the difficulties of prosecuting international terrorists and also the difficulties of getting extradition from Colombia and other Latin American countries on drug dealers, it seemed to me that the idea of an international criminal court ought to be pursued. As early as March 13, 1986, I asked then-Secretary of State George Shultz about an international criminal court in the view of the State Department. Then-Secretary of State Shultz responded as follows:

> We need to be working on the web of law that can operate here and in conjunction with others around the world to say to terrorists that they have no place to hide and are going to be prosecuted.

On June 25 of that year, 1986, I offered an amendment, No. 2187, to explore the possibility of an international criminal court. That amendment was agreed to. So the language of the current bill is by no means novel. On August 27, 1986, Public Law 99-399 provided for the exploration by the President of the possibility of establishing an international tribunal for prosecuting terrorists.

In 1988, under the provisions of the Omnibus Anti-Drug Abuse Act, there was a provision which I introduced calling on the President to pursue negotiations to establish an international criminal court for international drug trafficking.

The issue was presented in hearings of the Foreign Operations Subcommittee on a question which I asked then Secretary of State James Baker on March 15, 1989, and the essence of Secretary of State Baker's testimony was that the concept of an international criminal court was worth pursuing.

There have been quite a number of circumstances which I will not extensively detail at the moment, but in the Foreign Operations appropriations bill passed by the Congress and signed into law by the President in 1990, there was a provision for the exploration by the President of the creation of an international criminal court which was signed into law in the 101st Congress as Public Law 101-513.

We also took up the question of an international criminal court as it related to the trial of war criminals in the gulf war, and that also was passed.

So there is very substantial history of the Congress being on record as favoring the concept of the International Criminal Court.

With respect to the war crimes tribunal that has already been established by the United Nations for the former Yugoslavia, the Congress enacted and it was signed into law as part of the conference report on the foreign aid bill last year a provision to make a contribution—and this is in the report—of some $3 million to help the war crimes tribunal for the former Yugoslavia to become operational to gather evidence there.

As we speak, the atrocities in former Yugoslavia are rampant, and current news reports are full of proposals and disagreements as to what action ought to be taken to try to stop the atrocities, or try to do something about them. Ground military action has been pretty much ruled out. There has been some authorization for air strikes.

It has been very regrettable that the international community has not acted there in terms of some forceful action to stop those atrocities.

One line of activity which has been acted upon is the creation of the war crimes tribunal. Judges have been appointed, and there is now a great deal to be done in terms of gathering evidence and bringing the war criminals to justice. But that again is a reaffirmation of the policy of the United States adopted by the Congress that the international rule of law is very important.

This is a subject where many of us in this body who are lawyers and have been prosecuting attorneys—and I have had experience along that line being the district attorney of Philadelphia and having been an assistant DA—have great regard for the deterrent effect of prosecutions, providing we mean business, and we have yet to show that we mean business on the war crimes tribunal in the former Yugoslavia as the world community did mean business with the Nuremberg trials after World War II.

When our distinguished colleague from North Carolina raises considerations about sovereignty and about the liberty of the American people and about the composition of the Court and about the guarantees of jury trial and the guarantees of speedy trial, those are all issues which need to be taken up in due course and to be very carefully considered. But the scope of what is before the Senate at this moment is important to focus on, and that is an effort by the distinguished Senator from North Carolina to strike the sense of the Senate which says that there should be the establishment of an international criminal court with jurisdiction over crimes of an international character. It states further that such a court would serve the interests of the United States and the world community.

The specific offenses over which the Court would have jurisdiction will have to be very carefully defined.

It has been said, with merit, that one person's freedom fighter is another man's terrorist. So that we have to focus on crimes which are agreed upon by the world community as being international crimes. There is no doubt that hijacking is such a crime. There is no doubt that hostage taking is such a crime. There is no doubt that international drug sales constitute such criminal conduct. But simply stated, the issue which is now pending before the Senate, and which has been acted upon by the Senate on many occasions in the past, is to support the concept of an international criminal court. It has been supported by President Reagan, by President Bush, and it is currently supported by President Clinton.

This is not an enormous step. Frankly, I would like to see the Congress doing a great deal more to accelerate the process to bring the rule of law to bear on international crimes. But it is a step forward, and I think it would be very unfortunate if any significant sentiment were expressed by the Senate today to reject this sense of the Congress that an international criminal court ought to be established.

I thank the Chair and yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I thank the Senator from Pennsylvania for his thoughtful comments and I think it has helped shed considerable light on what is at stake here.

I do not believe there is anybody further seeking debate on this particular amendment. Therefore, Mr. President, I would move to table the amendment of the Senator from North Carolina.

Mr. SPECTER. Mr. President, I wonder if the distinguished Senator will hold off on that until Senator HELMS returns to the floor because he may want to make subsequent arguments.

Mr. KERRY. I will be delighted. The Senator indicated to me he did not have anything further to say. I would be happy to do so if he did.

Mr. PRESSLER. May I place a statement in the RECORD from Senator ORRIN G. HATCH on the establishment of a permanent international criminal court; and I would especially cite the second and third paragraph of his statement, if I may do so. He says:

> This resolution differs from the Senate's present position on this issue which has been to encourage the executive branch to "explore the need for the establishment" of an international court. I do not quarrel with continuing to explore and discuss the creation of such a court. However, this resolution throws circumspection aside and proclaims Congress' support for an international court before major issues are resolved and instructs the executive branch to work toward the court's establishment.

These are Senator HATCH's words:

The Bush administration extensively studied the establishment of such a court and expressed a strong concern that the court could turn into a politicized body which might develop unacceptable definitions and interpretations of crimes which could result in a release of criminals who might otherwise be prosecuted here in the United States. Furthermore, when the ABA studied the establishment of such a court in 1992, it recognized that more study was needed. The United States Judicial Conference refused to reach any conclusion regarding the feasibility of such a court in the absence of concrete proposals and further studies.

Mr. President, I ask unanimous consent to place Senator HATCH's statement in the RECORD.

There being no objection, at the request of Senator PRESSLER, the statement of Senator HATCH was ordered to be printed at this point in the RECORD:

• Mr. HATCH. Mr. President, I am concerned with this bill's provision that expresses the sense of the Congress that the United Nations should establish a permanent international criminal court. The measure urges the administration to make every effort to advance this proposal at the United Nations. The measure is virtually identical to a freestanding resolution introduced by Senator DODD.

This resolution differs from the Senate's present position on this issue which has been to encourage the executive branch to explore the need for the establishment of an international court. (Public Law 101-513). I do not quarrel with continuing to explore and discuss the creation of such a Court. However, this resolution throws circumspection aside and proclaims Congress' support for an International Court before major issues are resolved and instructs the executive branch to work toward the Court's establishment.

The Bush administration extensively studied the establishment of such a court and expressed a strong concern that the Court could turn into a politicized body which might develop unacceptable definitions and interpretations of crimes which could result in the release of criminals who might otherwise be prosecuted here in the United States. Furthermore, when the ABA studied the establishment of such a court in 1992, it recognized that more study was needed. The United States Judicial Conference refused to reach any conclusion regarding the feasibility of such a Court in the absence of concrete proposals and further study.

There is little doubt that international courts have, on occasion, provided the international community with a valuable means to carry out justice. The war crimes trials in the aftermath of World War II at Nuremberg and Tokyo are fine examples of the effective administration of justice of which these tribunals are capable. I fully support, as a moral and legal matter, the prosecution and punishment of war criminals, terrorists, and those guilty of genocide. Yet, we must examine whether the rule of law is best served by channeling the administration of this justice through a permanent international criminal court, which this resolution champions, or whether domestic courts and ad hoc tribunals are preferable.

Today, there are calls for the international community to hold accountable those responsible for alleged war crimes and other atrocities in the former Yugoslavia. Perhaps establishment of an ad hoc tribunal is warranted. The success of the Nuremberg Courts serves as evidence of how a special court can be established to handle these matters.

Nevertheless, I am not convinced that the case has been made that a permanent international court is warranted or appropriate. Important issues need to be resolved before the Senate supports the establishment of such a court. Consensus needs to be reached on numerous issues such as: The scope of the Court's jurisdiction; the Court's composition; what rules of evidence will be used; the penalties available to such a court; and who would fund this massive new bureaucracy.

To elaborate, there is no guarantee that representatives from such nations as Syria or North Korea would be precluded from serving on such a court. Further, we need to resolve what acts constitute international crimes. The resolution before the Senate refers to war crimes, genocide, and terrorism. While we certainly abhor and condemn such acts, what is the Senate to make of the resolution's additional reference to other crimes of an international character? This resolution does nothing to prevent the U.S. delegation from advocating the addition of environmental offenses to the list of international crimes. Nor does it ensure that the United Nations will not make imperialism or colonialism a crime of international character.

Mr. President, can anyone assure the Senate that such a court would adhere to our constitutional standards? According to the Administrative Office of the U.S. Courts, draft proposals for such a court fail to provide the right to a jury trial and lack other fundamental protections for the accused.

In closing, the fundamental issue before the Senate is whether the Senate is prepared to subject the American people to the prosecutorial arm of a court run by the United Nations. Is the Senate prepared to allow American citizens to be held in judgment for environmental crimes or for imperialist offenses by so-called judges from dictatorial nations which hurl anti-U.S. declarations on a seemingly daily basis? Additionally, is the United States prepared to waive its sovereign authority to prosecute terrorists who commit crimes against American citizens in favor of a permanent body that may not be as diligent or that may be subject to political influence. The answer to all of the questions should be a resounding, "No." The Senate should reject this resolution. It is premature and imprudent.

For these reasons, I urge my colleagues to support the Helms amendment.•

Mr. PRESSLER. Mr. President, I say for my myself, whether or not one supports the concept of an international criminal court, it is not appropriate to offer a blanket endorsement from Congress at this time.

There is currently a draft statute for an international criminal court before the U.N. Sixth Committee. This draft statute was put forth this summer by the International Law Commission. Numerous issues of concern to the United States remain.

Because the United States has remaining concerns over the scope, jurisdiction, system for appointment of judges, and other issues associated with the establishment of a permanent international criminal court, a blanket endorsement from Congress would be counterproductive to the U.S. negotiating position.

Furthermore, the United States is already actively working with the members of the Sixth Committee of the United Nations in examining the issues relating to the establish of an international criminal court. Therefore, it is not beneficial for Congress to preempt these discussions with a sense of Congress resolution endorsing the establishment of a court.

Now, the following are direct quotes from the State Department legal adviser, Conrad Harper's, submission to the U.N. Sixth Committee. They express only a portion of the concerns that have been raised by former legal advisors and other scholars, but they are significant enough to encourage further refinement and examination before Congress offers its endorsement:

We are not yet convinced that the general category of "crimes under general international law" is sufficiently well defined.

We will want to ensure that cases which can be properly and adequately handled in national courts are not removed unnecessarily to the international court. We also have a concern over how international jurisdiction would relate to existing status of forces agreements, the prosecution of war crimes, and other military matters.

"We also note that under the current proposal, many states which have a definite interest in a particular case have no role in deciding whether the international criminal court or national courts handle that case."

"We also believe that there is a need to think through how the international criminal court will affect existing extradition relationships."

"We note that the current draft's provision for immediate arrest and surrender of an offender may be inconsistent with requirements for a judicial hearing that are for the United States, and likely for other states as well, a matter of constitutional dimension."

"We note, for example, that the current draft does not make provisions for a true 'ap-

peal' to a separate group of appellate judges."

"Our review is continuing, and this is not a complete list of our concerns. . . . I wish to emphasize that my Government is ready to work energetically with the members of this Committee to examine the issues related to establishing an international criminal court, and to work together to resolve the relevant issues and concerns."

In negotiations to establish an international criminal court that works, the U.S. position may be undercut by this blanket endorsement.

I thank the Chair and yield the floor.

I ask my colleague if we can move forward on my other amendment to a vote.

Mr. KERRY. Mr. President, we are just checking with leadership to make certain that we can proceed. I hope in a moment we can propound the unanimous consent. Prior to that, I believe on the amendment of the Senator from South Dakota that was previously set aside temporarily, I believe he did not request the yeas and nays to date. Therefore, that amendment is open to modification. I ask the Senator at this time if he wants to offer the modification that is agreed upon.

AMENDMENT NO. 1253, AS MODIFIED

Mr. PRESSLER. Yes.

Mr. President, I wish to modify the percentage in the second paragraph, if after a year, from 50 to 20 percent that has been agreed to. I would seek a rollcall vote on it. I ask unanimous consent that that be done.

The PRESIDING OFFICER. Will the Senator send his modification to the desk?

The amendment is so modified.

The amendment No. 1253, as modified, is as follows:

AMENDMENT NO. 1253, AS MODIFIED

Beginning on page 72, strike out line 1 and all that follows through line 5 on page 74 and insert in lieu thereof the following:

SEC. 170B. UNITED NATIONS BUDGETARY AND MANAGEMENT REFORM

(a) WITHHOLDING OF ASSESSED NONPEACEKEEPING CONTRIBUTIONS TO THE UNITED NATIONS.—(1) In fiscal year 1994, 10 percent of the amount of funds authorized to be appropriated for that fiscal year for United States assessed contributions to the United Nations and its specialized agencies shall be withheld from obligation and expenditure until a certification is made under subsection (b).

(2) Beginning with fiscal year 1995 and at the beginning of each fiscal year thereafter, 20 percent of the amount of funds authorized to be appropriated for each fiscal year for United States assessed contributions (other than for peacekeeping activities) to the United Nations and its specialized agencies shall be withheld from obligation and expenditure until a certification is made under subsection (b).

(b) CERTIFICATION.—The certification referred to in subsection (a) is a certification by the President to the Congress that—

(1) the United Nations has established an independent and objective Office of Inspector General to conduct and supervise audits, inspections, and investigations relating to the programs and operations of the United Nations and each of the specialized agencies of the United Nations;

(2) the Secretary General of the United Nations has appointed an Inspector General, with the consent of the General Assembly, solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations;

(3) the United Nations Office of Inspector General is authorized to—

(A) make investigations and reports relating to the administration of the programs and operations of the United Nations and its specialized agencies;

(B) have access to all records and documents or other material available which relate to those programs and operations; and

(C) have direct and prompt access to any official of the United Nations or of any of its specialized agencies, including any head of a specialized agency or official of the United Nations Secretariat;

(4) the United Nations Office of Inspector General is keeping the head of each specialized agency, the Secretary General, the members of the Security Council, and the members of the General Assembly fully informed about problems, deficiencies, and the necessity for, and progress of, corrective action;

(5) the United Nations has established measures to protect the identity of, and to prevent reprisals against, any staff member making a complaint or disclosing information to, or cooperating in any investigation or inspection by the Office of the Inspector General; and

(6) the United Nations has enacted procedures to ensure compliance with the recommendations of the Inspector General.

(c) DEFINITION.—For purposes of this section, the term "United Nations operations" includes any program, project or activity conducted or supported, in whole or in part, by the United Nations or any of its specialized agencies.

Mr. PRESSLER. I ask for the yeas and nays on that.

The PRESIDING OFFICER. Notwithstanding that the amendment is not currently pending, it is in order to ask for the yeas and nays at this time. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. CONRAD. Mr. President, I am pleased to be a cosponsor of Senator PRESSLER's amendment to S. 1281, State Department Authorization, which would require an independent inspector general for the United Nations. In addition, I would like to commend Senator PRESSLER for the work he has done on issues relating to waste, fraud, and abuse at the United Nations.

It is no secret that the United Nations has been plagued with management and organizational difficulties for some time. In fact, throughout the 1980's, the United States regularly withheld a portion of its assessed contribution to the United Nations, in order to encourage better management practices.

In March 1993 Dick Thornburgh, then United Nations Undersecretary General for Management, released a report that raised even more serious concerns with the United Nations budget and management practices. According to the report, the United Nations still did not have modern word processors and many employees were "deadwood workers protected by patronage." In addition, Thornburgh said there was no effective means to deal with waste, fraud, and abuse at the United Nations.

The waste and mismanagement that has plagued the United Nations for some time is completely unacceptable, particularly in light of the current fiscal situation. Last year, Congress and the administration showed real courage in enacting a comprehensive deficit reduction package. This package will reduce the deficit by $496 billion over 5 years. A number of tough spending cuts were enacted with that law, and the spending choices facing Congress in the upcoming fiscal year will be equally difficult. In light of the Federal budget deficit and the many worthy programs that are facing tough budget cuts, we cannot and we must not continue to spend money in areas where we know it will be squandered away by mismanagement. The United Nations must develop a mechanism to deal with its internal problems immediately. I believe the Pressler amendment will help to accomplish this goal.

As reported by the Foreign Relations Committee, S. 1281 directs the President, through our U.N. Representative, to propose that the U.N. Secretary General form an advisory committee to create a United Nations mechanism for budgetary audits and ways to investigate waste, fraud, and abuse. I do not believe these provisions go far enough. Far too much time and money have been wasted already.

The Pressler amendment requires the President to certify to Congress that the United Nations has established an independent Office of Inspector General. If such certification is not made, the United States will withhold 10 percent of its assessed obligation in fiscal 1994, and 20 percent of its assessed contribution in fiscal 1995.

Clearly, there are some who will disagree with any measure that would withhold U.S. contributions to the United Nations. But I believe that these steps are the absolute minimum we must take to ensure the establishment of an inspector general for the United Nations. Passage of the Pressler amendment is an important first step to ending waste, fraud, and abuse. We owe it to taxpayers in our States and all over the country to adopt this amendment.

Mr. MOYNIHAN. Mr. President, I rise to oppose the amendment to withhold U.S. contributions to the United Nations offered by my colleague from South Dakota, on the grounds that it violates the solemn treaty obligations of the United States.

Certainly, the United Nations could benefit from increased scrutiny of its operations. When abuses are suspected they should be appropriately investigated. The United Nations could

greatly benefit from a thorough investigation of its practices and policies with the aim of improving efficiency and curbing abuses. However, to withhold our assessed contribution violates our commitments under the U.N. Charter and the Constitution. Article VI of the Constitution is clear on this point. All treaties made "shall be the supreme law of the land." Agreed to by two-thirds of the Senate.

We have been down this path before. In the 1980's, the Senate passed a similar amendment offered by Senator KASSEBAUM which also reduced our contribution to the United Nations. What did this achieve? The United States was transformed into the biggest deadbeat at the United Nations. We ran up huge arrearages, still totalling hundreds of millions. We lost moral authority within the institution. And we undermined our ability to affect the very changes sought by the Kassebaum amendment. Changes were made due to the financial crisis we helped to create. Some were beneficial. But they were achieved at great cost to our reputation for fidelity to our international commitments.

The United Nations was created in the aftermath of the chaos caused by the Second World War. Its purpose was to enact laws to prevent international aggression. Our safety has increased by what might be termed the evolution of civility. Progress is slow. But our security is reduced if we who enjoy the benefits of international law undermine our commitments by selective adherence to those laws. Congresses should be seeking ways to strengthen the rule of law, not to flaunt it.

Mr. KERRY. Mr. President, we are just awaiting final word with respect to proceeding forward. Again, I ask colleagues if they do have amendments at this time, the bill is open for further amendment. We would clearly like to try to proceed. I know many of our colleagues are at a luncheon now with former President Nixon. But I would remind staff that are listening or colleagues that are still following the proceedings on the floor that the majority leader would like to try to finish this bill if possible by tomorrow evening. While there is still some 50 or 60 amendments supposedly on the list, we do not have 50 or 60 Senators in line waiting to bring them up.

So we would obviously ask, if there are amendments available, to be brought right now. This is a good time to bring them.

Mr. PRESSLER. Mr. President, if I could address the manager of the bill on the opposite side, I do have two amendments that are ready to go on the nonproliferation issue. If we can have a short quorum call and preferably do my two nonproliferation amendments, could we get a time certain for the vote? Could we vote at 2 o'clock?

Mr. KERRY. Mr. President, we are hoping to propound the unanimous consent to vote at 2 o'clock. We are just waiting for a few moments. If I could have a private visit with my colleague, I think we can work out a schedule on these other amendments. But we are not yet clear on his two amendments. I would suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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.

PRESIDENTIAL SUCCESSION

Mr. LEAHY. Mr. President, I will take only a moment or two, but I hope the schoolchildren and others who watched the State of the Union Message yesterday and listened to some of the commentaries afterward do not make a mistake that can get them to flunk an exam on the U.S. Constitution or U.S. Government. I heard many commentators go on to talk about the fact that the President, the Vice President, Speaker of the House, and everybody is there in the Chamber and that they always hold back one member of the Cabinet so there would be somebody to take over as President if some terrible event happened.

Well, I advise them to go and read the Constitution and the statutes governing Presidential succession, title 3, United States Code, section 19. All they had to do was look down front and notice that the distinguished President pro tempore of the U.S. Senate was obviously at home watching the State of the Union Message. So I say to my friends in the national media, the Constitution says that if the President is disabled or can no longer serve, then the Vice President takes over. According to statute, in the absence of the Vice President, it is the Speaker of the House. In the absence of the Speaker of the House, it is the President pro tempore of the Senate. Only then does the Presidency succeed to a Cabinet member, the Secretary of State, followed by other Cabinet members in order as set out by the statute. It does not jump from the Speaker of the House to whichever member of the Cabinet happened to be asked to stay at home or in a pizza parlor the night of the State of the Union Message. I do not think most of the press corps that covers us would make that mistake. But every year we hear this. I hope they will check to see whether the President pro tempore of the Senate was there.

I spoke to my very good friend, the President pro tempore of the Senate, the senior Senator from West Virginia, Senator BYRD, this morning. I told him I was going to mention this. He chuckled. So just for the record, it is a nice thing to talk about, which member of the Cabinet was not there, but the succession does not go from the Speaker of the House to the Cabinet; it goes to the President pro tempore of the Senate.

I yield the floor.

FOREIGN RELATIONS AUTHORIZATION ACT

The Senate continued with the consideration of the bill.

Mr. KERRY. Mr. President, we are about to proceed on another amendment, which will take a few moments. I ask unanimous consent that the pending amendments be temporarily laid aside.

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

AMENDMENT NO. 1255

(Purpose: To control the export of items to terrorist countries)

Mr. PRESSLER. Mr. President, I send an amendment to the desk on behalf of myself, Senator HELMS, and Senator D'AMATO and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER], for himself, Mr. HELMS and Mr. D'AMATO, proposes an amendment numbered 1255.

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:

On page 179, after line 6, add the following:

SEC. 714. CONTROL OF REEXPORTS TO TERRORIST COUNTRIES.

Section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) is amended by adding at the end the following new paragraphs:

"(5) Upon the request of the chairman or ranking minority member of the Committee on Foreign Relations or the Committee on Banking, Housing and Urban Affairs of the Senate or the Committee on Foreign Affairs or the Committee on Banking, Finance and Urban Affairs of the House of Representatives, the President shall include in the notification required by paragraph (2)—

"(A) a detailed description of the goods or services to be offered, including a brief description of the capabilities of any article for which a license to export is sought;

"(B) an evaluation, prepared by the Director of the Arms Control and Disarmament Agency, in consultation with the Secretary of State and the Secretary of Defense, of the manner, if any, in which the proposed export would—

"(i) contribute to an arms race;

"(ii) support international terrorism;

"(iii) increase the possibility of an outbreak or escalation of conflict;

"(iv) prejudice the negotiation of any arms controls; or

"(v) adversely affect the arms control policy of the United States;

"(C) the reasons why the foreign country or international organization to which the

export or transfer is proposed to be made needs the goods or services which are the subject of such export or transfer and a description of the manner in which such country or organization intends to use such articles, services, or design and construction services;

"(D) the reasons why the proposed export or transfer is in the national interest of the United States;

"(E) an analysis by the President of the impact of the proposed export or transfer on the military capabilities of the foreign country or international organization to which such export or transfer would be made;

"(F) an analysis by the President of the manner in which the proposed export would affect the relative military strengths of countries in the region to which the goods or services which are the subject of such export would be delivered and whether other countries in the region have comparable kinds and amounts of articles, services, or design and construction services;

"(G) an analysis of the impact of the proposed export or transfer on the United States relations with the countries in the region to which the goods or services which are the subject of such export would be delivered;

"(H) the projected delivery dates of the goods or services to be offered; and

"(I) a detailed description of weapons and levels of munitions that may be required as support for the proposed export.

"(6) If the Congress within 30 calendar days after receiving a notification under paragraph (2) enacts a joint resolution prohibiting the proposed export, then no license may be issued, unless the President states in his notification that an emergency exists which requires such export in the national security interest of the United States. If the President so states that an emergency exists, he shall set forth in the notification a detailed justification for his determination, including a description of the emergency circumstances which necessitate the immediate issuance of the license and a discussion of the national security interest involved.

"(7)(A) Any joint resolution under this subsection 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.

"(B) 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.

"(8) For purposes of this section, the terms 'export' and 'transfer' shall include any reexport, third party transfer or other consignment of United States-origin goods or services.".

Mr. PRESSLER. Mr. President, this amendment amends section 6j of the Export Administration Act to require, upon the request of the committee, a more detailed notification to Congress of potentially dangerous U.S. exports to terrorist states. It is supported by Senators HELMS and D'AMATO. The notification requirement parallels section 36B of the Arms Export Control Act almost exactly. It also gives Congress the right to disapprove the licensing of such sales by joint resolution within 30 days of notification and explicitly defines export and transfer to include the reexport of controlled items.

Mr. President, I could go into some detail here about the Boeing 727 jets transferred from Kuwait to Syria. Syria is a terrorist state, and the jets contain dual use items generally considered militarily useful. The State Department did not wish to notify Congress of this transfer of U.S. origin goods, but the Department of Commerce insisted. After consulting with congressional staff and meeting with almost universal disapproval of the transfer, State went ahead and, within hours, recommended to Commerce that they license the transfer.

I believe this amendment has been agreed to on both sides. I urge its adoption.

Mr. KERRY. Mr. President, this is a good amendment. I ask unanimous consent that I be added as a cosponsor.

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

Mr. KERRY. This amendment would significantly strengthen our arms control regime, and for the reasons the Senator described, we are supportive of it.

Mr. HELMS. Mr. President, my amendment is a simple solution to a complicated problem. Basically, the law now says that every time U.S. origin goods are exported to a terrorist country, the Secretary of State should decide if those goods could help the terrorist state militarily. If he determines that is the case, Commerce must decide whether to issue a license and in the case of a positive decision, must inform Congress 30 days in advance.

The laws seem clear on this matter, but not clear enough for State and Commerce. They disagree on what constitutes assistance to a terrorist state's military potential; they disagree on what the law means; they also disagree on what consultation and notification of Congress requires.

Most recently, the State Department came up to consult with congressional staff on the proposed licensing of a transfer of three Kuwaiti 727's to Syria, a terrorist state. Republicans and Democrats alike were uncomfortable with the transfer as presented. Despite universal expressions of concern from the Hill, State went ahead on the same day of its briefing to Congress and recommended the license be issued.

My amendment won't teach Commerce and State better manners toward Congress. What it will do is give Congress the option of a better explication of the proposed export, give Congress the option of an expedited resolution of disapproval, and I hope, bring some gravitas to future congressional expressions of concern about such exports to terrorist states.

The PRESIDING OFFICER (Mr. KERREY). The question is on agreeing to the amendment.

The amendment (No. 1255) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 1256

(Purpose: To prohibit third-party incentive payments and requiring reporting on offset agreements)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 1256.

Mr. FEINGOLD. 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 sections:

SEC. . REPORTS UNDER THE ARMS EXPORT CONTROL ACT.

(a) QUARTERLY REPORTS.—Section 36(a) of the Arms Export Control Act (22 U.S.C. 2776(a)) is amended—

(1) by striking "and" at the end of paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(12) a listing of all offset agreements proposed to be entered into in connection with the sale of any defense article or defense service.".

(b) NUMBERED CERTIFICATIONS WITH RESPECT TO GOVERNMENT-TO-GOVERNMENT SALES.—Section 36(b)(1) of the Arms Export Control Act (22 U.S.C. 2776(b)(1)) is amended after the second sentence by inserting the following new sentence: "Each such numbered certification shall contain a description of any offset agreement proposed to be entered into in connection with such letter of offer to sell.".

(c) NUMBERED CERTIFICATIONS WITH RESPECT TO COMMERCIAL EXPORTS.—Section 36(c)(1) of the Arms Export Control Act (22 U.S.C. 2776(c)(1)) is amended after the first sentence by inserting the following new sentence: "Each such numbered certification shall also contain a description of any offset agreement proposed to be entered into in connection with such export.".

(d) DEFINITIONS.—Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended by adding at the end the following:

"(e) For purposes of this section—

"(1) the term 'offset agreement' means an agreement, arrangement, or understanding between a United States supplier of defense articles or defense services and a foreign country under which the supplier agrees to purchase or acquire, or to promote the purchase or acquisition by other United States

persons of, goods or services produced, manufactured, grown, or extracted, in whole or in part, in that foreign country in consideration for the purchase by the foreign country of defense articles or defense service from the supplier; and

"(2) the term 'United States person' means—

"(A) an individual who is a national or permanent resident alien of the United States;

"(B) any corporation, business association, partnership, trust, or other juridical entity—

"(i) organized under the laws of the United States or any State, district, territory, or possession thereof; or

"(ii) owned or controlled in fact by individuals described in subparagraph (A); and

"(C) the United States Government or any agency or instrumentality thereof.".

SEC. . PROHIBITION ON THIRD PARTY INCENTIVE PAYMENTS UNDER THE ARMS EXPORT CONTROL ACT.

Section 39 of the Arms Export Control Act (22 U.S.C. 2779) is amended by adding at the end the following new subsection:

"(e)(1) No sale may be made, no credits may be extended, no guarantees may be issued, and no licenses may be approved under this Act with respect to the sale of any defense article or defense service to a foreign country unless the United States supplier of such articles or services first certifies that neither the supplier nor any employee, agent, or subcontractor thereof will make any third-party incentive payments for the purpose of satisfying, in whole or in part, any offset agreement with that country.

"(2) For purposes of this subsection—

"(A) the term 'offset agreement' means any agreement, arrangement, or understanding between a United States supplier of defense articles or defense services and a foreign country under which the supplier agrees to purchase or acquire, or to promote the purchase or acquisition by other United States persons of, goods or services produced, manufactured, grown, or extracted, in whole or in part, in that foreign country in consideration for the purchase by the foreign country of defense articles or defense services from the supplier;

"(B) the term 'third-party incentive payments' means cash incentives, fees, or compensation of any kind made by a United States supplier of defense articles or defense services or by any employee, agent, or subcontractor thereof to any other United States person to include that United States person to purchase or acquire goods or services produced, manufactured, grown, or extracted, in whole or in part, in the foreign country which is purchasing those defense articles or services; and

"(C) the term 'United States person' means—

"(i) an individual who is a national or permanent resident alien of the United States;

"(ii) any corporation, business association, partnership, trust, or other judicial entity—

"(I) organized under the laws of the United States or any State, district, territory, or possession thereof; or

"(II) owned or controlled in fact by individuals described in subparagraph (A); and

"(iii) the United States Government or any agency or instrumentality thereof.".

Mr. FEINGOLD. Mr. President, I understand that this amendment will be accepted will be accepted by the managers. This amendment was approved last year by the Foreign Relations Committee. It deals with reporting requirements and third party payments relating to offset agreements in connection with foreign military sales subject to the Arms Export Control Act.

This is an issue that I became interested in because of an experience earlier this year by a Wisconsin company that makes papermaking machinery and which could affect many jobs in the State of Wisconsin if this practice continues.

I have consulted closely with the General Accounting Office in developing this amendment.

The amendment would require additional information be included in the reports received by the Senate Foreign Relations Committee and close a loophole that the GAO has identified regarding third-party payments to induce American companies to purchase foreign goods.

As I indicated, I became involved in this issue last year because of something that happened to a papermaking machine company in the State of Wisconsin, Beloit Corp. This Wisconsin company was in the process of making a bid on a rather large papermaking machine being purchased by a paper company. They were told by their potential customer that a defense contractor had approached them and had offered to pay $1.5 million if the paper company would award the contract to a Finnish company over the American company. The Wisconsin company came to me asking whether this was legal.

That inquiry led me into a fascinating, but rather obscure area of international arms sales—offset agreements whereby our defense contractors make commitments to secure sometimes dollar-for-dollar sales of foreign goods and services in the United States in exchange for foreign military sales.

I asked the General Accounting Office and several Federal agencies to look into this area. GAO has been expressing concerns about these agreements that began a few years ago, and have been steadily growing.

Our United States trade representative told me that the situation I had encountered demonstrated the potentially distortive effects of offsets and that while we had a memorandum of understanding with the Government of Finland that discouraged offsets, it does not significantly restrict them.

The Department of Commerce indicated that it had long been concerned with the potential impact of military offsets on the U.S. industrial base, and pledged to look further into the specific case I had raised.

The Department of Defense indicated that since 1990, U.S. Government agencies were prohibited from entering into or committing any U.S. firms to offset agreements and U.S. funds were prohibited from financing offsets, but defense contractors were free to enter into these commitments as part of their ongoing business activities.

I also found out that information about these types of arrangements is not provided to the Foreign Relations Committee when it is notified under the Arms Export Control Act about a proposed sale, although this information can be requested if the offset commitment has been directly made by the United States.

The amendment would require that the Senate Foreign Relations Committee, and the House of Representatives, be notified of the existence of an offset agreement at the time of notification of a pending sale under the Arms Export Control Act.

The amendment would also prohibited the use of third party incentive payments to secure offset agreements in any sale subject to the Arms Export Control Act.

I don't have any problems with the concept of defense contractors entering offset agreements for coproduction, or subcontracting, or many marketing assistance types of agreements. But I am deeply troubled by a defense company going into my State and offering to pay a third party $1.5 million if they will award a contract to a foreign company over an American competitor in a field like paper-making which is totally remote from the defense industry.

The General Accounting Office advised me that this activity appears to fall between the cracks of various statutes. Neither the Anti-Kickback Act nor the Foreign Corrupt Practices Act seems to clearly reach this kind of activity. The Anti-Kickback Act would prohibit these kinds of payments if it were a Government contract involved; the Foreign Corrupt Practices Act covers payments to foreign officials to secure contracts, not payments by U.S. companies to U.S. companies to direct business to foreign entities.

My amendment is directed only at the practice of offering third party incentive payments—that is cash payments—to induce American companies to purchase foreign goods and services. It doesn't prohibit offset agreements or other means of satisfying offset commitments—just the practice of paying U.S. companies to award contracts to foreign competitors.

Mr. President, since the time the Foreign Relations Committee adopted these amendments, the defense company that was involved in the problem with the Wisconsin paper machinery company announced that it would no longer be making these types of third party incentive payments in the area of paper machinery. I applauded that decision. However, I believe that it is important to enact these amendments into law so that other companies are not subject to these kinds of tactics. I also believe that it is important that Congress receive information from the administration which discloses the nature of these agreements so that their impact upon other U.S. business inter-

ests can be taken into consideration when decisions are made about arms sales.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, this is a good amendment and, indeed, we are prepared to accept it. We hope it will have a positive impact on the procurement process, and the Senator is to be congratulated for bringing it. I think it will improve the current status.

Does the Senator from South Dakota wish to speak?

Mr. PRESSLER. We are prepared to accept this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, the amendment is agreed to.

So the amendment (No. 1256) was agreed to.

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

Mr. PRESSLER. 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 Ohio is recognized.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senate go into morning business for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Mr. President, reserving the right to object, and I will not object, I simply would like to ask my colleague if I could propound a quick unanimous-consent request.

UNANIMOUS-CONSENT AGREEMENT

Mr. KERRY. Mr. President, I ask unanimous consent that the vote on my motion to table amendment No. 1254 occur at 2 p.m.; that immediately following the disposition of that amendment the Senate vote on amendment No. 1253, with no amendments in order to either amendment or to the language proposed to be stricken.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KERRY. Mr. President, I ask for the yeas and nays on the amendment No. 1254.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KERRY. Mr. President, I move to table the amendment No. 1254, and 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. KERRY. I thank the Senator.

The PRESIDING OFFICER. Under the order that vote will occur at 2 p.m.

MORNING BUSINESS

The PRESIDING OFFICER. Is there objection to the request of the Senator from Ohio?

Without objection, it is so ordered.

The Senator from Ohio is recognized.

TRIBUTE TO SENATOR PAUL SIMON

Mr. METZENBAUM. Mr. President, as the Congress has come back into session, and as many Senators at this point will rise to speak on a variety of subjects, some will report on fact-finding missions they undertook overseas, or on meetings with their constituents. Others may describe their plans for the new session of Congress. I will listen with interest to what my colleagues have to say.

But I rise to speak on a somewhat different matter during this second day of the second session of the 103d Congress.

Mr. President, rather than report on what I did over the recess, I rise to recognize the dedication and perseverance of the senior Senator from Illinois, PAUL SIMON. He has made a difference. He is my good friend. But I do not rise to speak out of friendship.

I simply think that PAUL SIMON is a Senator who can make a difference.

He is a Senator who has made a difference.

Mr. President, we in Government spend a lot of time patting ourselves on the back for our accomplishments, whether real or imagined. Most Americans see through this and have taken to wondering whether Washington can get anything done at all.

PAUL SIMON has spent his career rebutting this image—not with rhetoric, but with action.

Just this past weekend, I was so very proud to read of PAUL SIMON's latest achievement—the latest example of one man making a real difference amidst a veritable sea of indifference.

Mr. President, violence in our society is a concern to us all.

But for PAUL SIMON, it was not enough to rant and rave about building more prisons, about putting a cop on every corner, about making every infraction punishable by death.

PAUL SIMON took a more sophisticated approach—he looked at the deeper sources of violence.

It is by now no secret to anyone that Senator SIMON's analysis quickly focused on violence transmitted via television.

Through public hearings and addresses, Senator SIMON has demonstrated how television makes violence a pervasive part of our lives. More importantly, he has shown how it pervades our childrens' lives.

Rather than beat the table and make a lot of speeches, Senator SIMON has made the lessening of TV violence his personal cause celebre.

Mr. President, taking on TV violence—on both network TV and on cable—is not for the faint of heart.

On the one hand, it meant taking on a popular industry which is ably represented by a host of K Street lobbyists.

On the other hand, it meant taking on a balancing act; balancing genuine first amendment concerns against the damage being done by TV violence.

Taking on TV violence meant taking on a truly long-term fight—a fight that would mean more headaches than sound-bites—a fight that would result in more hard work than press clips.

Mr. President, PAUL SIMON took on that fight.

Sure, there were other players. I am proud to say I supported him as I did a number of other Members of this body. But he was the engine driving the overall effort.

First, PAUL SIMON negotiated passage of the 1990 Television Violence Act, legislation which provided the networks a 3-year antitrust exemption, solely for the purpose of developing a self-regulatory scheme for TV violence. That measure expired this past December 1.

With little progress on the networks' part, SIMON, with the help of others, turned up the heat. In a series of public hearings and press conferences, they made it clear over a 2-year period that inaction, lack of action, was unacceptable.

The industry eventually accepted the notion of a discretionary "warning label" to be aired prior to violent shows. But both the networks and the cable companies resisted utilizing new technology, technology that would give parents the discretion to block out violent programming entirely.

Mr. President, late last week, the cable companies, followed quickly thereafter by the networks, relented. They caved in.

I believe they realized that PAUL SIMON had taken on a fight from which he had no intention of retreating.

I believe that they realized that PAUL SIMON was not someone who could be lobbied aside, or negotiated around, or bought off.

Mr. President, PAUL SIMON saw a problem. He saw its pitfalls and its complications. But he also saw its solution.

It took over 3 years, but Senator SIMON persevered, and he succeeded.

Mr. President, let the voters be discouraged with Washington—they certainly have a right to be.

Let those who always see obstacles instead of opportunities continue in their ways—sometimes their point is well taken.

But let no one ever try to tell me that one individual—one Senator—cannot make a difference.

All of us in our own way can make as much difference as we choose to make.

No one will ever be able to convince me otherwise, because of the example PAUL SIMON has provided for us all.

Mr. President, I congratulate Senator SIMON on what is only the most recent example of hanging tough, and

of making a difference where it really counts.

Mr. President, I yield the floor and ask unanimous consent that the Senate go back to the regular order.

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

FOREEIGN RELATIONS AUTHORIZATION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1257

(Purpose: To state the sense of the Senate on United States policy concerning nuclear weapons proliferation by the Government of North Korea)

Mr. PRESSLER. Mr. President, I have an amendment that has been cleared on both sides.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. PRESSLER. Mr. President, I send to the desk an amendment on behalf of myself.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER] proposes an amendment numbered 1257.

Mr. PRESSLER. 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:

S. 1281

On page 179, below line 6, add the following new section:

SEC. 714. SENSE OF SENATE ON UNITED STATES POLICY ON NUCLEAR WEAPONS PROLIFERATION BY NORTH KOREA.

(a) FINDINGS.—The Senate makes the following findings:

(1) North Korea is a signatory to the Treaty on the Non-Proliferation of Nuclear Weapons.

(2) The International Atomic Energy Agency is charged with ensuring that signatories to that treaty meet their obligations under the treaty.

(3) The agency fulfills that mission principally by inspections of nuclear facilities and by other legitimate means necessary to ensure that signatories are in compliance with the terms and obligations of the treaty.

(4) North Korea is the location of seven declared nuclear sites whose inspection is provided for under the terms of the treaty.

(5) The International Atomic Energy Agency suspects that North Korea is also the site of at least two additional undeclared nuclear sites at which liquid and solid nuclear waste is being stored.

(6) Inspection of the undeclared nuclear sites is necessary to ensure the compliance of North Korea with the terms of the treaty.

(7) The Government of North Korea is attempting to place significant restrictions on inspections of its declared nuclear sites and is refusing any inspections of its undeclared nuclear sites.

(8) The national security interests of the United States require the curtailment of the proliferation of weapons of mass destruction, particularly nuclear weapons.

(9) To ensure advancement of the goal of nuclear nonproliferation, a signatory to the Treaty on the Non-Proliferation of Nuclear Weapons must permit inspections of its facilities and comply with any other legitimate requests of the International Atomic Energy Agency that are necessary to ensure that the country is in compliance with the terms and obligations of the treaty.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the President should not engage in negotiations connected with normalization of relations with the Government of North Korea until that government meets its full obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, including any inspection of nuclear sites located in North Korea sufficient to ensure the full compliance by the Government of North Korea with the terms and obligations of the treaty; and

(2) the President undertake such diplomatic activity with respect to the People's Republic of China as is appropriate to enlist the assistance of that country in gaining the compliance of the Government of North Korea with its obligations under the treaty.

(c) DEFINITION.—In this section, the term "normalization of relations" means the following:

(1) Disbanding the United Nations Forces Command and withdrawing United States troops from the Republic of Korea.

(2) Lifting restrictions on trade with and investment in North Korea that are imposed pursuant to United States law on trade with hostile states.

(3) Expanding economic cooperation with North Korea.

(4) Assisting the entry of the North Korean Government into international organizations relating to economic activity.

(5) Granting the diplomatic recognition of the United States to the Government of North Korea.

Mr. PRESSLER. Mr. President, this amendment springs from the recent situation in North Korea wherein the North Koreans have agreed to seven inspection sites, but they will not let the IAEA go anyplace anywhere to inspect.

I had the honor of accompanying a Senate delegation to South Korea. Also, we ended up talking with Hans Bliz, the head of the IAEA, the group that is supposed to inspect for nuclear weapons. The international agency for the inspection, headed by Hans Bliz, needs to have the authority to go anyplace anywhere in the country. That was the position taken by President Clinton in December. But I was absolutely amazed to read in the papers that the administration had agreed to let the North Koreans off with only seven inspection sites.

That means they could have a bomb elsewhere. This sets a very bad precedent for other countries. We have not allowed this in other countries. We should back up the IAEA.

This amendment is a sense-of-the-Senate expressing that the President should not engage in negotiations connected with normalization of relations with North Korea until that Government meets its full obligation under the Treaty on the Non-Proliferation of Nuclear Weapons.

It further expresses the sense of the Senate that the President undertake such diplomatic activity with respect to the People's Republic of China as is appropriate to enlist the assistance of that country in gaining the compliance of the Government of North Korea under the NPT.

It was the feeling of many of us that probably North Korea has the bomb and probably the administration realizes this and they did not want to confront North Korea. I am not picking on the administration here, per se. But that would have meant a great deal of diplomatic activity with China to get China to help us out.

I have been active in this nonproliferation thing. My amendment on Pakistan is the only nonproliferation law that has any teeth in it and the administration wants to repeal that now, or at least in the interest of cleaning up the foreign policy act.

So, I would say that we are headed down the road of letting these countries do whatever they want to do if we let North Korea get by with just seven inspection sites. That is my feeling. It is very hard to get at this legislatively. I am frustrated. I would like to offer something stronger.

Mr. President, this amendment is a simple one. It would put the Senate on record in support of a foreign policy that would not allow for negotiations connected with normalization of relations between the United Nations and North Korea until such time as the North Korean Government agrees to meet fully its responsibilities as a signatory to the Treaty on the Non-Proliferation of Nuclear Weapons [NPT]. Under the terms of my amendment, normalization of relations is defined to include: disbanding U.N. Forces Command and withdrawing United States troops from the Republic of Korea; lifting restrictions on trade with and investment in North Korea that are imposed pursuant to United States law on trade with hostile states; expanding economic cooperation; assisting North Korea's entry into international organizations relating to economic activity; and granting the diplomatic recognition of the United States to North Korea.

In addition, my amendment puts this body on record in support of the President undertaking such diplomatic activity with respect to the People's Republic of China as is appropriate to enlist the assistance of that country in gaining the compliance of North Korea with its obligations under the NPT.

Why is this necessary? Because, Mr. President, I feel President Clinton has failed to make nuclear nonproliferation a true priority. The situation in North Korea stands as exhibit A. In early November, President Clinton declared, "North Korea cannot be allowed to develop a nuclear bomb." Earlier this month, unnamed White House sources claimed the President misspoke. What he really meant to say

is "North Korea cannot be allowed to become a nuclear power."

This abrupt shift in rhetoric coincided with an agreement made with the North Koreans that our two countries would conduct talks about a one-time inspection of North Korea's seven declared nuclear sites. The agreement makes no mention of additional inspections or of what is to be done in connection with at least two other undeclared but suspected nuclear sites in North Korea.

The International Atomic Energy Agency [IAEA] is charged with ensuring that NPT member countries meet their obligations under the treaty. By signing the NPT, North Korea agreed to submit to monitoring by the IAEA. The agency fulfills its mission principally through inspections of nuclear facilities and other legitimate means necessary to ensure member countries are in compliance with the terms and obligations of the NPT. Mr. President, the new agreement between the United States and North Korea seriously jeopardizes the ability of the IAEA to fulfill its mandate.

What does all this mean? First, the possibility of a nuclear weapon in the hands of the North Korean Government raises profound concerns over the safety of our military forces in South Korea and our allies in Seoul. North Korea has developed into one of the most dangerously aggressive regimes in the world. According to Secretary of Defense Aspin, 70 percent of the country's military resources are within a very short distance of the South Korean border.

In addition, for the last four decades the United States has placed a high priority on a policy that would ensure the democratic countries of North Asia do not develop nuclear weapons. A nuclear bomb in the hands of North Korea seriously jeopardizes that successful policy. It certainly must raise in the minds of North Asian defense planners the question of whether their countries also should go nuclear. Several have the capacity to do so in short order.

There also is a question that reaches far beyond the North Asia region. The North Koreans have sold every modern weapons system they have developed, including ballistic missiles, to Iran. With the demise of the Soviet Union came the elimination of support creating a serious strain on North Korea's economy. Will its historic proclivity for weapons proliferation, coupled with an economy strained to the limit entice North Korea to sell nuclear weapons to the highest bidder? Who might that be? Lybia? Iran? Syria? Iraq?

I mentioned earlier that I met with IAEA Director Hans Bliz in Vienna. His request was simple. "Don't sell out the IAEA. Don't take away the agency's authority under the NPT. We must be able to inspect anywhere in North Korea at any time." If North Korea gets away with anything less than meeting its full obligations under the NPT, Iran and other rogue governments will be uncontrollable.

Mr. President, my amendment simply puts this body on record in support of nuclear nonproliferation once again. It does nothing else. To ensure the goal of nuclear nonproliferation is being advanced, a NPT member country must allow for facility inspections and comply with any other legitimate requests made by the IAEA necessary to ensure the member country is in compliance with the terms and obligations of the NPT. North Korea has refused to do its duty as a NPT member country,. We can and should demonstrate our resolve that such an attitude will not be tolerated. My amendment would do this. Mr. President, I ask unanimous consent that an article I wrote on this subject that appeared recently in the Washington Times, be printed in the RECORD.

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

NUCLEAR PROLIFERATION OBFUSCATION

(By Larry Pressler)

In early November, President Clinton declared, "North Korea cannot be allowed to develop a nuclear bomb." In January, unnamed White House sources claim the President "misspoke." What he really meant to say is, "North Korea cannot be allowed to become a nuclear power."

What this probably means is that North Korea has, in fact, developed a nuclear bomb on President Clinton's watch. The administration is clearly afraid to say so and is splitting bureaucratic hairs in an attempt to obfuscate. Having come into office critizing President Bush's handling of proliferation matters, they don't want their own failures to come into public focus.

What does this mean, and what is the administration doing about it? The easy answer is it means a lot, and the administration, in its panic, is creating even more strategic security problems for the future.

First, what is the significance of North Korea having a nuclear weapon? Without question it raises a concern for the safety of our military forces in South Korea and our allies in Seoul. Since its creation by Stalin in 1945, the North Korean government has developed into one of the most dangerously aggressive regimes in the world. The North Korean economy is totally geared for war. According to Defense Secretary Les Aspin, 70 percent of its military might is within a very short distance of the South Korean border.

Further, for 40 years it has been a high U.S. policy priority to ensure that the democratic countries of North Asia do not develop nuclear weapons. A nuclear bomb in North Korean hands seriously jeopardizes that successful policy. It raises in the minds of North Asian defense planners the question of whether their countries should go unclear, too. The rule of thumb among nuclear experts in Washington is that Japan could produce a nuclear device in 30 days if it so chose. Taiwan and South Korea would take a little longer, but probably less than a year.

Finally, there is the question no one wants to ask: Would the North Koreans sell their bomb(s) to the highest bidder? Moammar Gadhafi? Iran? Syria? Iraq? The North Koreans have sold every other modern weapons systems they have developed, including ballistic missiles, to Iran. No longer favored with economic subsidies from the Soviet Union, the North Korean economy is strained to the limit.

On Dec. 18, in Vienna, International Atomic Energy Agency Director Hans Bliz emphasized his position to three visiting Republican U.S. Senators: Don't sell me out. Don't take away my authority under the Non-proliferation Treaty. We must be able to inspect anywhere in North Korea, at anytime. If North Korea gets away with anything less than meeting its full obligations under the NPT Iran and the other problem nations will be uncontrollable.

But the Clinton administration has done exactly what the IAEA opposes. It has declared victory and gone home. The victory in question is an agreement with the North Koreans for talks about a one-time inspection of seven declared nuclear sites in North Korea. There is no agreement to even talk about two other suspected undeclared sites. IAEA spokesman David Kyd has disputed this reported deal. The big question in Washington is whether the IAEA will succumb to pressure from the Clinton administration and bless the agreement.

Far better, in my view, for the Clinton administration to walk away from a bad deal. At least one doesn't establish a potentially lethal precedent.

Best of all, would be for the Clinton administration to make nuclear non-proliferation truly the priority it claims it is. Make an example of North Korea. That, however, would require the fortitude to put serious pressure on China to cooperate on international sanctions against North Korea. Nobody else has any comparable influence over North Korea. Unfortunately, the Clinton administration appears to lack the political will to press the Chinese on this point.

At the 1992 Democratic National Convention, candidate Clinton complained about President Bush coddling tyrants "from Baghdad to Beijing." Now we know that was nothing but campaign rhetoric.

Mr. PRESSLER. In conclusion, Mr. President, I am very concerned that this administration is backing away from a nonproliferation policy. They want to repeal my amendment regarding Pakistan which is the only piece of nonproliferation legislation that has ever made it into law. There have been all sorts of speeches made on eliminating the weapons of mass destruction. There have been all sorts of speeches made about nuclear nonproliferation. But we really have not done anything about it except in the case of Pakistan.

A lot of authorities say they sent signals to Brazil and South Africa and to Egypt and other countries that are in the preliminary process of developing nuclear weapons that have since backed off. But if we allow North Korea to get by with seven inspection sites, we are setting a new precedent. The IAEA no longer has the teeth to inspect anywhere, anytime, as Hans Bliz wants it to and as it is supposed to under the NPT.

Now, as a supporter of that treaty and that concept, I have been very concerned that the North Korean example will set a new precedent in other coun-

tries insisting on just inspections at certain sites.

So this amendment is an attempt to speak. It is hard to get at this legislatively. We have tried. I wish I could do more than a sense of the Senate.

I do not know who is making nonproliferation policy in this administration, but it seems contrary to everything Bill Clinton has said in public. And I am very, very concerned why they would want to repeal the amendment on Pakistan; why they would want to lessen the standard for the IAEA is very puzzling to me. At a time when we should be working very hard in this new world order for the nonproliferation of weapons of mass destruction and the nonproliferation of nuclear weapons, I am astounded at the position this administration has taken in the last 2 or 3 months.

Mr. President, I yield the floor and at the proper time I will ask that the amendment be agreed to.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Massachusetts.

Mr. KERRY. Mr. President, I would like to both agree and disagree with my friend from South Dakota. I clearly want to agree with him about our concern on the issue of proliferation. There are many in the U.S. Senate who have worked throughout their careers in the Senate in an effort to try to augment the United States focus on proliferation issues.

I disagree with my colleague very strongly on his interpretation of this administration and on his fairly strong condemnation of the administration's efforts with respect to this.

I would remind my colleague that the proliferation issue did not just start when Bill Clinton was inaugurated. And the problem with North Korea certainly is not a problem that just emerged in the last year.

Under the administration of President Bush, under the administration of President Reagan, these people were four-square and headlong proceeding down the road of nuclear development. Very little was done on the issue of proliferation for those 12 years or so. In fact, ACDA and other nonproliferation efforts were gutted by the prior administration. What you have now is a resurgence of effort by the Clinton administration to focus on proliferation.

It is this administration's effort that has succeeded in getting seven sites inspected which we knew existed under the Bush and Reagan administrations, but which they never pushed.

So let us understand squarely: I am happy to play the process here, of trying to augment the efforts on proliferation and I am delighted to accept this amendment which will help do that. But I am not going to do it in the context that it is somehow a recognition that this administration is not doing what it ought to do.

As all those who have been following this issue closely know, the administration has made it extremely clear that the seven sites is not the end game. It is the first play, and it is a significant first step. But to suggest that the administration is somehow content or sanguine with respect to unexamined sites at this point in time, or to the potential for North Korean chicanery, is simply to ignore the reality of what the administration is trying to do.

I have personally just come back from a trip in that region of the world. I was in China, talking with Chinese leaders on this subject as well as others. I can assure my colleague this is very much on the table in our dialog with China, as well as China's own efforts in foreign policy. If the Senator thinks that China wants to have a nuclear power as its next door neighbor, threatening the equilibrium of the region as well as other interests of China, he has another thinking process coming. I do not think he believes that. The Chinese are engaged. We are engaged. And we are only at the initial steps of trying to deal with what is a very tricky problem.

But as the Senator well knows, North Korea is a special case in the world today in terms of proliferation problems and other problems we face. It is, indeed, in many regards, one of the most renegade of renegade nations. And it is not complying on a whole host of items. It is the most closed society of many of those with which we are currently trying to deal. It is not very easy for the United States simply to sit there and say, "Do this," when they are not going to do this when they have interests at stake. It is going to take a consortium of countries. It is going to take a combined effort of various and sundry diplomatic tools and economic tools that we have at our disposal. I can assure the Senator from South Dakota, this administration is deeply focused on this issue and is concerned about it.

So I am willing to support this. I am not only willing, I think this is a good amendment. But I also want to point out this amendment talks about a normalization process and expresses the sense of the Senate that we should not engage in a normalization process until we have adequate IAEA controls and oversight. I totally agree with that. We are not proceeding down the road of normalization. Normalization is the furthest thing from the administration's mind at this point in time, until we have ironed out a host of other problems, most predominant among them this question of proliferation.

So I am happy to join with my colleague in accepting this amendment, but I want to do so with clear understanding of this administration's concern and this administration's own dissatisfaction with the current situation and with this administration's success in achieving a first step of getting those seven site inspections and this administration's determination to continue further to guarantee that the international atomic energy oversight process is indeed upheld.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1257) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

Mr. KERRY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. GRAMM. Mr. President, I ask unanimous consent that I might proceed as if in morning business for 10 minutes. No one is on the floor doing this. If someone comes to the floor with some great mission on the public's behalf, I will be glad to step down and let them have the floor. But within that constraint, I would like to have an opportunity to talk about a bill that I am introducing today.

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

The Senator from Texas [Mr. GRAMM] is recognized.

Mr. GRAMM. I thank the Chair.

(The remarks of Mr. GRAMM pertaining to the introduction of Senate bill S. 1800 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

FOREIGN RELATIONS AUTHORIZATION ACT

The Senate continued with the consideration of the bill.

Mr. PELL. Mr. President, I oppose the Helms amendment. In my view, an appropriately structured International Criminal Court is a logical next step in efforts to strengthen international in-

stitutions for upholding the norms of civil society.

I would note that this amendment expresses the sense of the Congress in support of such a Court, but certainly does mandate its establishment. If such a Court were established, Senate advice and consent would be required before the United States could participate. This guarantees the Senate the opportunity to review and accept or reject U.S. participation in the Court based on the particulars of the agreement establishing the Court.

The tragedy unfolding in the former Yugoslavia; the deliberate, genocidal policies carried out against the Kurds; and the countless other instances where governments, or so-called liberation movements, have committed gross violations of human rights, point to the need for the establishment of a permanent forum in which these crimes can be adjudicated and criminals brought to justice. Would such a Court guarantee that such abuses do not happen? Of course not. But it would be a deterrent and it would be a start toward bringing to justice those individuals who are responsible for the crimes we have seen all too frequently.

Mr. President, the Court could also prove valuable in instances where governments are reluctant, or forbidden by their own law, to extradite their citizens to another country. We have seen this happen with narcotics traffickers and terrorists. An International Criminal Court would be a valuable additional tool in bringing these people to justice.

Mr. President, I ask unanimous consent that a statement by the Honorable Conrad K. Harper, legal adviser at the Department of State on the International Criminal Court be included in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. PELL. This statement makes clear that the Department is examining closely many of the issues raised by my colleague from North Carolina. I hope it will reassure him that the administration is not trying to rush willy-nilly into establishment of an International Criminal Court.

Mr. President, I urge my colleagues to oppose this amendment.

EXHIBIT 1

AGENDA ITEM 143: REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS 45TH SESSION INTERNATIONAL CRIMINAL COURT, OCTOBER 26, 1993

(Statement by Hon. Conrad K. Harper, legal adviser, U.S. Department of State and U.S. Representative to the Sixth Committee, 48th session of the United Nations General Assembly)

Madam Chairman, as this is my first time addressing the Committee, I wish to express my appreciation for the work of the Committee and its officers. I am very pleased to be here for the discussion of the work of the International Law Commission ("ILC"), which is one of the most important elements of the annual deliberations of the Committee.

My delegation commends the ILC for the valuable work it has done in many fields, including its expeditious work on the vital topic before us today. My delegation also wishes to note with appreciation the excellent work done by the ILC's working group. The working group's strong efforts have produced a thoughtful and serious work product that deserves attention by members states.

I am pleased to provide comments for my Government on the question of the establishment of a permanent international criminal court, and in particular the proposed statute contained in the report of the International Law Commission (A/48/10) and prepared by the ILC's working group over the past year.

My Government is firmly committed to the fight against transnational crime in all its forms. We have taken an active role in all fora where proposals for international cooperation in this area are debated and implemented. In addition, we actively pursue bilateral and multilateral relationships that underlie cooperation in the criminal justice field, and have entered into numerous extradition treaties as well as treaties on mutual legal assistance in criminal matters. We have placed considerable emphasis on international efforts to curtail drug trafficking, money laundering, organized crime, and terrorism.

Last May, the Security Council created an Ad Hoc Tribunal to address serious violations of international humanitarian law in the former Yugoslavia. My Government is a major proponent of this effort to ensure that those who have committed such crimes are held personally responsible. This Tribunal for Yugoslavia establishes a new and largely untested mechanism—one that has gained wide-ranging support in part because it was carefully tailored to meet the needs of a specific situation. The same level of care must be taken with other new mechanisms in the criminal justice field.

It is in this context of multilateral and bilateral cooperation that this Committee considers the question of an international criminal court. My Government has decided to take a fresh look at the establishment of such a court. We recognize that in certain instances egregious violations of international law may go unpunished because of a lack of an effective national forum for prosecution. We also recognize that, although there are certain advantages to the establishment of ad hoc tribunals, this process is time consuming and may thus diminish the ability to act promptly in investigating and prosecuting such offenses. In general, although the underlying issues must be appropriately resolved, the concept of an international criminal court is an important one, and one in which we have a significant and positive interest. This is a serious and important effort which should be continued, and we intend to be actively and constructively involved.

Madam Chairman, my Government continues to study the concept of an international criminal court and the ILC working group's proposal. While some of the issues are very difficult and the review is not complete, we do have a number of comments on aspects to the draft at this stage. Ultimately, no proposal can gain the support of governments if certain key issues are not satisfactorily resolved. I believe that many member states may share our concerns, and will agree that careful study is required.

Careful consideration needs to be given, for example, to whether the subject matter jurisdiction of the court has been framed appropriately. We are not yet convinced that the general category of "crime[s] under general international law" is sufficiently well-defined or accepted by the world community that it could, at this stage, form a basis for jurisdiction of the criminal court. We will also need to consider, for example, whether drug crimes and crimes by terrorists are better handled by an international court than by national courts. We will want to ensure that cases which can be properly and adequately handled in national courts are not removed unnecessarily to the international court. We also have a concern over how international jurisdiction would relate to existing status of forces agreements, the prosecution of war crimes, and other military matters.

We also note that, under the current proposal, many states which have a definite interest in a particular case have no role in deciding whether the international criminal court or national courts handle that case. Thus the state or states where the crime took place, where the victims reside and the state of nationality of the accused person might none of them consent to a given prosecution, yet it might proceed. At this point, we do not suggest that all states with any of these various interests in a case must give consent, or otherwise accept the jurisdiction of the court over the particular crime, before a prosecution will proceed. Nonetheless, and in view of the fact that there would always be the possibility of cases initiated by the Security Council, we believe that further review of this issue is warranted.

We also believe that there is a need to think through how the international criminal court will affect existing extradition relationships, whether according to treaty or other legal mechanisms. The United States has, as we have pointed out, put considerable energy into entering into bilateral extradition treaties with numerous governments. The arrangements for the proposed court should be in addition to, and not frustrate the purposes of, those treaty relationships. Thus, we should consider whether a request for surrender of an accused person to the international criminal court should really take precedence over a proper request for extradition under an extradition treaty, or whether the court should function more as a mechanism to be used when national courts are unable or unwilling to act.

In this connection, we note that the current draft's provision for immediate arrest and surrender of an offender may be inconsistent with requirements for a judicial hearing that are for the United States, and likely for other states as well, a matter of constitutional dimension.

We will also want to ensure that the treaty is consistent with international standards for due process and human rights. The ILC working group has certainly taken these concerns into account to a considerable extent. At the same time, others may have further contributions to make on this subject. We note, for example, that the current draft does not make provision for a true "appeal" to a separate group of appellate judges. The War Crimes Tribunal for Yugoslavia, on the other hand, includes this very important feature. More generally, given the extent to which the court's rules will give definition to the principles of due process and human rights, consideration should be given to drafting those rules in conjunction with the statute.

Cognizant of the budgetary pressures on the United Nations and other organizations,

we believe that an international criminal court will need to have an acceptable mechanism for budgetary and administrative oversight.

Madam Chairman, we believe that it is critical for the success of this endeavor that the court have the full support of the world community. Any other course would run the danger of undercutting cooperation in international criminal matters. For this reason, it is essential that the fundamental issues relating to such a court be satisfactorily resolved.

Our review is continuing, and this is not a complete list of our concerns. Nonetheless, we wanted member states to have the benefit of our views. I wish to emphasize that my Government is ready to work energetically with the members of this Committee to examine the issues related to establishing an international criminal court, and to work together to resolve the relevant issues and concerns.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BURNS. 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. BURNS. Mr. President, I rise today in support of the amendment offered by my good friend from South Dakota with regard to watchdogging the funds that are funneled into the United Nations. The cold war has faded away, and now the world is turning to the United Nations for their leadership in solving many of the problems that are plaguing our world. Peacekeeping missions find the blue helmets of the United Nations in many hot spots across the world. However, these missions are not cheap in terms of money and, of course, manpower.

The United Nations is going to look to the United States for troops and equipment and expertise and intelligence, and they are also going to look for our money. If they do that, there just has to be more accountability on their part. The United States is the single largest contributor to the United Nations, counting 25 percent of the assessed contributions and 31 percent of the total contributions for peacekeeping.

As the United Nations takes on more and more responsibility, one glaring problem keeps coming up: The lack of any organized accounting system. The United Nations is an organization that is known for mismanagement and poor budgeting skills and, in a lot of places, very poor judgment. The United States keeps funneling money into the United Nations and, in return, the United Nations cannot even give a straight answer to where and how our money was spent. In fact, when asked how many people there are on the payroll, they cannot even give us that number. Like a friend of mine up in Montana says when asked, "How many people work at your outfit?" He says, "Well, about half of them." If a Montanan asked how many people were on my staff and I did not have the answer, I would be in serious trouble.

We are a constituent of the United Nations, so to speak, and as the largest contributor to their fund, I believe we have the right to at least ask the questions on where and how our money is spent. Our dollars are tight. I do not know of a State in this Union that does not have budget problems, most of them driven, by the way, by unfunded mandates of the Federal Government. I hear from many people in my State who want Congress to get spending under control and the Federal Government to control, or curb, at least, wasteful programs. Giving scarce funds to the United Nations to use and abuse is not the answer to curbing waste.

We cannot afford to bankroll an organization that spends money without accountability. An inspector general would go a long way in checking the waste, fraud and abuse taking place now in the United Nations.

So I support this amendment because it gives us, the Members of Congress, a chance to put our calls for administrative reform on the United Nations. I think the reason that you see a little cynicism in Government is because we are not tough enough on oversight. There needs to be some accountability by us whenever we give our money to other organizations to use in the best interest of peace and welfare in the world. By getting this situation in hand, the efficiency of the United Nations would be increased, stretching our money and making those dollars go further, especially when those dollars, right now, are hard to come by.

So I support the Pressler amendment. I thank the Chair and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BIDEN. Mr. President, the language in section 170A of the Foreign Relations Authorization Act now before the Senate expresses the sense of Congress that the United States should encourage the establishment of an international criminal court within the United Nations system. I support the proposal by my friend from Connecticut, because I share his belief that the establishment of a mechanism for the enforcement of the international rule of law would be a positive development. But let us be clear about what this resolution does not do. It does not put the Congress on record in favor of any particular proposal. It says only that the Congress encourages the process to move forward.

A question has arisen as to whether the Judiciary Committee should review this resolution. The establishment of an international criminal court would obviously have profound implications were the United States to join it. I agree, therefore, that the Judiciary Committee has an interest in this subject—and will continue to closely monitor developments in the International Law Commission and the United Nations. But formal Judiciary Committee review of this resolution is, at this time, not necessary.

There have been many proposals put forth by various organizations and members of the academic community, but there is as yet no final draft of a statute for an international criminal court. Should this matter come before the Senate in the form of a treaty or in any other form binding upon the United States, the Senate can be assured that I would insist that the Judiciary Committee undertake a thorough review at that time.

VOTE ON AMENDMENT NO. 1254

The PRESIDING OFFICER. Under the previous order, the question is on the motion to table amendment 1254. On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. FEINGOLD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 3 Leg.]

YEAS—55

Akaka	Feinstein	Mikulski
Baucus	Glenn	Mitchell
Biden	Graham	Moseley-Braun
Bingaman	Harkin	Moynihan
Boren	Hatfield	Murray
Boxer	Inouye	Nunn
Bradley	Jeffords	Pell
Breaux	Johnston	Pryor
Bryan	Kennedy	Reid
Bumpers	Kerrey	Riegle
Campbell	Kerry	Robb
Chafee	Kohl	Rockefeller
Conrad	Lautenberg	Sarbanes
Daschle	Leahy	Simon
DeConcini	Levin	Specter
Dodd	Lieberman	Wellstone
Dorgan	Mathews	Wofford
Exon	McConnell	
Feingold	Metzenbaum	

NAYS—45

Bennett	Faircloth	Mack
Bond	Ford	McCain
Brown	Gorton	Murkowski
Burns	Gramm	Nickles
Byrd	Grassley	Packwood
Coats	Gregg	Pressler
Cochran	Hatch	Roth
Cohen	Heflin	Sasser
Coverdell	Helms	Shelby
Craig	Hollings	Simpson
D'Amato	Hutchison	Smith
Danforth	Kassebaum	Stevens
Dole	Kempthorne	Thurmond
Domenici	Lott	Wallop
Durenberger	Lugar	Warner

So the motion to lay on the table the amendment (No. 1254) was agreed to.

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

Mr. DODD. I move to lay that motion on the table. The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1253, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the question is on the adoption of amendment 1253, as modified. 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 Georgia [Mr. NUNN] is necessarily absent.

The result was announced—yeas 93, nays 6, as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—93

Akaka	Faircloth	Lugar
Baucus	Feingold	Mack
Bennett	Feinstein	Mathews
Bingaman	Ford	McCain
Bond	Glenn	McConnell
Boren	Gorton	Metzenbaum
Boxer	Graham	Mikulski
Bradley	Gramm	Mitchell
Breaux	Grassley	Moseley-Braun
Brown	Gregg	Murkowski
Bryan	Harkin	Murray
Bumpers	Hatch	Nickles
Burns	Hatfield	Packwood
Byrd	Heflin	Pressler
Campbell	Helms	Pryor
Chafee	Hollings	Reid
Coats	Hutchison	Riegle
Cochran	Inouye	Robb
Cohen	Jeffords	Rockefeller
Conrad	Johnston	Roth
Coverdell	Kassebaum	Sarbanes
Craig	Kempthorne	Sasser
D'Amato	Kennedy	Shelby
Danforth	Kerrey	Simpson
Daschle	Kerry	Smith
DeConcini	Kohl	Specter
Dole	Lautenberg	Stevens
Domenici	Leahy	Thurmond
Dorgan	Levin	Wallop
Durenberger	Lieberman	Warner
Exon	Lott	Wofford

NAYS—6

Biden	Moynihan	Simon
Dodd	Pell	Wellstone

NOT VOTING—1

Nunn

So the amendment (No. 1253), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I have no more treasured friend in the Senate than Senator DODD of Connecticut. He and I are sometimes on the same side, sometimes on the opposite side. But when we disagree, we agree to disagree agreeably. I admire him and I enjoy working with him.

I must use this opportunity, however, to analyze a few statements as I understand them to have been made by Senator DODD in my absence. I had to leave the floor at about a quarter of 12 to meet with about 400 constituents from North Carolina.

Now, if my information is correct, Senator DODD apparently made some statements that appeared to indicate that this section of the bill is simply an endorsement of what the State Department is already doing.

Now, I believe if enough Senators understood that to be the case, my amendment would not have been tabled by, what, five votes or something in that neighborhood. But let me say to Senator DODD and any other Senator who voted to table my amendment, that the State Department does not endorse Senator DODD's language as stated in section 170A. Let me say again—the State Department does not endorse it.

The State Department has reservations, in fact, about Congress endorsing an international criminal court whose particulars we have not even seen.

Just to prove my point, let me quote from page 13 of the committee report that accompanied Senate Joint Resolution 32 and followed the one hearing on this matter of whether the United States should participate in an international court by whatever name.

Here is the language from the committee report:

> Finally, it should be recalled that the United States, too, has been accused of protecting suspects in international crimes. Former Nuremberg chief prosecutor Telford Taylor has stated that Gen. William C. Westmoreland, a former commander of United States forces in Vietnam, might be convicted by an international court as a war criminal if he were held to the same standard established at the Nuremberg and Tokyo trials.

So the question still is, as I tried to emphasize at the outset, does the Senate really want to endorse even a vague concept of an international criminal court that could put a General Westmoreland on trial for alleged war crimes, particularly when you have judges from, say, North Korea and Cuba and Libya, the PLO, et cetera?

The point I tried to make earlier this morning, and I am trying to make it again—and I am going to do it with an amendment in just a moment—is that we better take our time and we better know what we are doing before we even appear to be in favor of having the United States participate in an international court. I, for one, do not want to water down the sovereignty of the United States of America even one drop.

I do not want to take even the slightest liberty with the sovereign rights of any American citizen.

Mr. DODD. Mr. President, will my colleague from North Carolina yield to permit me to respond to just the first part of the statement regarding the position of the administration? I would like to respond to that.

Mr. HELMS. Let us proceed with the amendment.

AMENDMENT NO. 1258

(Purpose: To prevent the United States from joining any international criminal court which permits citizens or nationals of terrorist groups or terrorist countries from sitting in judgment on American citizens)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1258.

Mr. HELMS. 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, add the following:

SEC. . The United States Senate will not consent to the ratification of a Treaty providing for United States participation in an international criminal court with jurisdiction over crimes of an international nature which permits representatives of any terrorist organization, including but not limited to the Palestine Liberation Organization, or citizens, nationals or residents of any country listed by the Secretary of State under Section 6(j) of the Export Administration Act of 1979 as having repeatedly provided support for acts of international terrorism, to sit in judgment on American citizens.

Mr. DODD. Mr. President, will my colleague yield at this particular point?

Mr. HELMS. No. If the Senator will forbear, let me make a brief statement with respect to the amendment. Then we will, as I say, go to hammering and tonging around and see where we come out.

This amendment is quite simple. It states that the Senate will not ratify a treaty establishing an international criminal court if representatives of terrorist organizations such as the PLO or citizens of terrorist countries are permitted to sit in judgment on American citizens.

I want to see who will vote against this. This is a real problem. This is not a hypothetical problem.

In his report to the Security Council on March 3 relative to the establishment of a war crimes tribunal on Bosnia, the Secretary General stated, article 13, paragraph 2(a), that he intends to seek judges from member states of the United Nations and permanent observer groups. I ask my colleagues to keep in mind the fact that all of the countries on the United States terrorist list—Iran, Iraq, Syria, Libya, Cuba, and North Korea—are member states of the United Nations, and the Palestine Office is a permanent observer group.

All of this is confirmed by Professor Bassiouni, the leading academic proponent of the international criminal court. At the sole subcommittee hearing on May 12, I asked the professor if

the PLO, Iran, Syria, Libya, and so forth could send judges to this court. He said, quite accurately, that there is no guarantee against that happening.

If you doubt that, look on page 69 of the committee report.

So this amendment simply provides a guarantee against terrorists sitting in judgment on American citizens.

As I said this morning, and I say again, Iran, Iraq, Syria, Libya, Cuba, and North Korea are all on the terrorist list. Not one of them has any recent history of respect for simple justice or due process. Why should we expose American citizens to judges from those countries? Likewise, the Palestinian Office is an official observer group as stipulated by the Secretary General of the United Nations. Is this not the PLO?

Let us not forget that there is no agreed-upon list of international crimes, and as some have suggested, that is pretty scary.

As I said this morning, the court defines as a crime "colonialism," whatever that is. "Environmental crimes" is another. And probably every Member of the Senate has been guilty at one time or another of "insulting a foreign state," which is another crime being discussed in the academic literature. If a foreign state happens to be Iraq, the best I can plead is nolo contendere—no, I will plead guilty to that.

So the point I am making, Mr. President, is this—it is not farfetched to anticipate an American businessman defending himself against a charge of environmental crimes before a three-judge tribunal composed of judges from North Korea, Cuba, the PLO, et cetera.

So that is the brief explanation of the amendment.

I ask for the yeas and nays on the amendment.

Mr. KERRY. Will the Senator withhold for a moment on the yeas and nays?

Mr. DODD. Will my colleague yield for a second? My name was raised.

Mr. HELMS. I am going to yield the floor.

Mr. KERRY. If I can ask the Senator to perhaps withhold, because I do not think it will be necessary to have a vote. But I ask him to withhold for a moment, if he would, on the yeas and nays.

Mr. HELMS. I yield the floor.

Mr. DODD. I appreciate that.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, first of all, let me suggest before we go for a vote that I do not see why we need a vote on this amendment. I cannot imagine anyone being against this amendment. There was nothing said earlier today to indicate that anyone ought to possibly be against this amendment.

Just for the purposes of time, this is one that can be accepted. Let us move on. I do not know of anyone who believes we want terrorist organizations sitting in judgment anywhere, let alone, least of all, on our own citizens. That is not the issue.

Let me step back a minute because my friend—he is my good friend. We have had differences; we have had them over the years; we remain friends. This morning, so there is no doubt in anyone's mind here about where the administration stands with regard to the sense-of-the-Senate resolution on the subject of the earlier recorded vote, I made reference to a prepared statement the administration made on October 26, 1993, which I ask unanimous consent, Mr. President, be included in its entirety at this particular juncture.

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

[Statement by the Honorable Conrad K. Harper, Legal Adviser, U.S. Department of State, and U.S. Representative to the Sixth Committee, 48th Session of the U.N. General Assembly, Oct. 26, 1993]

AGENDA ITEM 143: REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-FIFTH SESSION, INTERNATIONAL CRIMINAL COURT

As this is my first time addressing the Committee, I wish to express my appreciation for the work of the Committee and its officers. I am very pleased to be here for the discussion of the work of the International Law Commission ("ILC"), which is one of the most important elements of the annual deliberations of the Committee.

My delegation commends the ILC for the valuable work it has done in many fields, including its expeditious work on the vital topic before us today. My delegation also wishes to note with appreciation the excellent work done by the ILC's working group. The working group's strong efforts have produced a thoughtful and serious work product that deserves attention by members' states.

I am pleased to provide comments for my Government on the question of the establishment of a permanent international criminal court, and in particular the proposed statute contained in the report of the International Law Commission (A/48/10) and prepared by the ILC's working group over the past year.

My Government is firmly committed to the fight against transnational crime in all its forms. We have taken an active role in all fora where proposals for international cooperation in this area are debated and implemented. In addition, we actively pursue bilateral and multilateral relationships that underlie cooperation in the criminal justice field, and have entered into numerous extradition treaties as well as treaties on mutual legal assistance in criminal matters. We have placed considerable emphasis on international efforts to curtail drug trafficking, money laundering, organized crime, and terrorism.

Last May, the Security Council created an Ad Hoc Tribunal to address serious violations of international humanitarian law in the former Yugoslavia. My Government is a major proponent of this effort to ensure that those who have committed such crimes are held personally responsible. This Tribunal for Yugoslavia establishes a new and largely untested mechanism—one that has gained wide-ranging support in part because it was carefully tailored to meet the needs of a specific situation. The same level of care must be taken with other new mechanisms in the criminal justice field.

It is in this context of multilateral and bilateral cooperation that this Committee considers the question of an international criminal court. My Government has decided to take a fresh look at the establishment of such a court. We recognize that in certain instances egregious violations of international law may go unpunished because of a lack of an effective national forum for prosecution. We also recognize that, although there are certain advantages to the establishment of ad hoc tribunals, this process is time consuming and may thus diminish the ability to act promptly in investigating and prosecuting such offenses. In general, although the underlying issues must be appropriately resolved, the concept of an international criminal court is an important one, and one in which we have a significant and positive interest. This is a serious and important effort which should be continued, and we intend to be actively and constructively involved.

My Government continues to study the concept of an international criminal court and the ILC working group's proposal. While some of the issue are very difficult and the review is not complete, we do have a number of comments on aspects of the draft at this stage. Ultimately, no proposal can gain the support of governments if certain key issues are not satisfactorily resolved. I believe that many member states may share our concerns, and will agree that careful study is required.

Careful consideration needs to be given, for example, to whether the subject matter jurisdiction of the court has been framed appropriately. We are not yet convinced that the general category of "crime(s) under general international law" is sufficiently well-defined or accepted by the world community that it could, at this stage, form a basis for jurisdiction of the criminal court. We will also need to consider, for example, whether drug crimes and crimes by terrorists are better handled by an international court than by national courts. We will want to ensure that cases which can be properly and adequately handled in national courts are not removed unnecessarily to the international court. We also have a concern over how international jurisdiction would relate to existing status of forces agreements, the prosecution of war crimes, and other military matters.

We also note that, under the current proposal, many states which have a definite interest in a particular case have no role in deciding whether the international criminal court or national courts handle that case. Thus the state or states where the crime took place, where the victims reside and the state of nationality of the accused person might none of them consent to a given prosecution, yet it might proceed. At this point, we do not suggest that all states with any of these various interests in a case must give consent, or otherwise accept the jurisdiction of the court over the particular crime, before a prosecution will proceed. Nonetheless, and in view of the fact that there would always be the possibility of cases initiated by the Security Council, we believe that further review of this issue is warranted.

We also believe that there is a need to think through how the international criminal court will affect existing extradition relationships, whether according to treaty or other legal mechanisms. The United States has, as we have pointed out, put considerable

energy into entering into bilateral extradition treaties with numerous governments. The arrangements for the proposed court should be in addition to, and not frustrate the purposes of, those treaty relationships. Thus, we should consider whether a request for surrender of an accused person to the international criminal court should really take precedence over a proper request for extradition under an extradition treaty, or whether the court should function more as a mechanism to be used when national courts are unable or unwilling to act.

In this connection, we note that the current draft's provision for immediate arrest and surrender of an offender may be inconsistent with requirements for a judicial hearing that are for the United States, and likely for other states as well, a matter of constitutional dimension.

We will also want to ensure that the treaty is consistent with international standards for due process and human rights. The ILC working group has certainly taken these concerns into account to a considerable extent. At the same time, others may have further contributions to make on this subject. We note, for example, that the current draft does not make provision for a true "appeal" to a separate group of appellate judges. The War Crimes Tribunal for Yugoslavia, on the other hand, includes this very important feature. More generally, given the extent to which the court's rules will give definition to the principles of due process and human rights, consideration should be given to drafting those rules in conjunction with the statute.

Cognizant of the budgetary pressures of the United Nations and other organizations, we believe that an international criminal court will need to have an acceptable mechanism for budgetary and administrative oversight.

We believe that it is critical for the success of this endeavor that the court have the full support of the world community. Any other course would run the danger of undercutting cooperation in international criminal matters. For this reason, it is essential that the fundamental issues relating to such a court be satisfactorily resolved.

Our review is continuing, and this is not a complete list of our concerns. Nonetheless, we wanted member states to have the benefit of our views. I wish to emphasize that my Government is ready to work energetically with the members of this Committee to examine the issues related to establishing an international criminal court, and to work together to resolve the relevant issues and concerns.

Mr. DODD. I want to specifically read the paragraph that I referred to this morning during this debate. This is a statement by Mr. Harper, Conrad Harper, legal adviser, U.S. Department of State. I gave the date, October 26.

In one of the last paragraphs, he says:

It is in this context of multilateral and bilateral cooperation that this Committee considers the question of an international criminal court. My Government has decided to take a fresh look at the establishment of such a court. We recognize that in certain instances egregious violations of international law may go unpunished because of a lack of an effective national forum for prosecution. We also recognize that, although there are certain advantages to the establishment of ad hoc tribunals, this process is time consuming and may thus diminish the ability to act promptly in investigating and prosecuting such offenses. In general, although the underlying issues must be appropriately resolved, the concept of an international criminal court is an important one, and one in which we have a significant and positive interest. This is a serious and important effort which should be continued, and we intend to be actively and constructively involved.

The resolution that was part of this bill that the Senator from North Carolina sought to strike has as its paragraph 3: The U.S. delegation should make every effort to advance this proposal at the United Nations. Then, of course, we called upon a report to be issued by February 1 of this year detailing the problems.

So I want to make it clear. I did not in any way suggest that the administration had taken an absolute endorsement, but rather was pursuing it, looking at it; the best statement of their position we have was made last in October on this particular issue.

I suggest to my colleagues the statement of the administration is no different from what the sense-of-the-Senate resolution is to advance this particular cause.

As regarding this particular amendment, I know of no reason why it should not be accepted and adopted and moved on, because clearly this states strongly that the idea of an international court ought to be pursued. But I certainly would not want any international court to have as its judging tribunal terrorist members of terrorist organizations.

So this amendment to me is perfectly satisfactory. I urge its adoption.

Mr. KERRY. Mr. President, I could not agree more with my colleague. We are prepared to accept this amendment. It is a good amendment and it embodies common sense, I think, and a basic understanding of what we would or would not accept in this country in terms of behavior. I congratulate the Senator. If he is amenable, I think we can proceed with a voice vote.

Mr. HELMS. In just one moment.

The distinguished Senator from Connecticut was reading selectively from the minutes of the U.N.'s Sixth Committee, which met on October 26, 1993, I believe; am I correct on that?

Mr. DODD. I submitted the entire statement by Conrad Harper as part of the RECORD. It is about three pages long. I read the paragraph I thought was most important, from which we drew the language of the resolution.

Mr. HELMS. That is just the point. I believe I still have the floor. I will yield to the Senator at a later point, if I make a misstatement he wants to correct.

What he did not read was the report as contained in the minutes of the U.N. Sixth Committee on October 26, 1993, in which Conrad K. Harper of the United States testified to a very interesting extent about the perils of moving into this world court arena. The minutes say, referring to Conrad K. Harper, "on the jurisdiction of the Court," he said he was not convinced that the category of crimes under general international law was sufficiently defined or accepted by the world community, that it could in its current state form a basis for jurisdiction of the criminal court. "It must be ensured that cases which could be properly and adequately handled in national courts are not removed unnecessarily to the International Court." He also voiced concern about the manner in which international jurisdiction would relate to existing status of forces agreements—the prosecution of war crimes and other military matters, which is precisely, Mr. President, the point I tried to make this morning.

Let me reiterate for the RECORD that what I am doing here this afternoon, and what I was doing this morning, and what I have done in the Foreign Relations Committee so many times, is that I picked up the work of the late Senator Sam J. Ervin, who sat right over there during the 2 years that I was privileged to be the junior Senator to that great American. He had great heartburn about any mention of invading the sovereignty of the United States of America, let alone diminishing the constitutional rights of any American citizen. Senator DODD knows how I feel about this. I do not want us to take one step until we have had adequate hearings and we know what we are talking about. We have had one hearing and one hearing alone. This is too important an issue to cavalierly say, well, we will cover that as we get down the road. I do not want to go down the road until we know what bumps and potholes are in that road.

I am perfectly willing to have this amendment accepted on a voice vote. I reserve the right to offer a further amendment or amendments to give Senators who voted, I think, in error, on my amendment which was tabled by 5 votes. I want to give them a chance to straighten themselves out and recant because, in my judgment, they made a serious mistake when they voted to table the amendment.

Mr. DODD. If my colleague will yield for a moment, I want to respond to the issue of the statement by Mr. Harper. I do not disagree at all. That was not the point of contention over what the specifics are. It is a little difficult to hold a series of hearings when you do not have anything to hold a hearing about except the general proposition. We held a hearing on the general proposition of whether or not an International Criminal Court was worth pursuing.

My colleague from North Carolina, to his credit, states very candidly that he has a fundamental underlying problem with the notion of an International Court. That is a very legitimate position to take, and I do not argue with

that. I disagree with it, but I do not argue with it. I think we ought to pursue the issue of determining whether or not an International Court of Justice makes sense.

Mr. HELMS. May I ask the Senator why?

Mr. DODD. If I may conclude my comments first. I think it makes more sense to try individuals when we have a chance. The Achille Lauro case was a classic case. The Egyptians would not try Abu Abbas, the terrorist. We intercepted a flight and landed him in Italy. The Italians let him go. We had an international crisis. Trinidad and Tobago cannot try drug traffickers because of the threat imposed on its government. It is a small country that has raised this issue. It wants another forum, because of the pressures, to go after drug traffickers and drug kingpins. The International Criminal Court could provide such a forum. There is a great deal of interest internationally in establishing such a forum.

Let me tell my colleague and friends here that I am not committing myself to vote for any treaty on an International Criminal Court of Justice until I see the details. Where my colleague and I disagree is that he fundamentally disagrees with the establishment of any such court. I think we ought to pursue it, and that is the difference here. The position of the administration is that they think it ought to be pursued at this point, and it has been very careful not to endorse one until they see the fine print. But to say absolutely not, under any circumstance are we even going to consider such a court, I think that goes too far. I think we at least ought to consider it.

That was the position of the Bush administration and it is the position, I think, of the Clinton administration, and I think it ought to be our position. But there is a fundamental difference over the general proposition of whether or not there ought to be any International Criminal Court. We have a disagreement on that point. But I do not think it is fair to take that position and expand it to the point where we are endorsing specifics of a treaty that has not been presented to anybody at this juncture.

I yield to my colleague.

(Mr. LIEBERMAN assumed the Chair.)

Mr. HELMS. I remember a Congressman from North Carolina, who served as chairman of the Ways and Means Committee and was hard of hearing. Somebody gave him an argument one time for about 5 minutes and Bob Douten, known as farmer Bob, looked at him and smiled and said, "How's that?"

But the Senator did say this morning that nobody should be opposed to the concept of this issue. The trouble is we do not know what the concept is. The executive branch of the U.S. Government has been looking at this thing for years and years, and that is just the problem. We do not know anything about it. I do not want to take that first step. I am not going to debate it any further. If my colleague wants to take this amendment on a voice vote, I am perfectly willing to do that.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KERRY], is recognized.

Mr. KERRY. Mr. President, thank you.

We are delighted to take this amendment, as I said earlier, and we will do so without further debate.

The PRESIDING OFFICER. Hearing no further debate, the question occurs on amendment No. 1258 offered by the Senator from North Carolina [Mr. HELMS].

The amendment (No. 1258) was agreed to.

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

Mr. KERRY. 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 Connecticut.

Mr. DODD. Mr. President, I have two amendments that can be accepted in 30 seconds. I will just submit them. The chairman managing the bill and my colleague from North Carolina have had a chance to look at these.

AMENDMENT NO. 1259

(Purpose: To modify fiscal year 1995 authorization for the Peace Corps)

Mr. DODD. Mr. President, I send an amendment to the desk on behalf of myself and Senator COVERDELL regarding the Peace Corps which I am told has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. HELMS. May I ask the Senator if these are the two amendments we previously considered?

Mr. DODD. The Senator is correct.

Mr. HELMS. I am not opposed at all.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. COVERDELL, proposes an amendment numbered 1259.

Mr. DODD. 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 164, line 8, strike "$219,745,000" the second time it appears and insert in lieu thereof "$234,745,000".

Mr. DODD. Mr. President, this amendment would very modestly increase the authorized funding level for the Peace Corps for fiscal year 1995 by $15 million. It would bring the fiscal year 1995 authorization level in the bill from $219.745 million to $234.745 million.

In a real sense, this is simply a steady state budget to enable Peace Corps to continue its fiscal year 1994 programs into fiscal year 1995.

Why do I say it is a steady state budget? Because, while Congress appropriated $219 million specifically for the Peace Corps for fiscal year 1994 it also urged and the Clinton administration concurred to the transfer of an additional $15 million in fiscal year 1994 funds to Peace Corps to pay in part for its new program initiatives in the former Soviet Union.

I think we would all agree that with the political situation at such a critical point in Russia and in many of the other NIS countries that programs like those undertaken by Peace Corps are crucial to getting out the message about what democracy really translates into at the grassroots level.

We should and must continue the Peace Corps initiatives in the NIS countries in fiscal year 1995. The additional $15 million in the Peace Corps budget will permit this to happen without jeopardizing Peace Corps programs in other parts of the world.

Obviously, when it comes time to appropriate the fiscal year 1995 moneys, the Peace Corps will have to stand in line with other foreign assistance programs, and justify its funding request, but at least at this juncture we are signaling that we believe that Peace Corps programs are making a contribution to the long-term foreign policy goal of the United States, namely of fostering democracy and democratic institutions at the most basic community levels.

I would hope that my colleagues could support this modest amendment.

Mr. COVERDELL. Mr. President, the Peace Corps of the United States has, over the past several years, responded with great energy and commitment to the historical transformations that are occurring in the societies of Eastern Europe and the former Soviet Republics. The Berlin Wall had scarcely fallen when Peace Corps responded to the request of Poland, Hungary, and Czechoslovakia for critical technical assistance from Peace Corps volunteers.

The call for Peace Corps services did not end in these initial Eastern European countries. Soon, virtually every other European country which formerly fell under the domination of the former Soviet Union requested Peace Corps volunteers to help them make the transformation to democracy and market economies. Peace Corps was the first United States agency to provide significant numbers of development workers to the Eastern European countries following their freedom from the Soviet Union. Peace Corps volunteers arrived to instruct these countries in private business development, organizational systems, and the training of teachers of the English language.

Since its expansion into Eastern Europe, the Peace Corps has continued to answer the call for assistance from the former Soviet Republics. Peace Corps continues to be called upon to provide assistance to help carry out the far-sweeping reforms and transformations taking place in these countries.

While Peace Corps stretches its resources perhaps farther than any other Federal agency, there is a limit to what it can achieve without meaningful increases in its budget. We are now faced with the need for such an increase in the Peace Corps budget, an increase which can have a major impact on the ability of the Peace Corps to respond to the calls for its assistance. Accordingly, I am pleased to endorse and cosponsor this amendment with Senator DODD which would provide a modest increase in the authorization level for Peace Corps and insure that the agency can continue to send volunteers into areas of great need and of great importance to world peace.

Mr. DODD. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is agreed to.

So the amendment (No. 1259) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1260

(Purpose: To encourage the awarding of U.N. peacekeeping contracts to U.S. contractors)

Mr. DODD. Mr. President, I send another amendment to the desk on behalf of myself and ask for its immediate consideration. The amendment has been cleared by both sides.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 1260.

Mr. DODD. 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 new section:

SEC. . VALUE OF CONTRACTED GOODS AND SERVICES.

(1) The United Nations is increasingly contracting out to the private sector various aspects of its peacekeeping operations. The Permanent Representative of the United States to the United Nations should make every effort to ensure that United States contractors are awarded an appropriate portion of these contracts commensurate with the overall contribution of the United States to U.N. peacekeeping.

(2) The Permanent Representative shall report to the Congress in writing annually setting forth the dollar value and percentage of total peacekeeping contracts that have been awarded to U.S. contractors during the previous year, beginning twelve months after the date of enactment of this Act.

Mr. DODD. Mr. President, the peacekeeping responsibilities of the United Nations have increased enormously in recent years. The United Nations staff is clearly unable to provide all of the goods and services required to carry out ongoing peacekeeping operations.

In order to fill the gap, the United Nations has contracted out for engineering services, supply management, communications services and communications management, trucking and transportation management, security and other such services mandated by these growing peacekeeping operations.

These contracting efforts now entail large sums of money with the funds coming primarily from regular peacekeeping contributions, with the United States being a substantial contributor to the peacekeeping budget.

It would seem only fair that U.S. contractors be given a fair opportunity to compete with other foreign contractors for these lucrative U.N. contracts.

All that this amendment is intended to do is to urge the United States Permanent Representative to the United Nations to give some attention to this matter and to begin to compile some data to enable the Congress to make some judgment on how well U.S. contractors are faring in obtaining a reasonable proportion of such U.N. contracts.

Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there objection? Hearing none, the amendment is agreed to.

So the amendment (No. 1260) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DODD. I thank the colleague from Massachusetts and colleague from North Carolina.

Mr. KERRY. I thank the Senator for helping us move those amendments along.

MORNING BUSINESS

Mr. KERRY. Mr. President, I understand two colleagues missed this morning's session for comments in morning business. I ask unanimous consent that Senator GORTON and Senator CRAIG be permitted to proceed for 10 minutes, jointly divided between them, after which time we return to consideration of this bill.

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

The Chair recognizes the Senator from Washington [Mr. GORTON].

COLUMBIA RIVER SALMON

Mr. GORTON. Mr. President, later this week the National Marine Fisheries, Service is expected to announce a decision that will have a tremendous impact on how people in the Pacific Northwest benefit from the Columbia River. Though the details of the decision are not yet known, the position that NMFS reportedly is adopting is further indication the Endangered Species Act is broken and needs fixing.

At issue is the biological opinion that determines whether Federal actions on the Columbia River will jeopardize the continued existence of threatened and endangered salmon runs.

As it stands now, the act requires Federal agencies to consult with NMFS on all actions that might jeopardize the survival of listed species. In the case of Columbia River salmon, NMFS must each year render a jeopardy or no-jeopardy opinion on an operating plan that determines, among other things, how the Federal dams on the Columbia River will be managed. In developing this opinion, NMFS must use the best scientific and commercial data available.

Early reports are that in the name of salmon recovery, the National Marine Fisheries Service [NMFS] is demanding flow levels on the river that will cost Northwest families and businesses hundreds of millions of dollars per year in higher electric power bills. There will also be costs for people who boat, fish, irrigate, or ship goods on the river, as well as for other fish and wildlife that have thrived under existing river conditions. Given our knowledge of the relationship between flows and salmon survival, the agency's position is indefensible.

In 1993, NMFS issued a no-jeopardy opinion on a river operating plan that increased energy costs in the region by $100 million. This increase was itself controversial, but was ostensibly based on the agency's reading of existing salmon science. Now NMFS is developing its biological opinion on an operating plan that will govern river operations from 1994 to 1998. NMFS is reportedly asking for flows during these years that would cost ratepayers an additional $55 million to $300 million per average water year, over the previous $100 million figure, depending upon the accounting methods used. One would assume that NMFS is basing this costly new demand on fresh scientific evidence, but it is not. To the contrary, what new science has arisen in the last year supports flow levels less costly than those used in 1993.

The most critical new scientific document on salmon recovery in the last year is the recovery team plan.

This plan is the result of nearly 2 years of work by a team of eminent, NMFS-appointed fisheries scientists. The plan was drafted to serve as the

basis for the official recovery plan which NMFS is required to produce by the Endangered Species Act.

The official recovery plan will eventually replace the consultation process as the primary regulator of river flows. As such, the plan must not only not jeopardize the continued existence of the salmon, but must also lead to the recovery of salmon populations.

The recovery team plan recommends a number of costly and ambitious recovery measures. But despite the more exacting recovery standard, it does not recommend flows anywhere near those now being proposed by NMFS. Regardless, NMFS has chosen to ignore the recovery team plan because it does not agree with the preconceived notions of some of the agency's scientists.

Senator CRAIG and I recently wrote Secretary of Commerce Ron Brown to express our concern about NMFS's position. In that letter, we cautioned the Secretary:

> If NMFS ignores the Recovery Team's plan in developing its biological opinion or radically revises the plan in drafting its own plan, it will reduce the Recovery Team process to a cynical exercise in public involvement. NMFS will be viewed as an agency pursuing its own political agenda in the face of good science and regionally developed solutions. This would further disintegrate what regional consensus remains on salmon recovery.

There is plenty of room to debate what is required to protect the wild salmon, but we cannot afford to let one Federal agency force the expenditure of hundreds of millions of dollars for salmon recovery based upon a whim, a hunch, or a political agenda. Both taxpayers and ratepayers in the Northwest have limited resources.

Regional electric power rates are rising sharply as a result of salmon recovery and other factors, and energy-dependent industries that employ tens of thousands of Washington workers are struggling to survive. Aluminum companies are laying off employees in response to low aluminum prices, pulp and paper mills are reeling from the timber supply crisis, and even industrial giants such as Boeing are trying desperately to remain competitive. We simply cannot allow NMFS to load additional costs on these industries and individual ratepayers without solid scientific support.

I intend to push for changes in the section 7 consultation process that will prevent this type of agency freelancing in the future. Legislation I have introduced with Senator SHELBY would allow customers of Federal agencies to participate in the consultation process. The bill would also allow non-Federal parties to consult with Federal agencies to determine whether prospective activities will jeopardize listed species or their habitat. If jeopardy is found, the agency would be required to suggest reasonable and prudent alternatives. During consultation, each Federal agency would also be required to consider its other obligations and responsibilities under statutes, treaties, interstate compacts, and contractual agreements.

Mr. President, I do not know whether or not this Congress will address the reauthorization of the Endangered Species Act. The administration and the leadership in Congress are both reluctant. People in the Northwest and throughout the country are growing increasingly frustrated with the Endangered Species Act. People are frustrated not because they want to exterminate species, but because the act is not working. They are frustrated because the act places astronomical economic and social costs on families and communities, but has very little in the way of recovered species to show for it.

I wish with all my heart that the Clinton administration could make the Endangered Species Act work for both species and people. But I have read the act. I have seen the destruction it has wrought in Northwest timber communities. Now it may add communities dependent on agriculture, aluminum, and transportation to that list. I simply do not think the act can be made to work.

The manner in which the National Marine Fisheries Service appears to be applying the act with respect to Columbia River salmon is further evidence that the act requires major changes. Enacting these reforms will continue to be one of my highest priorities.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Idaho [Mr. CRAIG].

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Idaho [Mr. CRAIG].

Mr. CRAIG. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Idaho has up to 5 minutes under the previous order.

Mr. CRAIG. Mr. President, let me first of all associate myself with the remarks of my colleague from the State of Washington, who, as he referenced, with me signed a letter to the Secretary of the Department of Commerce, who has the ultimate responsibility over National Marine Fisheries in the application of the Endangered Species Act on the Snake and Columbia River systems as it relates to these particular species of salmon that are in question at the moment and have been listed as threatened or endangered.

The issue here has been well outlined, and the issue is very critical at this moment and over the next 24 hours. We have an agency of the Federal Government which, by law, is required to use science as a determining factor in making decisions that will have ultimate impact upon the Snake River and the Columbia River in Oregon and Washington and Idaho and their usage and all who are associated with it.

My colleague from Washington has outlined the process very clearly. What is at hand here is not a question of this administration versus the last administration. This is a problem that was existing and started with the Bush administration. It is largely a question of preexisting law. We are talking about the Endangered Species Act.

What we are also talking about is a team of scientists that were selected by the National Marine Fisheries, who spent 2 years and countless thousands of hours reviewing and interviewing and examining the science and the region and the fish and the economics, and they made a finding. That finding was that about 8 million acre feet of water was necessary or should be used in the process of moving these fish down the river.

But because that science had not been peer reviewed, National Marine Fisheries staff is saying they know better. Now this is the same staff that worked with the team, helped select the team, brought the team together, and facilitated the team in its overall observations. And yet the very facts that the staff of National Marine Fisheries are at this moment trying to use to make an entirely different decision have not been peer reviewed either.

Why will they not err on the side of the very scientists they put in place to establish the proposed recovery team on these fish? Well, it appears that they are willing to err on the side of politics instead of the side of science.

Mr. President, what really then is at hand here is not only a decision that might have phenomenal impact on Idaho and Oregon and Washington, as outlined by my colleague from Washington, but also what is at hand here is a question in the reauthorization of the Endangered Species Act itself. Now the Clinton administration has been saying and has made a great effort in expressing its desire that the act not be changed, but it is merely a matter of the proper administration of the Endangered Species Act.

Let me suggest that the very action of National Marine Fisheries today and tomorrow and for the balance of this week may, may—and I repeat, may—clearly call into question the ability of any agency to manage this act as it currently exists if they will in fact ignore the science of the scientists that they themselves selected.

If they bring before us a jeopardy opinion that ignores the consultation of the Bonneville Power Administration, the Bureau of Reclamation, the Army Corps of Engineers, and a whole host of users up and down the river and the very science of a scientific team that said 8 million acre feet of water is

adequate until further science is known or proved to be different, then they are in fact walking on the side of politics instead of on the side of science. And, as result of that, a case can be clearly built to go before the Environment and Public Works Committee, where this law is now up for reauthorization, and argue that this law must be changed.

So while the impact of this decision could be tremendous on my State of Idaho, it may establish a very dangerous, dangerous precedent that will cry out for substantial reform in the Endangered Species Act itself.

The Governor of Idaho, Cecil Andrus, of the other political party, wrote a similar letter to the National Marine Fisheries as did the Senator from Washington and I, and argued a similar kind of argument: That this clearly has to be something in which it is found based on what is available now, and that to use unnecessarily high Snake River and Columbia River flows in its section 7 consultation for 1994 actions would be—and these are the Governor's words—"inconsistent with the council's plan," and we are talking about the regional power council and, of course, the scientific team itself, who has proposed a draft management plan for the river for the fish and the saving of this important resource for the region.

Mr. President, I say to the chairman, let me thank you for allowing us time to talk about this very necessary and important topic. We hope that National Marine Fisheries will listen and, more importantly, respond to science instead of politics so that we could go on about the business of working together cooperatively to save the salmon and to allow our region to manage itself appropriately and to not throw into jeopardy an act that, while it deserves certain amendments, it deserves also to stand on its feet. And the science of that act, as directed, deserves to stand on its feet.

I yield back the remainder of my time.

FOREIGN RELATIONS AUTHORIZATION ACT

The Senate continued with the consideration of the bill.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KERRY].

Mr. KERRY. Mr. President, I believe Senator PRESSLER now has an amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Dakota [Mr. PRESSLER].

AMENDMENT NO. 1261

(Purpose: To strengthen controls on missile technology exports to certain Middle Eastern and Asian Countries)

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

The PRESIDING OFFICER. The clerk will report.

The assistant clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER] proposes an amendment numbered 1261.

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:

On page 179, after line 6, insert the following new section:

SEC. . MISSILE TECHNOLOGY EXPORTS TO CERTAIN MIDDLE EASTERN AND ASIAN COUNTRIES.

(a) EXPORTS BY UNITED STATES PERSONS.—Section 72 of the Arms Export Control Act (22 U.S.C. 2797a) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

"(c) PRESUMPTION.—In determining whether to apply sanctions under subsection (a) to a United States person involved in the export, transfer, or trade of an item on the MTCR Annex, it shall be a rebuttable presumption that such item is designed for use in a missile listed under the MTCR Annex if the President determines that the likely final destination of the item is Iran, Iraq, Syria, Libya, India, Pakistan, or North Korea.".

(b) EXPORTS BY FOREIGN PERSONS.—Section 73 of the Arms Export Control Act (22 U.S.C. 2797b) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

"(f) PRESUMPTION.—In determining whether to apply sanctions under subsection (a) to a foreign person involved in the export, transfer, or trade of an item on the MTCR Annex, it shall be a rebuttable presumption that such item is designed for use in a missile listed under the MTCR Annex if the President determines that the likely final destination of the item is Iran, Iraq, Syria, Libya, India, Pakistan, or North Korea.".

Mr. PRESSLER. This amendment creates a new provision in existing ballistic missile sanctions legislation to allow the President to assume that certain exports to countries of proliferation concern are sanctionable under American law. This is accomplished by creating a rebuttable presumption and shifting the rules of evidence and current practice.

The current law on ballistic missile proliferation says that if certain goods are exported to a Missile Technology Control Regime [MTCR] missile program, then the sender can be sanctioned. The problem in practice is that in almost every case, the available intelligence indicates that the item in question is going to a missile program but we do not know if it is within the parameters of the MTCR—range and/or throw-weight. That is, is this equipment or material destined for some big missiles or a lot of little ones?

Therefore, the administration has been using the lack of evidence as an excuse to say that "Well, yes, this or that Chinese company did send this missile equipment to Syria but there is not enough evidence to conclude that it is going to an MTCR missile program and not to a smaller missile program outside the parameters of the MTCR". For example, in May 1993 Senators PELL and HELMS sent a highly classified letter to the administration complaining about six separate missile equipment transfers by the Chinese to the Middle East and the Senators received a "not enough evidence" answer which infuriated Democrat and Republican staff.

This amendment create a rebuttable presumption that anything on the MTCR equipment list which the President determines is destined for Iran, Iraq, Syria, Libya, India, or Pakistan is sanctionable under American law. This means that the foreign shipper can come in to the Government and show that the items in question are not within the MTCR parameters or are destined for some innocent purpose.

Mr. President, I ask that the amendment be agreed to.

The PRESIDING OFFICER. Is there further debate?

Mr. KERRY. Mr. President, before we do, I just want to make sure that we are fully cleared on this.

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. KERRY. 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. KERRY. Mr. President, we are prepared now to accept the amendment of the Senator, and I apologize for the delay.

Excuse me just one second. I want to make sure we are talking about the same amendment.

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. PRESSLER. 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. PRESSLER. Mr. President, because of the parliamentary situation we are in and only because of that I have agreed with the manager of the bill to withdraw this amendment temporarily. But it does not mean it is not going forward. Indeed, we will seek a rollcall vote on it if necessary, but I believe it has been cleared on both sides.

In any event, to summarize a long speech. I withdraw the amendment, and I am dying to hear from the Senator from Arizona.

The PRESIDING OFFICER. The Senator has a right to withdraw the amendment, and the amendment is thereby withdrawn.

The amendment (No. 1261) was withdrawn.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona [Mr. MCCAIN].

AMENDMENT NO. 1262

Mr. MCCAIN. 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 Arizona [Mr. MCCAIN] proposes an amendment numbered 1262.

Mr. MCCAIN. 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 new section:

SENSE OF THE SENATE.—It is the Sense of the Senate that—

(1) The government of the United States is committed to seeking the fullest possible accounting of American servicemen unaccounted for during the war in Vietnam;

(2) Cooperation by the Government of Vietnam on resolving the fate of those American servicemen unaccounted for has increased significantly over the last three years and is essential to the resolution of outstanding POW/MIA cases;

(3) Substantial and tangible progress has been made in the POW/MIA accounting process;

(4) Cooperative efforts between the U.S. and Vietnam should continue in order to resolve all outstanding questions concerning the fate of Americans missing-in-action;

(5) U.S. senior military commanders and U.S. personnel working in the field to account for U.S. POW/MIAs in Vietnam believe that lifting the U.S. trade embargo against Vietnam will facilitate and accelerate the accounting efforts; and,

(6) Therefore, in order to maintain and expand further U.S. and Vietnamese efforts to obtain the fullest possible accounting, the President should lift the U.S. trade embargo against Vietnam immediately.

AMENDMENT NO. 1263 TO AMENDMENT NO. 1262

Mr. KERRY. 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 Massachusetts [Mr. KERRY], for himself, Mr. MCCAIN, Mr. ROBB, Mr. MURKOWSKI, Mr. KERREY, Mr. SIMPSON, Mr. JOHNSTON, Mr. PRESSLER, Mr. WARNER, Mr. INOUYE, Mr. CHAFEE, Mr. PELL, Mrs. KASSEBAUM, Mr. MATHEWS, Mr. BENNETT, and Mr. AKAKA proposes an amendment numbered 1263 to amendment No. 1262.

Mr. KERRY. 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 all after the first word in the pending amendment and insert the following:

OF THE SENATE.—It is the Sense of the Senate that—

(1) The government of the United States is committed to seeking the fullest possible accounting of American servicemen unaccounted for during the war in Vietnam;

(2) Cooperation by the Government of Vietnam on resolving the fate of those American servicemen unaccounted for has increased significantly over the last three years and is essential to the resolution of outstanding POW/MIA cases;

(3) Substantial and tangible progress has been made in the POW/MIA accounting process;

(4) Cooperative efforts between the U.S. and Vietnam should continue in order to resolve all outstanding questions concerning the fate of Americans missing-in-action;

(5) U.S. senior military commanders and U.S. personnel working in the field to account for U.S. POW/MIAs in Vietnam believe that lifting the U.S. trade embargo against Vietnam will facilitate and accelerate the accounting efforts;

(6) Therefore, in order to maintain and expand further U.S. and Vietnamese efforts to obtain the fullest possible accounting, the President should lift the U.S. trade embargo against Vietnam expeditiously; and

(7) Moreover, as the U.S. and Vietnam move toward normalization of relations, the Government of Vietnam should demonstrate further improvements in meeting internationally recognized standards of human rights.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I understand the amendment is in the form of a second-degree amendment?

Mr. KERRY. It is in the form of a second-degree amendment to the amendment of the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, the amendment that I have sent to the desk commences what I and other Senators believe is a very important discussion for the U.S. Senate.

I have sent this amendment to the desk with 16 cosponsors. They are: Senator MCCAIN; Senator ROBB; Senator MURKOWSKI; Senator BOB KERREY of Nebraska; Senator SIMPSON; Senator JOHNSTON; Senator PRESSLER; Senator WARNER; Senator INOUYE; Senator CHAFEE; Senator PELL; Senator KASSEBAUM; Senator MATHEWS; Senator BENNETT; and Senator AKAKA.

This amendment seeks to address the question of our current relationship with Vietnam and the embargo that is currently in place pending judgments about the accounting of our prisoners of war.

Mr. President, I know this is a sensitive issue, as does the Senator from Arizona. We bring it to the floor with the utmost sensitivity and with a great deal of consideration. We believe very deeply in one simple concept: That if we urge the President of the United States, as this amendment seeks to do, to expeditiously lift the embargo against Vietnam, we will do a better, faster and more thorough job of providing answers to our families and to our veterans about POW-MIA.

We do not offer this amendment to pick a fight with anyone. We do not do it with any disrespect to anybody. To the contrary. I think it is fair to say we do it with the utmost respect, particularly to the families who have carried with them deep questions for 20-plus years about what happened to loved ones who were lost in Vietnam. But we are convinced that the goal of achieving the biggest accounting possible of our veterans is best served by moving forward in a cooperative process that will get Americans into Vietnam and help us to find the answers that we seek regarding those loved ones.

I know that some are going to come to the floor and say, "Don't reward Vietnam." This is not a reward. We will explain 100 different ways why it is not. Some will say, "Don't take your leverage away." We will point out it is not a question of taking away leverage, but rather a question of giving us more leverage, about how this is a mechanism for opening the doors that have been shut for 20 and 25 years.

More than 25 years ago, many of us who are cosponsors of this legislation put on the uniform of our country and volunteered to go across the ocean to Vietnam to fight for freedom. We hoped ultimately for a democratic nation. Like so many others, I joined and I volunteered and I went because I wanted to beat back communism, I wanted to give the Vietnamese a chance for themselves. For reasons far too numerous and, frankly, not even relevant to the discussion today, that particular effort failed.

But we come to the floor today convinced that that difficult period of 25 years ago and the democracy and the freedom that we sought then do not have to become the story of a chapter of failure. Rather, if we take the right steps, in the days ahead, Vietnam can become, finally, a chapter of success for this country.

We believe that it is by giving meaning to the 58,000-plus names on the Wall in Washington, by ending some of the divisions in this country and understanding how we can best answer the difficult questions that remain for families that we can, indeed, begin the process of writing that final chapter of this war. Millions of Vietnamese citizens supported us, and they are still in Vietnam. Hundreds of thousands of soldiers supported us. They are still in Vietnam, some of them without arms or legs and only their scars as the witness to their service for our country and our ideals. They could benefit by the infusion of American assistance and ultimately a relationship. They would benefit by more Americans being

in their country to guarantee human rights and to guarantee that they ultimately may be able to have the chance to live in the kind of society that we originally fought for.

So much is at stake in the decision we make or not make. But what is really critical, as colleagues make a judgment about whether or not we should move forward, is the basic goal: How do we best get the accounting for our families? That is the issue. The President of the United States has followed a policy first established by President Reagan, followed through on by President Bush, that he is going to try to get the fullest accounting possible of our missing. Mr. President, you cannot do that if you are not there. You cannot get that accounting if the Vietnamese do not cooperate with us. You cannot get that accounting if you are not talking to the Vietnamese soldiers, the Vietnamese leaders, the generals, the others who know something about that war. You cannot get the answers if you do not have access to the archives. You cannot get the answers if you cannot go around their countryside asking questions and searching.

For 19 years or so, we were not able to do any of the things that I just talked about and, in fact, we did not get answers. Families lived year after year after year not knowing what happened to some loved one and, frankly, not having the Government of this country do enough to find out. Then finally, in 1988, Gen. John Vessey went over to Vietnam and began a process of engagement. President Reagan is to be commended for having entered into that effort to try to guarantee that we had a greater accountability process. General Vessey painstakingly built up a process by which we gave a little, they gave a little, we gave a little, we kept pressure, we kept the process going, and we have begun to get answers.

When I started with the POW-MIA Select Committee, we had 2,268 people on the list of those missing or POW in Vietnam. We are now down to 2,238—not a huge reduction. But the reason that that reduction is not as great as it might be reflecting the answers we have truly found is that in order for a name to come off the list, you have to have the remains back in this country and the remains have to be fully identified. We have had difficulty—difficulty finding remains, difficulty getting the remains hopefully identified. In some cases, we do not find enough of the remains to be able to positively identify. In other cases, not for the want of the Vietnamese turning over remains, we are simply not able to make an identification. But we have been able to make many identifications.

What I think is a far more significant figure—and I think this is an important figure when you measure it against the assertions of some veterans groups and some individuals regarding this issue. We often hear people say: "We're not making progress. The Vietnamese can do more, there's not enough progress." Let me first ask colleagues to reflect on what is happening in Vietnam today in the context of this effort.

No two nations that ever fought a war against each other have ever entered into as significant an arrangement or as significant an endeavor to try to find the missing as we have been doing in 1992, 1993, and 1994. This is the most significant remains retrieval and identification effort in the history of warfare. You cannot find a time with the Romans or the Greeks or the Germans or the Japanese, or anyone else, where two nations that have fought against each other are side by side out on those battlefields trying to find remains and find the answers. This is the single most important effort.

In an effort to try to put the Vietnamese to the test back in the early 1990's, or late 1980's, General Vessey went through the list of 2,268 names. Out of those 2,268 names, 1,600-plus are in Vietnam; 500 or so are in Laos, and the remainder in Cambodia.

Of those 2,268 General Vessey—I think it was 69 at the time—General Vessey went through the loss incidents of those cases, and he chose the hardest cases, the cases where we would have some cause for possible belief that someone might have survived their incident.

General Vessey read the folder, the loss incident, and he took those cases where we had a belief that captain so and so, or major so and so, or lieutenant so and so might have survived his incident or that we just did not know what happened to him. You might have had two airplanes flying beside each other and then there was an explosion and one disappeared in a fireball. They did not see a parachute. On the other hand, the last thing they knew the person was alive and flying the plane. They did not have any contact on the ground. They did not see the parachute. We list the person as MIA. They are on the list.

You may have had a much more compelling case where you actually had a parachute and you had somebody dropping to the Earth, and you had radio communication with the person. Then they were on the ground and they heard the enemy coming, and in the radio communication they said, "I hear the men. I'm going to have to sign off now." And that is the last we knew of that person. We know they reached the ground. We know they were alive. We know they were in the vicinity of the enemy, but we never heard from them again.

Or we had instances where we knew someone was captured. We knew they were in prison. We knew they died. But we did not get their remains back, so that raises a question: How can you have somebody in captivity and not know where the remains are?

General Vessey put 196 of these tough cases in front of the Vietnamese. For someone who says we are not making progress, I ask them to measure what has happened to those cases. They have gone from 196 cases down to 73 cases, and of those 120 or so cases that we have resolved, we now know to a certainty what happened to that person. We know now to a certainty that person is not languishing alive in a bamboo cage in Vietnam. We know to a certainty that person was not a captive. We know to a certainty where they died, how they died, and we are now in the process of trying to excavate and find their remains. We are currently spending about $1.7 million per remains which we are trying to retrieve in Vietnam.

Now, for people who say to me, "Senator, that's not important; the Vietnamese could just tell you all about it," I ask them to look at the reality of what happened just last week in Vietnam when I was there. We had a site in Quang Ngai Province where we lost five personnel, ground troops on a long-range mission. They went up into a small hillside and all five of them were shot. We know they were shot at the time because our rescue people went in to get them. When our rescue people got there, they found only two bodies buried in a very shallow area of rock, but they saw a trail of blood leading down from those two bodies into a field. They recorded this in the reports at that moment in time.

The Vietnamese in the last weeks have helped us find the people who shot those men. They helped us find the people who were witnesses to the burial. And by finding the people who were witnesses to the burial, we were able to find an area in the field that we literally isolated and took over as an archaeological dig. We dug up some farmer's field with the help of the Vietnamese finding it because they told us that the three other bodies were lain out one, two, three beside each other right there in the field.

Now, Mr. President, I would like to share with my colleagues photographs of this effort that some people say is not cooperative.

This is an archaeological dig in a particular field in Vietnam. This is what we are doing, case by case, in order to eliminate the possibilities. We cannot do this without the cooperation of the Vietnamese. If they do not help us find the place, if they do not let us fly to the place, if they do not go to the place to dig with us, if they do not help us get the permission of the local people, if they do not help us find the people who know what happened, this does not happen and a family does not learn anything.

Right up here in the back is the hillside, and I landed in a helicopter right

over here the other day and walked through this dig the day I was there. The day after this it was even larger. This is an example of how complicated it is to find the remains.

Here is another picture from another angle of the dig area. These are Americans, American soldiers, I might add, active duty American military personnel, working side by side with Vietnamese military personnel. They are out there in the jungle with snakes and unexploded ordnance, in extraordinarily uncomfortable conditions, week after week, without their mail. We do not have diplomatic relations so they do not have anything coming in. They are out there digging on a daily basis. This is an example.

Here is a closer example of the extent of this dig, with people going in, walls caving in, constant work, bucket for bucket. Every single bucket of earth that is unearthed is sifted and the Vietnamese are setting up lines of people to help us sift through it.

Here is another example of this dig from another angle with folks just sort of walking around looking at it.

Here is an example of Vietnamese themselves working right in the dig, villagers, army personnel and others helping us, bucket by bucket, to bring this out.

Well, this paid off. On the last day of the dig, just as they were about to give up, they uncovered the three bodies lain out one by one, right beside each other, precisely in the manner that was described.

Now, we have not positively identified those three bodies yet, but one would assume, given the extent of information and knowledge we have about what happened, that the chances of positive identification are enormous. This is precisely how we have identified cases to date.

This is painstaking. Why do we have to do it? We have to do this because until you found those three bodies, you had people running around this country claiming every conspiracy in the world: That they went to Russia; they went to China; or they may be alive.

We have an obligation to find out the answer for our families. So we are doing it. But I wish to emphasize to every colleague the answers are not here in this country. The answers are in someone else's country, a country called Vietnam. And unless the Vietnamese let us do these things, our families will not get answers. It is that simple.

Now, Admiral Larson, the Commander in Chief of the Pacific fleet, went to this dig, as he did to others in the ensuing days, and he has concluded, as have the other senior active duty military people who have served during this war, that we need to lift this embargo in order to guarantee that this kind of cooperation continues because we made a deal with the Vietnamese.

The deal we made with the Vietnamese was if they help us get documents and they help us get archives and they help us get access and they help us with the excavations and the cases, we will reciprocate. That is the road map to deal with this embargo.

(Mrs. FEINSTEIN assumed the Chair.)

Mr. KERRY. Now, let me just say, Madam President, after I went to this dig, I flew up into the highlands. I landed in a place where our special forces used to work. There I saw the most remarkable sight. We landed in the midst of 2,000 Montagnard tribespeople who welcomed us there to help dig up their field and look for American remains. There was a huge hole in the middle of this extraordinary plateau and there were 100 Vietnamese troops in a bucket brigade working alongside Americans, bucket for bucket, lifting out the dirt from this hole in order to find out whether three bodies might still be within this aircraft because we do not know what happened to three crew members, although we recovered two of the crew members in this explosion in the loss of this aircraft.

I walked down 3½ meters into the Earth, right beside the wheel base of this aircraft, and all around me in the red earth was disintegrated aluminum, shreds from this aircraft which I could pull out of the Earth with my hands, and did. Bucket for bucket, this is being sifted in order to discover whether or not there might be the remains of the three people we cannot find to determine whether or not they might have been alive. Were they prisoners somewhere? Were they not? One hundred Vietnamese soldiers.

Now, we have a decision to make. We can lose this cooperation if we do not begin to act in a mature and sensible fashion with respect to this relationship.

This cannot be a one-way street. We sat there for 19 years in a one-way street, and we got nothing. For the last 2 years, we have had a two-way street, and we have gotten the greatest amount of cooperation that we have ever had. Let me describe that to my colleagues.

A couple of years ago when I first went back to Vietnam, we had no office in Hanoi, no permanent office. We had one or two people occasionally visiting and working out of a hotel. We had no access to archives. We had no access to the countryside. We could not go out except on a few missions, and we had none of this kind of cooperation. We had no interviews of Vietnamese generals, battalion commanders, or the historians of their tradition houses, as they are called. We had no access to military bases. We had no access to prisons. We had not had, at that point in time, an ability to interview a whole bunch of people who held JOHN MCCAIN a prisoner who were involved in some of the major battles with us. We did not have the ability to follow up on live sighting reports, and many veterans in this country were saying, "What are you guys doing? We are getting reports of live Americans, and you do not even go over there and look." Well, we did not have the ability to go and look wherever we wanted.

Madam President, in the last 2 years we have had a remarkable change. We now have a permanent office in Hanoi. We now have 107 active duty military personnel in Vietnam. We have American military personnel who are allowed to travel anywhere they want in Vietnam without escort. We now have our general with a multiple reentry visa so he can come in and out whenever he wants to, which we did not have. We now have an archival researcher who has a permanent pass to go into the national defense archives of the Vietnamese and the national archives and research on a daily basis, and they are doing that.

We now have had every single live sighting report that we had that was considered an active live sighting report followed up on. We have gone out and landed in their military bases unexpectedly. I did that with Senator SMITH. We landed unauthorized in the middle of a military base, and 100 soldiers ran up to us. And we interviewed them and talked to them spontaneously about whether they had seen Americans.

We went into prisons spontaneously. We were allowed into sections of the prisons they did not think we were going to go into. We were allowed to haul their prisoners out of their cells and interrogate them as to whether or not they had seen Americans or knew anything about prisoners of war.

We have been allowed to go into every single one of their tradition houses. They have now been visited.

They have turned over to us some 20,000 documents, 5,000 photographs, and those documents have helped us with specific cases about specific people who were lost, and we have in fact been able to bring home to families news about their loved ones as a consequence of those kinds of documents. I would like to share with my colleagues an example of the kind of documents that we are receiving as recently as last week.

We have been able to secure some of the documents that we thought, through our intelligence sources, were the most important documents in helping us to resolve some of the cases. Let me give you an example of the kind of assistance we have.

Last summer or somewhere in that vicinity, we received photographs that showed an American pilot dead on the ground. So we now had evidence of a soldier, an airman, who was shot down and who had died. But we did not have

remains. We did not know the circumstances of the death. So we have begun a process of trying to track that down.

The Vietnamese delivered to me, and they delivered it to Secretary Lord a few days earlier also, a document that has the names of people who died in captivity, where they died, the date they died, where they were buried, and now we are going out to the sites of those burials. We are person for person able to try to corroborate whether or not the death was in circumstances we believed it to be or have subsequently learned it to be or now know it to be.

This will enable us ultimately to do what these people are doing here, which is do the final corroboration. It will not happen next month or 10 months from now. This could take us 5 years or 10 years. We cannot sit frozen in a time warp with respect to Vietnam believing that somehow, not engaged, not having Americans there, we are going to empower this process more than we will in our current status.

Let me give you another example. We are now interviewing soldiers. I would like to share with you a rather remarkable moment. I went back to Vietnam last year with Senator JOHN MCCAIN and with Congressman PETE PETERSON. Both of them spent about 6 years-plus in Hanoi in prison. It was a remarkable thing to walk back into this prison where they had spent this time of agony and pain.

We were able to witness Senator JOHN MCCAIN and Congressman PETE PETERSON being able to publicly, in front of the press, interrogate the people who had interrogated them 20 years ago. That is a remarkable turn of events for any proud country to allow there senior military people and others to be subjected to public interrogation.

We are now receiving documents from military people. This is an example of one. It is a battalion commander's war diaries. It talks of specific shootdowns and specific incidents. His personal diaries have now given us information with respect to several cases that we needed information on. As a consequence of these diaries, our teams are able to go out, talk to more people, gather more information, and, hopefully, find some resolution with respect to a family's questions.

Madam President, we can sit here and we can play sort of a strong-arm tactic that says, until you—as the American Legion says—turn over the live prisoners, we are not doing anything, despite the fact that unanimously the Senate select committee signed off on the fact that there is no compelling evidence that anybody is alive. Not one of our people in Vietnam has found any evidence that they are alive.

I might add that we met with 14 ambassadors of our allied nations—France, Belgium, Germany, Sweden, Great Britain, Australia. They have been in Vietnam since 1975. And not one of those embassies has ever had one bit of information come to them that an American was alive in Vietnam. They have been there even in the dark days of 1975, 1976, and 1977 when we could not get anything into Vietnam. They have told us they have never received any information. That is, after all, how Bobby Garwood came out of Vietnam. He came out by going up to a foreign person. If Bobby Garwood can get out by going up to a foreign person, then the more people you have in the country, the more opportunity there would be for some potentially live persons to go up to somebody and get out.

Just the other day an American businessman who was in Hanoi under the current legal structure where you are allowed to be there but you cannot do business, hung an American flag out his window. People came in off the street because there was an American flag. And they told him information about someone they knew had been killed. He turned the information over to our team, and our team is now following up on it and believes it is valuable information. That is because you had an American flag and an American in the country.

So you know, we can sit here and say no, no, no, no.

You have to give us this, even though we do not know for sure they have it; we think they might, but we do not know. Until you give us what we do not know you have, we are not going to do anything. Well, that is now an invitation to disaster, because we made a deal with the Vietnamese. The deal was: If you cooperate, we will cooperate. And we are running out of gas. We have asked them to extend that cooperation. I think we are reaching a point where we can see this shut down and we can see less people able to travel and we can see less answers coming back to our people.

Madam President, for people to say "why do we not pay a lot of money and cut a deal and get them all back," we have tried it. I personally walked around with the foreign minister in the garden talking to him and said, "Suppose we would pay you $1 billion." And I said, "If we offered money and if you have live people, and we get them back, can we cut a deal?" General Vessey tried it. Assistant Secretary of State Solomon tried it. Winston Lord tried it. The Vietnamese look you in the face and say, "We do not have anybody. We would love to do it, but we cannot give you somebody we do not have."

So, Madam President, even at the point where George Bush was about to leave office, a deal was offered to them that if they could give x number of remains, we would lift the embargo. Do you not think they would have given the remains and had the embargo lifted? But they could not do it. When our Senate committee was there, we said, "This report we are going to put out is a very important report, and it will help condition how Americans view this issue. If you can get more remains or documents, you have a better chance that this report is going to be a stronger one." Notwithstanding that reality and their good knowledge of the American media structure and our politics, they were not able to ante up anything dramatic to change the dynamic.

You tell me, if George Bush could not get it when he was leaving office and he could have lifted the embargo if they produced 25 remains, how you wait until 20 years and push them to do something they have not done in the last 19 years? It is beyond me. Do you think the Vietnamese are going to walk up with some smoking gun document and say: By the way, we are happy to tell you that we had 50 people alive for 20 years and we used them as slave labor, and then we shot them. Now we are giving you the evidence, and we want you to give us normal relations and, by the way, help us a lot.

It is not going to work that way. It is going to work this way—painstakingly. The way we are going to get answers is the way we have received the documents we have received so far—by working cooperatively with them and getting people who can point to where the documents are, by holding them up in their face in a way that shows the evidence as we find it and by confronting them.

I want to make it very clear to my colleagues that there is nothing in this amendment that is based on trusting the Vietnamese or anyone else. This is a verification process, not trust. But the way we are going to verify is to get Americans into their country, is to have access to their records, is to interview their people and proceed painstakingly down this road. We are not going to get those answers by stonewalling and setting up a barrier between us and them that merely continues the difficult years we had when we did not get any answers.

I can only say to my colleagues that one of the great mistakes we made in the war was not listening to the people who were in the field fighting the war. So the politicians back home gave in to whatever impulses and made a lot of decisions and even called bombing raids from the White House. Well, let us practice that lesson in 1994. We have soldiers in the field who are telling us today that they will be helped by lifting the embargo. Our commanding admiral was just there. He thinks we will be helped. General Christmas, a war hero from the U.S. Marines, a Navy Cross winner, wounded at Hue, believes we ought to move forward in ways that will open up the process so that we can

begin to really get the answers. General Needham, Tom Needham, wounded at Kontum, fought in Vietnam, two tours, volunteered, went back, and now is back there commanding this effort. He says, "Help us open up the process," and the way you open up the process is by reciprocating.

Madam President, I think our colleagues ought to understand the significance of what is happening in Vietnam. On that plateau, which I described a moment ago—and I did not quite finish the story—in that hole of that C-130, they just took out 100-pound bombs, 18 of them, and they had to be defused so these guys could do the digging they are doing. We have people walking in high jungle area, a 4½ hour walk up a mountain between red flags, in order not to set off unexploded ordnance, in an effort to try to do this. They are telling us that it will help them if you lift this embargo, if you get more Americans in there, if you facilitate their access to these places.

So I hope colleagues are going to think hard about what the reality is. Sixty percent of Vietnam is under the age of 24 years. The vast majority of this 77 million population does not know anything about the war, except for the craters that they walk in and the digs that they see us doing. When they saw me, an American, they were delighted I was not a Russian and they were thrilled to see us.

We ought to start to wake up to reality here, Madam President. Some Senators may talk about conspiracy theories and other things. Our Senate report found unanimously that there has been no conspiracy to hide here. We have had sloppiness and inadvertence and some negligence, but we have not had people willfully try to hide something. We have had some tragedies in this effort. But the bottom line is that we are getting answers. We are down to 73 tough cases. In some of those cases we may never find the remains. We may never find the answers. But we have to understand that the best shot of doing so is to guarantee that we have access and that we have Americans moving around the country.

There are many other reasons, Madam President—and I could offer them—as to why this is important. But it is not really what this issue is about. We could talk about China and the importance of being involved in the region. We could talk about the efforts to try to sustain some of those kids and others who still look to us and who wish we were there in some way or another. We could talk more about the people that we supported and who fought with us. We could talk more, I suppose, about the larger economic interests and other things.

In fact, this embargo is, candidly, not an embargo against the Vietnamese anymore. It is truly an embargo against ourselves, because Vietnam is growing at 7 percent a year, and the French, Germans, Taiwanese, Japanese, and others are not hesitating to invest. They have invested something like $10 billion—$2.9 billion in the last couple of years. The country is growing. They will do fine without us. They would like to deal with us, but they will be OK without us.

Boeing, the other day, on the other hand, lost eight airplanes to Airbus, and Digital lost a huge contract to one of the Japanese companies. We will never see those again. That is OK, because this is not about economics, and that is why I am not dwelling on it. The issue before the U.S. Senate is how do you guarantee that we are going to get the best accounting possible, and based on the experience of General Vessey, based on the plea of Admiral Larson and the people who are in the field, based on the reality of what we are seeing and the documents being produced and the access to people and the whole capacity we have to crisscross their country, it is clear to me that if we do not move forward, we could be jeopardized and lose the opportunity to get answers.

I will have more to say on this at a later time, Madam President; but I happily turn to my colleague, the Senator from Arizona.

Mr. MCCAIN. Madam President, go ahead. I yield to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. HELMS. Excuse me.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from South Dakota has the floor.

Mr. HELMS. Pardon me.

The PRESIDING OFFICER. The Senator from South Dakota has the floor.

Mr. PRESSLER. I yield to the Senator.

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

Mr. PRESSLER. 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 assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Madam 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 Arizona has the floor.

Mr. MCCAIN. I thank the Chair.

Madam President, I rise with Senator KERRY today in the hope that the Senate may join with us in recognizing that the time has arrived to begin a new chapter in our troubled history with Vietnam.

Let me say at the outset, Madam President, that whenever I consider our relationship with Vietnam, I try very hard to do so without succumbing to the sentimentality that so often clouds our judgments about our former adversary. The grievances I hold against Vietnam are not personal, nor are they premised primarily on the Vietnamese leadership's past offenses to the United States, to their neighbors, to their own people and to mankind. They are, in large part, objections to Hanoi's current failings.

Similarly, my hope for a better relationship with Vietnam is not intended to fulfill a personal need to reach closure on the Vietnam War. Such a goal may still be important to some, but I made my peace with that the day I returned to the United States. My support for better relations with Vietnam is based on my judgment that improved relations would best serve the national interests and values of the United States—period.

Today, we are calling for an end to the United States trade embargo against Vietnam. We do so not out of guilt, not out of sentimentality, not because of pressure from any special interest groups. We do so because we believe such a move is in the best interests of the United States, as well as the people of Vietnam.

The issue involved in our relations with Vietnam of greatest importance to the American people is the accounting for our POW/MIA's. Contrary, to what Members may hear from some opponents to this amendment, Vietnam has been cooperating and cooperating substantially in our efforts to account for our missing. Senator KERRY has made that case clear in his remarks.

Support for that view comes from every single person involved in our accounting efforts, most of whom wear the uniform of the United States—beginning with Gen. John Vessey, former Chairman of the Joint Chiefs of Staff under President Reagan, and appointed by President Reagan to serve as his emissary to Vietnam for POW/MIA affairs, a man who has served this country with singular distinction for half a century.

Adm. Charles Larson, commander-in-chief of United States forces in the Pacific, has recently traveled to Vietnam and proclaimed that cooperation from Vietnam "across all fronts has been excellent." He is joined in that view by Gen. Tom Needham, the commander of the joint task force for a full accounting, as well as all U.S. personnel who labor under very difficult conditions to resolve the fate of America's missing.

Madam President, I ask unanimous consent at this time to print in the RECORD an article from the Washington Times entitled "Admiral Is Latest U.S. Official To Laud Vietnam's Cooperation."

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

ADMIRAL IS LATEST UNITED STATES OFFICIAL TO LAUD VIETNAM'S COOPERATION

(From Combined Dispatches)

The highest-ranking U.S. officer to visit Hanoi since the Vietnam War said this week he will report that its "cooperation across all fronts has been excellent" in the effort to account for missing Americans.

The assessment by Adm. Charles R. Larson is expected to weigh heavily in President Clinton's decision on whether to lift a 19-year trade embargo against Vietnam. Mr. Clinton has said the decision is contingent on Hanoi's cooperation in the search for U.S. servicemen and on progress in the accounting for MIAs.

I don't think they're holding anything back," Adm. Larson, commander of U.S. military forces in the Pacific, said in Pleiku Tuesday.

On his last day, he visited American and Vietnamese teams working in the field as part of the largest investigative and excavation operation since the war ended in 1975.

Adm. Larson is the latest in a series of U.S. official to come to Vietnam, including State Department and congressional delegations.

His visit was seen as another signal by the United States to Vietnam that it is moving toward the restoration of economic and diplomatic ties broken in 1975, when Communist North Vietnam overthrew a U.S.-sponsored regime in South Vietnam.

Subsequently, Vietnam repulsed China in a brief but violent 1979 border war. Beijing launched the crossborder attacks to "punish" Hanoi for ousting the Khmer Rouge regime in Cambodia.

Sen. John Kerry, a member of the Senate Foreign Relations Committee, whose views may also influence Mr. Clinton, was in Vietnam Sunday when Adm. Larson arrived and indicated he would support an easing or end to the U.S. embargo.

Mr. Kerry, who is a Vietnam combat veteran and was also chairman of the defunct Senate Select Committee on POW-MIA Affairs, said American businesses are suffering from the embargo.

"The embargo is not an embargo against Vietnam," said the Massachusetts Democrat. "It's an embargo against ourselves, against U.S. business. Vietnam is not being hurt by it practically."

Premier Vo Van Kiet, who met with Mr. Kerry Saturday, urged Mr. Clinton to normalize relations soon, saying this would lead to cooperation in other fields.

Many families of the MIAs and some veterans organizations strongly oppose lifting the trade embargo. They say there is no substantial progress and claim Vietnam has withheld information and some remains.

The United States lists, 2,238 Americans unaccounted for in Southeast Asia, including 1,647 in Vietnam, 505 in Laos, 78 in Cambodia and eight in China.

"I think the fact that I'm here shows that there's been a level of cooperation that has been very good," Adm. Larson told reporters. "Certainly if the cooperation level was not good, I would not be here. I feel a heavy responsibility coming as the first senior American officer."

Deputy Foreign Minister Le Mai told Adm. Larson the Vietnamese had seen a number of American delegations recently, "but I think your visit is of particular significance."

The U.S. group responsible for accounting for the missing falls under Adm. Larson's command in Hawaii.

Sen. J. Bennett Johnston, Democrat of Louisiana, chairman of the Senate Energy and Natural Resources Committee, and four members of the committee who wound up a three-day visit to Vietnam earlier this month urged Mr. Clinton to quickly lift the embargo and restore diplomatic relations.

After Adm. Larson and Mr. Kerry departed, there was speculation in Hanoi that decisions on Vietnam may be delayed by Mr. Clinton's problems in naming a defense secretary to succeed Les Aspin, after retired Adm. Bobby Ray Inman backed out on Tuesday.

Mr. McCAIN. Madam President, I quote from it, Madam President. It states:

The highest-ranking U.S. officer to visit Hanoi since the Vietnam War said this week he will report that its "cooperation across all fronts has been excellent" in the effort to account for missing Americans.

"I don't think they're holding anything back," Adm. Larson, commander of U.S. military forces in the Pacific, said in Pleiku Tuesday.

Joint Task Force personnel have, often at great risk to their own welfare, crawled through some of the worst and most remote terrain in Vietnam, Cambodia, and Laos, searching for any clue as to the fate of our missing. Their efforts have been dismissed as a charade by many POW/MIA activists who—unlike my friend, Senator SMITH, whose opposition is honorable—cloak their opposition in character assassination. In truth, JTF personnel are responsible for locating more information, for resolving more of the mystery surrounding this question than all the professional malcontents, conspiracy mongers, con artists, and dime store rambos who attend this issue have ever or will ever contribute collectively. They are truly unsung heroes.

Everyone involved in our efforts in Vietnam will testify to the greatly increased cooperation from Vietnam. It is their word, not mine, nor Senator KERRY's that Senators should listen to as they consider our amendment. Everyone of these fine individuals believes that the time has come to lift the trade embargo against Vietnam. They recognize that the accounting process has not and should not end, and that there is more cooperation we will require from Vietnam before our efforts can conclude. But they feel, as do I, that lifting the embargo will facilitate and accelerate that cooperation.

There are other valid reasons to lift the embargo which I will briefly enumerate.

First, I have always felt that America's word ought to stand for something. The roadmap policy for normalization established by the Bush administration was intended to answer the charge that the United States was always moving the goalposts for normalization. It would be unfair, and beneath the dignity of the United States to do so again. Under the provisions of the roadmap, Vietnam has complied to the point where further actions on our part are warranted.

Second, there are, of course, business advantages which we ought to be in a position to compete for. It won't dwell on these because American businesses interested in Vietnam are quite able to make their own case for going forward.

Third, the balance of power in Vietnam. The longer the United States refrains from further progress toward normalization the stronger becomes the influence of anti-Western Vietnamese hardliners in the Defense and Interior Ministry over Western-oriented reformers in the Foreign Ministry and elsewhere.

Fourth, the balance of power in the region. It is not in our security interests to have China achieve economic and military dominance in the region. It is in our interest to have an economically viable Vietnam able to resist the heavy handed tactics of their colossus to the north.

In a conversation I had with him 2 years ago, Nguyen Co Thach, the former Foreign Minister of Vietnam, grasped a truth that eluded his politburo comrades when they fired him 3 months later. "Vietnam," he told me, "must accept the destiny of a small country."

I sincerely believe that Vietnam has come a long way toward accepting that destiny. They are seeking to live within the margins of balanced relations with the superpowers while simultaneously pursuing close and compatible relations with ASEAN nations. We should do whatever necessary to encourage them on this sensible course.

There is another issue that separates us that was not really addressed in the roadmap beyond its references to reeducation camps—human rights. Vietnam's record on human rights is not the worst in the world. But its in great need of improvement. Even in this era of reform, their preferred course would be to follow either a China or Singapore model—a vibrant, decentralized economy in a one party state. The United States has an obligation to help Vietnam reach for something greater than this.

Good people disagree honestly and honorably over whether we are better able to promote civic freedoms in Vietnam from within or from without. In all candor, I have had a hard time deciding which course is preferable. But I know that the United States doesn't have the power to keep Vietnam isolated. They are already developing complex relations with much of the world. So, perhaps our prospects for moving Vietnam toward political as well as economic liberalization are better if we have a relationship with that country that exposes it to our values.

We should, however, do a much better job in highlighting the importance of human rights to our relationship than we have done heretofore. And I note with approval the recent United States Vietnam agreement to begin a

dialogue on human rights questions. Those of us who believe that there is room in that corner of the world for democracy should soon have an opportunity to test the proposition that greater exposure to Americans will render Vietnam more susceptible to the influence of our values.

In closing, I urge my colleagues to support this amendment, to not be intimidated by political pressure from quarters that may never support better relations with our former adversary. I can speak with some authority to that question since I have suffered the full brunt of their opposition and survived. On this question, that has so long divided our country, the right course may not be the most politically expedient, but it is the right course nonetheless. Let us do the right thing. Let us take such steps that will best honor our commitments, protect our interests and advance our values. There is no dishonor in that.

Madam President, I yield the floor.

I ask unanimous consent that Senator MCCONNELL be added as an original cosponsor.

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

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Madam President, I thank you very much for recognizing me.

I am going to summarize my statement because many people want to speak. I am going to speak about 3 minutes and let others take the floor, because I think JOHN MCCAIN and JOHN KERRY have said it all.

I also am a Vietnam veteran, having served two tours of duty in Vietnam. I have been back to Vietnam since then—in 1988. I visited both as a soldier and a Senator. Indeed, I was present when 27 sets of possible American remains were received by U.S. military authorities in Hanoi.

I have attended an Aspen Institute seminar on Vietnam and met with Vietnamese officials in Hawaii over the years. So I have been involved in the Vietnam question for a long time.

I think it is time to get Americans into Vietnam. If there are any prisoners, our people will be able to find them. There is nothing like an American businessman with a U.S. flag hanging outside as a place to bring information. If we have American tourists over there, they will be able to find any prisoners who may remain.

I listened with some degree of interest to my colleague, Senator MCCAIN, who is a true hero. He mentioned the term "dime store Rambos." I remember during one of my past campaigns, I was criticized for my position on Vietnam. There were some people from another State there criticizing me. I entered into a dialog with them. I discovered they were not really Vietnam veterans as they had claimed. Well, I think we have a lot of that. I think we find a lot of the real Vietnam veterans, the people who really served there, are for normal relations, are for lifting the embargo.

In fact, I am an advocate of sending an ambassador there. I am just worn out by these people, many of whom have a financial interest, carrying this subject on and on and on. I have been very concerned about POW's and MIA's. I was present when 27 caskets were loaded up in Hanoi.

It is time for those of us who are Vietnam veterans to stand up and say that enough is enough from this very small group. Those of us who have served in Vietnam find our patriotism questioned sometimes when we say we should recognize Vietnam; we should enter into relations; we should lift the trade embargo.

We should not stand for that. Different people can have different points of view. I respect very much other people who reach a different conclusion on this subject. But it is time for us to get Americans into Vietnam, get our business people over there.

I have frequently said that one businessman does as much as many visiting Senators or many visiting diplomats, one businessman who creates jobs and sells American products. What is happening now in Vietnam, the times I have been there, is the French and Japanese are getting business. Their standards, their machine tool standards, are being established, and we are losing out.

But, more importantly, I think this country will always have a special relationship with Vietnam, or at least will in the near future. I have talked to many Vietnam veterans who would love to go back to Vietnam as tourists and take their families. I have talked to many American small businessmen. In fact, I just had a meeting in Rapid City the other day and it was brought up to me that they would like to export some products to Vietnam.

This is not just a commercial thing. We also want to find the prisoners, if there are any. I doubt there are any prisoners.

But the argument that we must go on and on and on under current policy to prove all these things that cannot be proved before we recognize Vietnam has just exhausted me. I have gone along with this approach for years. It is time just to get this behind us. It is time for us to lift the trade embargo. It is time for us to send an ambassador to Vietnam. I know the latter is not what this resolution says.

We should lift the economic embargo, and we should have an ambassador in Vietnam.

I applaud Secretary Bentsen for his recent Asian trip and ask unanimous consent that a January 19, 1994, Washington Post article regarding his position on this matter be printed in the RECORD.

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

END HINTED TO VIETNAM EMBARGO

(By Clay Chandler)

BANGKOK, Jan. 18—Treasury Secretary Lloyd Bentsen said today that the U.S. government has moved nearer a decision to lift its trade and investment embargo on Vietnam.

Bentsen, speaking at a meeting of Thai business leaders here, praised the Vietnamese government for assisting in the effort to determine the fate of more than 2,200 American servicemen still unaccounted for after the Vietnam War.

"The progress is there, and I'm optimistic we'll get that finally behind us," he said at a news conference later in the day. "Some of us older fellows think you ought to move these things and get it done. We've seen a lot of cooperation coming out of Vietnam."

Bentsen declined to speculate on a timetable for lifting the ban, but in Jakarta on Monday he suggested this might be imminent. "That decision has not been made," he said, "but I think you'll see something forthcoming quite soon."

Bentsen, who is on a three-nation Asian tour to demonstrate the Clinton administration's commitment to building stronger relations in the region, is the latest of several U.S. officials and members of Congress to urge lifting trade restrictions on Vietnam. Clinton's chief foreign policy advisers have agreed to recommend that he do so, according to senior officials.

Sen. John F. Kerry (D-Mass.), chairman of the Senate Foreign Relations subcommittee on Asian affairs, declared at the close of a visit to Vietnam last week that the embargo no longer serves a meaningful purpose and is only hurting American firms denied business opportunities in the region.

Firms in many nations—including Taiwan, Hong Kong, Japan, Singapore and France—already are investing heavily in Vietnam, and some governments are extending financial aid as well. Last November, for example, Japan resumed providing official development assistance to Vietnam with a $370 million loan.

In his speech today, Bentsen argued that the United States could do more to promote the search for information about missing Americans by lifting the embargo than by continuing to insist on greater Vietnamese cooperation as a prerequisite to normal commerce. "As with other countries on other issues," he said, "a strategy of engagement with Vietnam may be the most effective way to promote our goal of accounting for our POWs and MIAs."

In September, President Clinton gave a big boost to economic development in Vietnam by restoring its eligibility for loans from such international institutions as the World Bank and the International Monetary Fund. Clinton also permitted U.S. firms to bid on projects funded by such institutions.

The move to liberalize trade relations with Vietnam has drawn stiff opposition from U.S. veterans' groups and is a politically sensitive issue for Clinton, whose Vietnam War-era draft record was criticized during the 1992 political campaign.

Vietnam, where average annual income is about $200, remains one of Asia's poorest nations, even though its prospects have improved dramatically since its Communist leaders set the nation on a path toward free-market economic policies in 1986.

Vietnam's economy grew at a rate of about 7 percent last year. Still, without greater help from the United States and other nations, economists say it could take two decades for Vietnamese living standards to approach those of Thailand.

Mr. PRESSLER. I was asked to yield 1 minute to Senator HELMS for a special request.

Does the Senator want to get the floor in his own right?

The PRESIDING OFFICER. Are you yielding to the Senator?

Mr. PRESSLER. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I am just going to take one moment. I know we wanted to allow the Senator from New Hampshire an opportunity to speak. I just wanted to make a couple of quick comments.

No. 1, probably it does not need to be said, but I will say it anyway, Senator JOHN MCCAIN, who was a naval aviator, combat veteran who spent more than 6 years of his life in Hanoi in the Hilton and in other prisons, really knows what is at stake in this issue, and I think understands better than anybody how difficult it is to come to this understanding.

I might also point out that the Senator from South Dakota is a combat veteran himself. He "humped the boonies," as the expression goes.

Mr. PRESSLER. I should correct that. I carried two weapons, but I never claimed to be in combat. In fact, I had a Jeep. As a matter of fact, they said the most dangerous thing was a second lieutenant in a Jeep. I have three medals, but I am not a hero.

Mr. KERRY. The final comment I wanted to make was a tribute to my colleague, Senator SMITH. At least from my point of view, and I believe truly from his, we have worked at this together and sometimes separately over the course of the last years. We have disagreed on some aspects of it.

But I want to pay tribute to his personal involvement and commitment to this. I never doubted how much he personally cares about it. We may have a difference in approach on strategy, but I do not believe that either of us disagree about the goal or what we are trying to achieve. I pay tribute to the depth of his commitment, the number of trips he has taken, the risks he has taken, and the extent of time he has put into it. I think it has helped enormously to serve this country to understand the dynamics. I do not agree with all of his judgments, as we shall see and understand but, nevertheless, he deserves that credit and that respect.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Madam President, as a manager of the bill, I find it necessary to leave the floor temporarily to attend a meeting. But before I go, I desire to ask for the yeas and nays on this amendment. I do ask for the yeas and nays.

The PRESIDING OFFICER. Is there sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair and I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Madam President, I also appreciate the courtesies of the Senator from North Carolina. I know that he wishes to see a good, full debate on this issue and there surely will be.

I want to say a word about Senator SMITH. I have come to know this man very well. He is one fine Senator, one fine friend. I was with him in his State in December and enjoyed it so very much. The remarkable admiration and respect they have for him in New Hampshire is evident. They know that he is fully in this tough issue. And this is a tough, tough issue. This is one of the most sensitive issues of our times, and now it is here before us today.

I have heard the remarks of Senator MCCAIN from Arizona. They were measured and powerful. I have heard the remarks of Senator KERRY from Massachusetts. They were extraordinarily sincere and genuine. My friend Senator PRESSLER from South Dakota spoke with great clarity and earnestness about the frustration of this terrible situation which has captured our national interest. We did not know when it would be addressed by the Senate, and today it is here before us.

I commend those Senators, all of them—Senator SMITH, Senator MCCAIN; Senator HELMS who will be on the other side of the issue from me, Senator KERRY, and Senator PRESSLER.

My remarks will not be long and then I will yield to Senator SMITH who will indeed present what I know will be a powerful statement and one that should be heard by all.

But I think we should carefully listen to the veterans of Vietnam. I think we should pay close attention to Senator KERRY, Senator MCCAIN, and Senator PRESSLER. I think it is very important to do that.

I have just returned from Vietnam. I went there with Senator HATFIELD, Senator JOHNSTON, Senator SPECTER, Senator NICKLES, Senator MATHEWS and Senator BENNETT. It was an extraordinary experience for me to be in Hanoi for 2 days, and Ho Chi Minh City, formerly Saigon—and for me, I think it will always be "Saigon." I was there to learn, to pay attention, and try to grapple with the POW issue, the MIA issue, the trade issue—all of them.

I was taken by several things. We investigated these issues in much depth, and one of the most memorable aspects of our trip was General Tom Needham, of Massachusetts. He is an extraordinary man. He served in Vietnam twice—two tours of duty, both voluntarily. He has surrounded himself with an extraordinary cadre of people from all branches of our military who are there on the ground and are allowed to do just about anything they want to do. They can go anywhere they want to go. I will not be repetitive, but suffice it to say that I was surprised at that.

I was more surprised at the Vietnamese general, who was on the other side of that joint task force. He lost a brother in the war and does not know his whereabouts or what became of him. He claimed that 300,000 Vietnamese are missing or prisoners of war. I do not know how they could be prisoners of war—but at least 300,000 of their people are missing from this war. To me it had a special poignancy because, as we traveled back to the United States, we passed the area where my first cousin went down. Somewhere in the North Marianas is "Billy" Simpson Brady, my first cousin. He is missing in action or a prisoner of war from the Second World War.

There are 78,760 people who have never been found from the Second World War; 78,760 people of that war are unaccounted for. They are either prisoners of war or missing in action from the Second World War. I hear nothing about them.

There are 7,800 people who are missing in action or prisoners of war from Korea. I hear nothing about them.

There are 2,300—I do not recall the specific figure, but it is very close to that—who are missing in action or prisoners of war from Vietnam. The pain and the anguish of that, to the survivors, must be total. I have a constituent who lost a brother, a man in Laramie, who is very, very passionate about this. I believe he thinks that I am some lesser form of human being because I have said that we must "move on."

I am a veteran. I was not in Vietnam. I have not been at war. I was in at the end of the army of occupation in Germany in 1955 and 1956. I saw the leftovers of war at the end of that army of occupation, even in those years. And I must say that I think it is time to move on.

I must say that I am puzzled. Why we do not spend this same interest or time thinking about those many thousands of people from our country, missing in action and simply gone from our lives, that we did not pay too much attention to before? Because the war ended and here we are, 21 years after the Treaty of Paris accord.

Tomorrow, I would like to remind this Chamber, marks the 21st anniversary of the signing of the Paris Accord that arranged the end of the Vietnam conflict. That was signed on January

27, 1973; 21 years have now passed since we entered into a peace agreement with Vietnam.

Do you know what we were doing 21 years after the last day of World War II, September 2, 1945? That was 1966. We were in a full range of normalized activity with Germany and Japan. That is what we were doing. It is, I think, important to remember where we were 21 years after the Second World War. Had we fully normalized relations with Germany and Japan? We certainly had. And that was not the half of it. Not only had we restored friendly relations with those two countries but the American taxpayer was asked to provide a great deal of the resources to do it. That is how we dealt with our adversaries after the conclusion of the Second World War. That is what we did. Now we have come 21 years since the end of this war, and what is the difference between this war and World War II? I am puzzled at it.

Maybe I was tainted in this matter when Senator Alan Cranston, my friend from California—and we worked closely together—had a hearing years ago on this issue. We were trying to find the answers because he was chairman and I was chairman, at different times, of the Veterans' Affairs Committee. We held a hearing and we said, "Bring in the information. Show us the material. We are ready to listen."

I shall never forget the total sense of offense that I experienced when I listened to a group of people telling us about "live sightings." And they said they had a film. They said, "We have a film, it is 287 minutes long and it is the most devastating thing. It shows just exactly where these people are, even today." And then they brought in other photos.

We did not have a resource staff, but we had enough resources to find that the photos of the persons standing in uniform were taken in Hawaii, and that there never was a film. But this man had a reel with him and said, "Here it is and I will give it to you for 2 million bucks."

I said, "You testified under oath that you were an American. I don't believe that. You are nothing. To say that you would provide a film and then not have it, and further that you would give it up to help your country for $2 million."

Well, if I had been 20 years old—and when I was 20, I weighed 260 pounds, had hair, and thought beer was food—I would love to have pitched this guy through the window like a javelin. However, being rather frail, but not quite as frail as my colleague from California, the two of us just sat there in mutual disgust. Finally this fellow said, "I'll meet you two guys in the parking lot." Senator Cranston and I felt that neither one of us could probably cut the mustard anymore, because he looked like he had taken training from Charles Atlas. But I was offended by that exchange, and I remain offended by it, and I will leave it to those who have been doing all this work to review it.

But the Paris Accord was signed and now 21 years have passed. The world is not at war. We took "the long view" after the Second World War. The Japanese attacked us in the Second World War to start it. Ho Chi Minh, at the time of leading his country to independence, was trying to get America to congratulate him for his revolution. And he wrote Harry Truman eight times, saying: We are starting a new and independent country. And he quoted Lincoln and he quoted Jefferson.

There was no response to that communique, or those several communiques. Senator HATFIELD will perhaps involve himself in this debate because he was there the day of independence in Vietnam, as our history was being recited to their people by their leader.

Well, the war came. We were involved. And I admire so much those who served there with such honor. And I think the wounds are healing.

But I think if we can all put to rest the idea that those of us who favor normalization, and I certainly do, are somehow less committed, less passionate, or maybe less patriotic. No one here in this Chamber is making that distinction, or even postulating that, but there are groups in America that are thriving on this chaos. They bear our close attention and they bear our criticism.

I think we must listen to these decorated veterans, these prisoners, these men among us who suffered the most at the hands of the Vietnamese. They are the ones calling for us to move forward sensibly, to begin to establish a relationship with Vietnam. What do you get when you establish a relationship or a diplomatic or trade presence? You get an embassy, as Senator PRESSLER so aptly says. I would vote for that right now.

It would make a large difference when we have a physical presence in that country, a focal point for all our inquiries on the ground with respect to these leads. We would get American private interests there on the ground throughout the country making it ever more difficult to hide the truth from the outside world. Just as importantly, we would get leverage. We could establish financial and trade ties with Vietnam, which would be the beginnings of an interdependency that gives the Vietnamese far more incentive to cooperate with us.

People say, "Don't do it. Keep the leverage of the embargo on now." What have we gotten for the embargo? We got stiffed—stiffed—for 19 years, 18 years, nothing more. What did it prove? Nothing. When we opened the door a crack, we began to get action, action like now, today. If some of the groups that came to me 4 years ago came back, I would say, "Why don't you go to Vietnam, point out a coordinate on the map and say, 'I want to go there and find out who is there,'" and you could do that today. Now, what remarkable progress. I do think the clock is running. I think the bargain was made, as Senator MCCAIN has said. There is no question about it.

And then, finally, people in my town meetings have said, "What are you going to do about the North Koreans, SIMPSON? We have a country there that does not understand anything. They are Neanderthal, they are backward, they are frightening. What are you going to do about North Korea?" I say, "I have an idea for you." Now do not throw anything. I will get mail from home on this one. I say, "The best thing you can do for North Korea, or to handle North Korea, is to give MFN status to China and give it permanently. We give MFN to Syria, Libya, and Iran, who are not exactly some of the finest of our compatriots in world government, and we do that with them. Then you can also normalize relationships with Vietnam. The North Koreans will say, "Wait a minute, what happened here?" They would see the United States relationship with China, and the United States with a relationship with Vietnam, and the North Koreans will see they will be isolated from the world unless they begin to listen to what the world is telling them. The backwater channels are already working from Vietnam and China to North Korea right now, right today as we speak.

So we could remove a potential ally for North Korea in the current climate of tension between ourselves and that country. Ask anyone who has dealt with the North Koreans—they will tell you how indispensable it is that we have the cooperation of the Chinese, Japanese, and Russians in bringing North Korea to the bargaining table. If Vietnam, too, has an economic and diplomatic relationship with the West, North Korea's diplomatic isolation would be virtually complete. This should remind us that it is true with Vietnam as with every other country, enemies are more expensive than friends.

I see my fine friend, Senator JOHNSTON, is here, and he was the splendid leader of our delegation. I shall yield to him.

But in the end, it is going to come down to whether it serves the interests of America to keep Vietnam closed off. I think it is so important to open these relations, to listen to those who were there, which will bring the North Koreans to the table when the Japanese, the Chinese, the Russians, the Vietnamese who were all involved in that war are engaged with us in trade and economic activity.

Sure, there is the economic relationship and Americans are waiting to get

involved. But there is another aspect no one has thought of. We have resettled over 800,000 Vietnamese in this country as refugees, and I would venture to say that maybe half of them might be ready to go back. Many of them are residing in the State of the occupant of the chair. They are waiting for this act—to be able to say, "I have some capital. I'm ready to go. I'm headed back to Vietnam. That's my homeland. I came out as a refugee. The government has changed. We have positive relations. I am taking the capital and I'm headed back, headed home." That is one I have not heard talked about. That is very real. That would relieve some of the pressures on us with regard to a lot of things that are issues today in America about asylum and immigration refugees.

So I have yet to be convinced that any of the efforts that we are trying to do are aided in any way by isolating Vietnam. Now we are seeing the beginnings of greater cooperation. I know it is tough for all Senators, a tough emotional issue for all of us, but I think we need to take a sober and comprehensive view that guided our policies after the Second World War.

We did not undertake those policies out of a spirit of giddy self-sacrifice. We did not undertake those policies out of any lack of horror at the excesses of Japan and Nazi Germany. And we certainly did not undertake them out of a lack of interest in the 78,750 soldiers who remained missing at the end of that war. We did it because we retained fresh memories of the follies of a punitive peace—which was how we ended the First World War. After World War I, we did nothing to integrate and unify the aims of the warring parties, with the result that the world was again plunged into war just one generation later. But after World War II, we learned our lesson, and so we took the long view. One result is that Germany and Japan are peaceful members of the international community today.

Not only will our foreign policy and trade status be better for it, but our POW/MIA efforts will benefit from it as well.

I thank my colleagues and thank Senator KERRY. I look forward to the remarks of Senator JOHNSTON and Senator SMITH. I shall be listening intently. I thank the Chair.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Madam President, I want to congratulate the distinguished Senator from Wyoming for a very thoughtful statement. I agree with every word he said. I might say, it was a delight and a very constructive thing to be on the trip with him—which we just got back from—including Hanoi and Ho Chi Minh City.

Like most Americans, I have read and been concerned about Vietnam and about our relationship with Vietnam. I have been principally concerned about MIA's and POW's. All Americans have tremendous sympathy and compassion for the families who have lost loved ones in Vietnam. I go to the Vietnam Memorial fairly regularly because, frankly, I bicycle on The Mall. Every time I see those 50,000-odd names there, I am reminded of the tremendous tragedy that Vietnam represented for this country. It brings to mind the continued suffering of the families of our MIA's and POW's.

Madam President, I stand here today to ask for dropping of the embargo not because I care less about the MIA's or the POW's or their families, but because the best way to get further information for MIA's and POW's is to drop the embargo. We have all kinds of controversial decisions which come to the floor of this Senate, but few of those controversial decisions are, in my judgment, as clear as this question. There is no doubt in my mind that we ought to drop that embargo. Let me tell you why.

The question is not whether we have gotten 100 percent cooperation or whether it is 90 percent or whether there remain some few additional documents that they are withholding that we can get, but this much is absolutely clear: We have gotten what Gen. Tom Needham, our man in charge—a tough major general in the United States Army, who has been in charge for 2 years—says we have gotten complete cooperation from the Vietnamese Government in not only giving documents but in allowing access to sites and also with respect to Cambodia.

If we reward that kind of cooperation with a continuation of the embargo, then I think that is one way to really risk the cutting off of further information. The way to encourage the continued flow of information is to reward that with a dropping of the embargo.

A couple of years ago, the Bush administration undertook an initiative with the Vietnamese on what they called the pathway to normalization. They told the Do Muoi government that they had to do three things in order to qualify for normalization of relationships and dropping the embargoes. Two of those things had to do with POW's and MIA's. One was to allow access to sites, and the other was to allow access to the documents. General Needham and all of his staff—he has archeologists, he has linguists, he has different specialists in a whole complex there which they call the Ranch. We visited the ranch and had briefings in depth. To a man and to a woman in that group, they said the cooperation is complete. We have 12 teams around Vietnam in all parts from the north to the south to the highlands to the lowlands that are in there digging in crash sites now, full access to those crash sites.

So on the two scores of allowing access to the sites and allowing access to the documents, the cooperation has been complete.

The third element on the pathway to normalization had to do with Cambodia. We wanted them out of Cambodia and to secure their cooperation with respect to access to Cambodia. We have gotten that cooperation. General Needham says so.

Where should we get the evidence and who should be the primary judges of cooperation? I submit it ought to be our man who has been there for 2 years, our man and our group who are directly charged by this country, not some bleeding heart liberals who are always wanting to make friends with former enemies, but a tough-minded general who in turn followed up on the former Chief of Staff of the U.S. Army, General Vessey, who also thinks we ought to normalize relations. That is where our information ought to come from, from the people in charge.

If, having gotten that kind of cooperation, we now continue the embargo, then what is the Do Muoi government to say but—I do not know what they would say, but I can tell you we risk the cutoff of the flow of information.

General Needham told us there were about 2,000 cases that they thought were solvable, where they could determine one way or the other what had happened. There are a lot more cases than that that are still open, but many of those cases would never be solved because they involve a crash at sea, or whatever, and there is no way to get that information. But of the 2,000 solvable cases, General Needham tells us, they think they have solved 70 percent of them. There are still some 30 percent, something over 700, as I recall, that are still solvable. The progress is going very well.

The cooperation is complete. Senator KERRY, to whom I think this Senate and this country owes a great debt of gratitude, has been to Vietnam, I do not know how many times, been out on the crash sites, seen the actual cooperation, and fully endorses what General Needham told us.

Senator MCCAIN, we saw the lake where he crashed outside of Hanoi and where his parachute came down and where, by the way, they have a monument depicting the fact that Air Force Major "McCann" was shot down and captured. We had our pictures taken—I do not see Senator MCCAIN in the Chamber. We had our pictures taken in front of his monument. He has been over there. He feels the same way.

Now, where is the evidence to the contrary? There are just little bits and pieces and snippets of evidence, suspicions. But, Madam President, whether there is evidence that can be delivered or not, if we reward cooperation with further intransigence on our part,

that is really the way to shut off the information.

What I am saying, Madam President, is we should drop the embargo not based on trust in the Vietnamese, not based on their rhetoric, not based on trade. And indeed there are great opportunities for trade, but that should not figure in the formula here. It ought to be based on MIA's and POW's and the continued flow of information. In that respect, Madam President, it is a very clear question.

(Mr. WOFFORD assumed the chair.)

Mr. JOHNSTON. A final point. Is this the last bit of "leverage" we have? In the first place, I think a continuation of the embargo is reverse leverage. It is not actual leverage because it would operate in reverse against us. But beyond that, Mr. President, we have plenty of continued leverage against the Vietnamese.

We participate in the international banks from whom Vietnam wants and needs credits to rebuild their country. They need American companies. They need a lot from us and, if we drop that embargo, we will still have that leverage.

Mr. President, it is absolutely clear the time to drop the embargo against Vietnam is now; reward their cooperation and thereby secure continued cooperation.

I congratulate the Senator from Massachusetts, Mr. KERRY, for his leadership, and the other coauthors, mostly Vietnam veterans, who have been so strong in their leadership in this regard.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. I thank the Chair.

Mr. President, the amendment that is being offered by my colleagues from Massachusetts and Arizona is really the defining moment on the issue of the trade embargo with Vietnam. I wish to say at the outset that the kind remarks made by Senator MCCAIN and Senator KERRY and Senator SIMPSON about me are very much appreciated. This is not a personal argument. I have no personal vendettas against any Members of the Senate on this issue. Many of them served in Vietnam, as I have done, and many had more things happen to them than I did: Senator KERREY wounded; Senator MCCAIN, who is a POW.

I rise in opposition to this amendment on the basis of principle after 10 years, 10 long years in the Congress working on this issue. I have been to Vietnam five times myself, in addition to the time I spent there in the war. It is something that is controversial, and I hope those of my colleagues who are truly undecided—sometimes I wonder how many there are of us in that position—would focus on this debate and some of the things I have to say.

Just so my colleagues will know, at some point after the vote is taken on the Kerry-McCain amendment, I will offer another amendment—whether it would be in the form of a substitute or freestanding amendment remains to be seen at this point, but it will be an amendment that I think is much more realistic. In general, it will say that the amendment, my own amendment, which I will talk about in a few minutes, makes lifting of the trade embargo against Vietnam contingent upon POW/MIA progress as determined by the President of the United States, whoever that President may be.

That is a reasonable solution. Specifically, my amendment will say to lift the embargo the President must make a determination to Congress that Vietnam has resolved as fully as possible—not fully, as fully as possible—POW/MIA cases in reports where Vietnam can be reasonably expected to have additional information or remains based on U.S. investigations to date. And thirdly, by sense of the Senate, that the President is urged to consult with Congress, the national veterans organizations, and the POW/MIA families before making the determination on lifting the embargo.

That amendment I will offer possibly this evening if we go on into the evening, so I would just alert my colleagues to that.

So those of you who feel you want to be recorded in some reasonable way on this issue, if you feel strongly that the embargo should be lifted, then the Kerry-McCain amendment is the amendment for which you should vote. However, I have this alternative which I will discuss in full detail very shortly which will give I think valid reasons, many reasons—the Senator from Louisiana just said he would like to hear some evidence. I have plenty of evidence that I will offer in the form of why we should not believe that the Vietnamese have totally provided all information they unilaterally can provide.

I might also say, Mr. President, because how you frame these debates sometimes influences votes, this is not a debate; no matter how many of us may feel about it, it is not a debate about live POW's. It is about whether Vietnam has been fully forthcoming on the POW issue.

Some of us have feelings one way or the other on the issue of live POW's, whether it is compelling evidence or weak evidence or strong evidence. We all agree there is evidence. It is how compelling it is. So it is not about that. It is about whether or not the Vietnamese have been forthcoming in providing unilaterally all information they can provide.

Now, having worked with Senator KERRY for over a year on the POW committee—we had a good working relationship. We disagreed from time to time. We agreed many times—I wish to say with respect to assessing this amendment that I believe to pull the embargo now, given the information we still have outstanding, is an insult to the families of those who have served, and I think it is an insult to the men themselves who are missing.

If you do not believe what I say, then ask. Ask the American Legion. I am sure you are hearing from them. My colleagues, read your mail, answer your telephones from the veterans organizations: The American Legion, the VFW, VVA, DAV, League of Families. All oppose this amendment. Whether every member does remains to be seen, but the organizations have formally expressed opposition to this amendment.

They are opposed to what the Senator from Massachusetts claims he is doing on behalf of resolving the issue. Why? I am not sure. But I suspect that there is some knowledge that before we even had increased access to Vietnam—and we have had increased access to Vietnam, a lot of it, and I have seen that myself firsthand. But before we even had any increased access really in the last 2 to 3 years, before we had a joint task force in Vietnam, before we had a select committee on the POW issue, the Senator from Massachusetts, with respect, was advocating lifting the trade embargo against Vietnam.

I think that is his foremost objective. He believes that we should lift the embargo, and he has a right to believe that. He said so on occasions long before this debate.

I have here a New York Times story on October 29, 1990. This is a letter that the Senator from Massachusetts and some of his colleagues here today who are supporting his amendment sent to then President Bush. I would like to read briefly a quote from that letter. This is a letter to President Bush. It was signed by Alan Cranston, JOSEPH BIDEN, JOHN KERRY, CHRISTOPHER DODD, FRANK MURKOWSKI, MARK HATFIELD, among others.

An excerpt from that letter very simply says this: "The time has come for putting the Vietnam war behind us and opening a new chapter in U.S.-Vietnam relations," said the letter of October 29. "We urge you to act promptly to lift the U.S. trade embargo on Vietnam, and we pledge our full support."

There is not any wiggle room in that statement, my colleagues. This was October 29, 1990. That was the view of the Senator, many of the Senators, Senator KERRY and others, in 1990. If we are talking about using the last 2½ years or 3 years or 4 years of cooperation as a reason, then I have some trouble understanding what the point of the Senator from Massachusetts is.

The point is, if you are for lifting the embargo, then you are for lifting the embargo. But to say that there has been this magnanimous progress over the past 3 years, that we did not have prior to that, and that is the reason, is simply incorrect.

Since May 1991 the Senator from Massachusetts, as I, has made numerous trips to Hanoi. He has made eight. I think I have made five. Each time there are claims where he is quoted as saying the Vietnamese are giving us great cooperation, and each time he is recommending further relaxing or doing something with the embargo. I have statements. I do not want to go into them all. I could but I will not. He has made those recommendations. He made them when he was chairman of the select committee, sometimes in consultation with colleagues, sometimes not.

But I just want to make the point that it is not something that suddenly we have come to that it is time now to lift the embargo because of what has happened in the past few years.

We ought to lift the embargo when the President has determined that Hanoi has been fully forthcoming with us on the issue. That is when we should lift it—President Clinton, some President in the future, whoever.

Mr. SPECTER. Will the Senator be willing to yield for a question, Mr. President?

Mr. SMITH. Yes; I yield to the Senator from Pennsylvania.

Mr. SPECTER. I thank my distinguished colleague from New Hampshire. I have discussed this matter before my colleague started to speak, and it relates to the evidence which my colleague from New Hampshire feels that he has that there has not been a full accounting as to the MIA's. He relates to questions which my colleague has as to the thoroughness of the investigation which has been conducted by United States military personnel in Vietnam.

I think it would be useful to have on the record the evidence indicators which the Senator from New Hampshire has.

My question relates to why the Senator is willing on his alternative amendment which I have reviewed to have the President have the authority to lift the embargo if in fact he is not satisfied on the basis of the evidence indicators which the Senator from New Hampshire has that the Vietnamese government has been entirely forthcoming.

As I read the amendment submitted by the distinguished Senator from Arizona [Mr. MCCAIN], and the amendment in the second degree offered by the distinguished Senator from Massachusetts [Mr. KERRY], they are identical except for the seventh paragraph in Senator KERRY's amendment. The first five paragraphs are recitations which I think no one will disagree with. Paragraph 7 of Senator KERRY's amendment is one which I think no one would have a disagreement. But the critical paragraph is paragraph 6 which reads as follows:

Therefore, in order to maintain and expand further United States and Vietnamese efforts to obtain the fullest possible accounting, the President shall lift the United States trade embargo against Vietnam immediately.

I was a part of the delegation with Senator BENNETT on the Energy Committee, and was present with Senator SIMPSON and heard what General Needham had to say and the others.

Mr. KERRY. Will the Senator yield for a clarification in point?

Mr. SPECTER. Yes.

Mr. KERRY. I want to make the point that in my amendment, it is not "immediately." It is "expeditiously." So it is really subject to the President's decision. It is "expeditiously," not "immediately."

Mr. SPECTER. I thank the Senator for that clarification. The materials which I saw were not inclusive.

Coincidentally, we have seen the Senator from New Hampshire on television on CNN when our delegation was at an Air Force base in Japan and heard the concerns. And therefore, I have discussed the matter with the Senator from New Hampshire to try to understand the factual questions which he has and in fact his disagreement that the Vietnamese Government has done everything which is possible.

I have grave reservations about the paragraph 6, which is the operative paragraph in both the McCain and Kerry amendments, which says that we should lift the embargo in order to obtain the fullest possible accounting. I have doubts about that because I have doubts that there will be further disclosure by lifting of the embargo.

The question on my mind—and I have an open mind. I do not know how I am going to vote on this. The question in my mind is whether the Vietnamese Government has made a full accounting. If we are sure that there are no more prisoners of war, and I believe that is accepted on all sides, that there are no more prisoners of war which are being held, then the question is whether there has been a fullest possible disclosure of the facts on the MIA's, and if that is true, I am prepared to vote to lift the embargo.

If it is not true that there has been the fullest disclosure as to the remains of the MIA's, then my instinct is not to vote to lift the embargo. But I am not prepared to vote to lift the embargo to induce them to give us a fuller accounting if in fact they have not given us an honest accounting. And that is the question which I pose to my colleague from New Hampshire. Perhaps also a parliamentary procedure would be accorded to my colleague from Massachusetts, Senator KERRY.

Mr. SMITH. I thank the Senator from Pennsylvania for his question. I would like to respond to it. The answer to your question as to whether or not the Vietnamese are fully cooperating is no.

The thrust of the amendment in question is basically an admission of that fact. And the idea is that if we lift the trade embargo, by doing that, we will encourage further cooperation and get more answers. I respect that as a position and I understand that that very well may be the case, but there is no leverage, once we lift the embargo, to get that information. That information could be destroyed, or whatever, because it could be an embarrassment.

For example—and only for example—if there were some very nasty records that had been kept about what may have happened to POW's during the war or after the war, whatever the case may be, and they are particularly embarrassing to the Vietnamese, there would be no incentive to put that information out.

We have two issues. One, have they been fully forthcoming? By that I mean, have they provided us all information that they could put their hands on now and provide to the U.S. side? The answer to that is no. I will document that in my later remarks, but that is the first point.

The other side of it is, should we go ahead and lift the embargo and hope that we get it? That is a fair argument. I do not buy it, because there is no incentive for them to do it once we lift the embargo.

You could use the same argument in North Korea. Maybe we should lift that embargo and they will give us access to their nuclear facilities. I do not buy it.

Have the Vietnamese been cooperative? Yes, their cooperation has increased. I had access to Vietnam that no investigator had ever had the last time I was there in July. They were cooperative. But fully cooperative in terms of what is in the archives and in the records in Hanoi, not what Senator KERRY is referring to here. This photo is a nice crash site excavation.

I support that, even though the Vietnamese are charging us tens of millions of dollars to do this. It is a built-in foreign aid; it is not free. They charge us for helicopters, planes, jeeps, trucks, personnel, manpower, shovels, you name it. They are not cheap; they are Cadillac items that we are paying for. So we are doing that and I support that. That will account for people, but that is only one part of it. What about what is in Hanoi that they unilaterally could provide from the documents and records? The answer to the question you ask is no, they are not and have not fully provided those answers.

The thrust of the Senators' amendment, Senators KERRY and MCCAIN, is if we lift the embargo we will get more cooperation and get more information. They may be correct. I happen to disagree. I think the risk is too great. I am not willing to take that risk. We have no leverage at all if we do it, and that is why I oppose it.

Mr. SPECTER. If I may pursue the question a little more—

Mr. McCAIN. I would like to try to respond to the question that you already asked.

Mr. SPECTER. All right

Mr. McCAIN. Thank you. I will be brief. I think the Senator from Pennsylvania has a very important and crucial question. I think it would be important to recognize that neither Senators SMITH nor KERRY, nor Senator McCAIN have all of the information; nor do we, because of perhaps our long involvement in this issue, have a totally objective view of the issue.

In response to the question of the Senator from Pennsylvania, that is why I think it is important that we look to the views of others who would be respected and in positions of responsibility. The Commander in Chief of the forces in the Pacific is Admiral Larson, under whose direct command they are carrying out these operations over in Vietnam. On January 21, Admiral Larson, the Hawaii-based commander of the U.S. forces in the Pacific, said that ending the 19-year-old embargo would give him "an operational advantage" in searching for Americans listed as missing in action in Vietnam. "If we get more Americans investing, traveling, and participating in Vietnam, that will give me a network of information that will obviously help me to learn about the past, present, and perhaps the future," he said in an interview here after a 3-day visit to Vietnam this week. His comments rejected the argument by some veterans groups and families of missing servicemen that the United States should maintain its embargo to keep up pressure on Hanoi to resolve the MIA issue.

We get the same opinion from General Needham, who is the general on the ground, who has been conducting our efforts to track down the MIA/POW issue.

These individuals may not be the last word, I say to my friend from Pennsylvania, but I think they should be given serious weight and consideration as career military people, who are every day immersed in this issue, who believe it is to our advantage in resolving the POW/MIA issue to lift the embargo. I recognize fully that the Senator from New Hampshire, in a very articulate fashion, disagrees with that view, and I respect the view of the Senator from Massachusetts, as I always have. But I have a tendency to give great reliance to the people in whose hands we place the responsibility for trying to resolve this very difficult, many-decade-old issue.

I thank my friend from New Hampshire for allowing me to respond to my side of the question. I think it shows great courtesy on his part.

Mr. SPECTER. If I may pursue the question at this point, I ask this of my colleague, because I know the parliamentary line is somewhat complicated. The issue for me turns on the good faith of the Vietnamese in providing all of the information. I have enormous respect for what our colleague from Arizona, Senator McCAIN said, because of his tremendous sacrifice as a Vietnam veteran. I was there with Senator SIMPSON when we saw the monument in the lake where Senator McCAIN crashed. I appreciate what Admiral Larson said; I have seen that, and I appreciate what General Needham said, and I heard personally about their view that there would be additional leverage.

I do not know whether there would be greater leverage if we lift the embargo or if we do not lift the embargo. But my inclination—and this is not final—is not based on where we have the greater leverage. My instinct is to base a decision on whether there has been total good faith by the Vietnamese in disclosing the information as to the MIA's and their remains. That is why I come back to the essential question as to whether there is evidence or indicators—maybe not evidence in a technical, legal sense—but indicators, if not evidence, that there has not been a good-faith compliance by the Vietnamese in giving us all of the information about the MIA's.

Mr. SMITH. I respond to the Senator from Pennsylvania by saying this: In the amendment that I intend to offer in one form or another before the debate is concluded, I will go into great detail about evidence that is in our possession and the Intelligence Committee's possession that the Vietnamese have not been fully cooperative in terms of providing to us what they can provide—not the fact that they may dig up remains in 10 years that they do not know about; I do not hold them to that. That is an unreasonable criteria to apply.

What I am referring to is what they could unilaterally turn over to us today if they wanted to. The answer to the question is that they have not done that. They can do it, and I do not think there are very many people in the U.S. Government who work on this issue in the Intelligence Committee that would deny that. I do not think General Needham and Admiral Larson would deny that.

There has been a great focus, as the Senator from Massachusetts pointed out, on digging up crash sites and going to various locations and getting access to those crash sites, which we have never had access to before, correct.

What I want to get into are some of the other areas we have not even asked to go to yet. For example, there are many prisons in Vietnam that our people have never gone to, where we have had live sighting reports; indeed we have had reports that people died in those prisons, were buried in those prisons as prisoners, and the remains were never recovered. Not only were they not recovered—and I am getting ahead of myself in my prepared remarks—we never asked for them.

I repeat that. We have never asked to go to those prisons to look at those grave sites.

Now, the purpose here is not to come out with some big critique or being very, very critical of the whole operation here. That is not the purpose.

The purpose is to point out to you and to my colleagues that what this amendment is about is a direct departure from policy of Democratic and Republican Presidents, including this President today. It is a dramatic departure from that.

I would like to just continue with my remarks. I can point that out.

I would just hope that the Senator from Pennsylvania could listen to some of the remarks that I have and some of the information that I have and make up his mind.

I respect the fact he is open minded about it. But you know, there are plenty of examples, plenty of them throughout the files where we based on very, very good intelligence from our own prisoners who have returned, including Senator McCAIN, that would indicate that there was information available.

I will just give you one example of what happened to a pilot who was shot down, captured alive, his capture witnessed and imprisonment witnessed by other prisoners, filmed on Communist propaganda films, sent around the world in Communist propaganda and first, he never came back alive, second, his remains never returned, and third, no information one way or other what happened to him ever came to our attention.

We agree they kept very meticulous records, and we know they could answer what happened to an individual like that. We know that. And they have not.

There are numerous questions like that, just to give one category of cases, and that is why I cannot support this amendment. It gets down to basic decency and we have always confronted the Vietnamese, the families, the interagency groups under Presidents Ford, Carter, Reagan, and Bush and now President Clinton, and that was no longer in the group, but they always went after Vietnamese on a humanitarian basis, provided it to us on a humanitarian basis what you can provide. But we kept on the road.

Every time we go over there, whether KERRY, me or someone else, they provide some more information. They sent out Senator KERRY. I heard him say on the floor the 1,000 documents and photographs. One percent of those documents and photographs returned pertained to American POW's or MIA's missing. The rest of them pertained to people who returned.

So I think we really need to look through this and make up our own minds in terms of saying what is it, have they really fully cooperated? And if you believe that they have not, then you have to decide on that basis whether or not you think that they will cooperate more if we lift the embargo.

My feeling is that they will not because they have no incentive to do it. It is a risk. If you feel the risk is worth taking, then you would support the Kerry-McCain amendment.

I do not. I believe it is a terrible mistake as it would be in lifting an embargo on Libya or North Korea or some other country where we have differences.

Personally, because of the trips I have taken I like the Vietnamese people. They have been very courteous to me, even though I disagreed with them. Senator KERRY knows that they provided me a great deal of access to their country. They were polite and very kind to me, and I appreciate that. And they know though that I know that they still can provide more information, and I feel they should before we lift the embargo.

Mr. KERRY. Mr. President, I ask my colleague if I could have a chance to answer the two questions he propounded?

Mr. SMITH. I would be happy to yield for the purpose of responding to a question. I have kind of started into some prepared remarks and have been interrupted a number of times. I will yield to the Senator from Massachusetts to respond to the Senator from Pennsylvania.

Mr. KERRY. I think it is an important line of questions.

The PRESIDING OFFICER. Without objection, the Senator from Massachusetts is recognized for that purpose.

Mr. KERRY. I thank the Chair.

Mr. President, I want to address the Senator from Pennsylvania. He asked a good question. I want to answer that.

The Senator from New Hampshire said you take a risk if you lift this. I would answer him by saying it is exactly the opposite. It is no risk to lift it. You take a risk to keep it.

The risk to keep it is that whatever cooperation we can get stops because we made an arrangement with the Vietnamese. The policy of two Presidents has been if you cooperate on this, this is the way you lift the embargo. That is the policy of the United States.

The Vietnamese have done everything. I will say to the Senator that they have done every single thing that I asked or our committee asked the entire time we were there. They did not refuse to go one place. They did not refuse access to one person. Nor has the team that is there said they refused anything.

The Senator from New Hampshire is correct. Have we been everywhere? No, it will take 10 years or more for us to get everywhere. Have we been in every prison? No. Have we excavated every site? No.

But the Senator from New Hampshire, I know, cannot apply the same standard that he is applying to Vietnam that they be fully forthcoming, to our own DIA, CIA, or Defense Department. He would not say they have been fully forthcoming.

Certainly as the Senator knows as a lawyer and former prosecutor, you cannot put the case together if you are not talking to witnesses and you do not have access to the evidence.

They control the evidence. We will only gather whatever evidence the Vietnamese ultimately either give us or we discover. We will only discover it if we are there.

The Senator keeps saying you lose your leverage. You do not lose your leverage. You gain leverage. You gain leverage because you are not normalizing. You hold out the normalization. You hold out GATT. You hold out loans. You hold out membership in the world community. You hold out MFN you hold out a whole sequence of things.

And you can always put the embargo back in one month or in 3 weeks or 2 days if they stop doing what they say they are going to do.

So what is the risk? The risk is that you take some nebulous standard of fully forthcoming when they have done everything we asked them to do. We do not know. Some will assert our intelligence says they have some document. Well, intelligence is intelligence. Sometimes it is right, sometimes not. We do not know exactly where the document is. We cannot walk into the building and say, "Give us the document; it is here." We just do not know. They will look you in the eye and say to you, "We do not have the document, Senator."

So how are you going to find the document? You are going to find the document when some Vietnamese sneaks into the American office and says, "I know where the American document is."

That, I might add, is exactly what General Vessey and our Secretary confronted them with on some documents previously.

My colleague says the issue is whether or not they have been fully forthcoming. That is not the issue. There is no way to prove whether they have been fully forthcoming or not.

The issue is, what is the best way to get the evidence out of them?

I do not know if you can find a person with greater credentials on this than Gen. John Vessey. General Vessey, you know, has 46 years of military service, Vietnam service, decorated with the distinguished service cross, the Army, Navy, Air Force, and Defense distinguished service medals, the purple heart, medals from 19 friendly nations, the civilian highest award, the medal of freedom from President Bush for his work on this. Let me read you what General Vessey just said, and he sent this to us today.

This is what General Vessey said today:

> In the past 6 years, Vietnam has made huge leaps in the direction we wanted them to go, many of them moves that we in Washington thought would never be made. Among them:
>
> Agreed to Joint Field Investigations of "discrepancy cases." We are in the 6th year of those investigations.
>
> Agreed to joint live sighting investigations.
>
> Returned several hundred sets of remains of missing Americans.
>
> Got out of Cambodia and supported U.N. sponsored elections.
>
> Released all reeducation camp inmates.
>
> Helped reunite about 300,000 separated Vietnamese families.
>
> Let us get Amerasian children out of Vietnam.
>
> Let the United States set up a POW/MIA office in Hanoi.
>
> Agreed to State Department officers in Hanoi with no reciprocal move.
>
> Accommodated a variety of intrusive requests—such as going through prisons—by the USG and members of Congress.
>
> Have allowed U.S. researchers unlimited access to the Defense Ministry Library.
>
> I cite these Vietnam Government steps not to urge rewarding them, but as a reminder that cooperation depends on confidence building steps. Lifting the trade embargo and moving forward in relations is not rewarding a heinous communist regime for past crimes! It is a move that will open Vietnam and move it toward democracy and free enterprise as well as help us reach our goal of fullest possible accounting.
>
> This is the overriding reason for lifting the trade embargo. We now have the best cooperation we've ever had from the Vietnamese Government in searching for evidence about the fates of our people. Maintaining the embargo will not improve that level of cooperation, but rather will probably lessen it. To achieve fullest possible accounting, we will need the help of local authorities, the Vietnamese veterans, and the Vietnamese people. Let me point out that lifting the trade embargo is not granting a favor to American business at the expense of the families of the missing and the Veterans. It is, rather, the surest way to further the cooperation we need to get fullest accounting.

My colleague at the beginning of this debate said this issue was not about MIA's, prisoners, sites. The American Legion and others—let me read you from the American Legion to the President of the United States of America saying here to the commander-in-chief that the issue before us is to force Vietnam to return live American POW's.

That is why they are opposed. They believe there are live American POW's.

So I say to you, you want to measure good faith, I will put General Vessey and General Needham and General Christmas and Admiral Larson up against the American Legion or any of these other folks any day of the week.

I thank my colleague.

Mr. SMITH. Mr. President, I would like to reclaim my time. I think I have

been very patient. It was supposed to be a question and response.

Mr. SPECTER. I thank my colleague.

Mr. SMITH. I am glad to do that.

I want to point out, there have been a lot of people with a lot of credentials who have worked on this issue over the years, including General Vessey. But I do not know how anyone, any reasonable person, could draw the conclusion that you have received the best cooperation from the Vietnamese people on this type of an example.

Let us say you are a family member, and you have a loved one missing. You see a Vietnamese propaganda film with your loved one in perfectly good health speaking on that film. He has been captured alive. He was uninjured. He is being used for propaganda all over the Chinese world during the war. And you have not heard one single word from the Vietnamese.

Best cooperation? Give me a break. They know what happened to that man. They know what happened to that man. And they ought to tell us before we let somebody go drill for oil in Vietnam.

That is what is driving this issue. And I do not accuse Senator KERRY or Senator MCCAIN of that motive. But to some, that is the motive. That is the objective here: To get business in there to drill for oil, because the French are in there and maybe the Canadians are in there, the Japanese are in there. Do you know what? They do not have 2,238 people missing, with all due respect. That is what the issue is here, not best cooperation.

Has there been some improved cooperation? Yes. Why did we get it? Why did we get improved cooperation from the Vietnamese? Because five Presidents from both political parties held firm on a humanitarian basis and said, "You give us the answers you can provide us on our missing and then we will forgive you and the war will be over and it will be behind us." That is why we are getting cooperation, and we will get more of it if we stand up and be firm.

So the talk about nebulous information, that is not nebulous. If you are the father or the mother or the wife of a person who has been seen on that tape on that film, they knew enough about him to tape him and film him and send him all over the propaganda world, did they not? And they were meticulous record keepers. They took photographs of dead people. They took records of everything—how they fed prisoners during the war and what they did to them during the war and what happened to them, how they died. They kept meticulous journals. We have them in the DIA. Go ask for them. Look at them. They know what happened to these people.

But they hold that out. They hold that out, because they want us to know that they defeated us in that war.

So, if you want to take the position that you are going to get what happened to that pilot on that film if you lift the embargo, that is fine, then vote for the amendment. But if you think you are going to get it just because they want to give it to you and you are going to have leverage, you are mistaken, seriously mistaken. Because you have zero leverage. Zero leverage.

And, frankly, with the utmost respect for the two officers over there, Admiral Larson and General Needham, they are wrong, dead wrong, on this issue.

When it is over, 6 months after you vote for this, how are you going to explain to the families in your State when the Vietnamese suddenly say, "Oh, here is the information on colonel so and so." Where did they get it? Did they just find it somewhere? How are you going to explain that to the families?

It is time we stand up for principle. That is just what is wrong with this country. It is just why people look on those of us in politics in a derogatory way. We all hear it. And this is a good example of it.

Stand up for principle. The principle is these people have been deceitful. They have committed perfidy. They have put these families on a roller coaster ride for years and years and years and they are still doing it.

We can get that information because it is the right thing to do; not the business thing to do, the right thing to do. It is the right thing to do.

Now, what we have not heard here is that this amendment that the Senators have offered is at odds with everything the President of the United States today, Bill Clinton, has said concerning his policy toward resolving the MIA issue. The President has said—he said it—"Lifting the embargo in Vietnam will be contingent upon Vietnam being fully forthcoming on the POW issue."

So if you support your President and the previous Presidents and your position is they have to be fully forthcoming before you lift the embargo, then stick with your President and his predecessors and do it. If you do not think that is right and you disagree with your President and you disagree with his last four predecessors, then you vote for the amendment and you hope and you pray. You lift the embargo and you get down on your knees and you pray that the Vietnamese will give us all this information now because we have suddenly lifted the trade embargo.

Well, I am not going to take that chance. It is unfair to the families of these people who served—many died, many wounded, captured. It is wrong. It is morally wrong.

Now, if they came in here as a group, the Legion, the VFW, the League of Families, those who have a stake in this—not Senator SMITH, not Senator KERRY, the people who have the missing—if they came in and they said this is what we want, maybe we have a point. But they are not saying that. They are saying the opposite. They do not want this amendment. Ask them before you vote if you are undecided.

The amendment also says if we lift the embargo, in effect, we improve our leverage on Hanoi. We are going to convince Hanoi to be suddenly forthcoming. If they are not, what do we do then? That is what we have been talking about.

Does anybody really believe there would be a movement to reimpose the embargo at that point? Are you prepared to do that, those of you who want to lift this embargo? Are you prepared to put it back on again when information begins to dribble out that you knew they had before? Does anyone really believe that we would reimpose the embargo? Come on.

It is business interests driving this thing. That is what is driving it—profit. And there is not a Senator in here that has a better business voting record than I do—big business, small business, any business, whatever business; 100 percent rating from the NFIB; 100 percent rating from the U.S. Chamber. I do not take a back seat to anybody, with all due respect. So do not tell me that I am antibusiness. But profits should not come ahead of principle. And of all countries, this one it should not. The risks are too high to make a concession like this.

Mr. President, when we know the Vietnamese still have information in their possession—and we do know it and I will prove it in my later remarks—about Americans who were never returned at the end of the war, we ought not to lift the embargo. It is a phony argument to allege that if we allowed more American businessmen to go into Vietnam they would stumble upon some information from the Ministry of National Defense. How many American businessmen stumble around the Pentagon and get top secret information? Come on. They are not going to let you into the Ministry of Defense if you are over there drilling for oil. That is ridiculous to even insinuate that.

If we lift the trade embargo against North Korea, maybe the North Koreans will let us go in and look at all their nuclear plants. Maybe we could have some American businessmen go over and do it for us.

The families, Mr. President, of 2,238 people, Americans unaccounted for, still unaccounted for from the Vietnam war, are scared, to put it bluntly. They are scared to death that Senator KERRY is going to prevail on this amendment; that he is going to convince his colleagues to vote for this amendment, as he has been working hard to do over the past several days.

I know he was at the White House recently, Monday night, I believe, trying

to make his case. It is pretty convenient. There is a nice little, convenient setup here. Go to Vietnam, talk to Needham, talk to Larson, come back to the White House, talk to the President: Everything is fine, we are getting total cooperation, everything is just rosy. Let us lift the embargo.

That is what is going on. The families, those of you out there, need to understand that because that is what is happening. It is a nice little tidy setup here. We are digging around over here, looking for these remains. But we are not bothering to go into Hanoi, into the ministry of defense. We are not investigating live sighting reports. The Vietnamese told me they are not even looking at them anymore. They are not asking us. We are not going to the prisons where we have double polygraphed people who say they saw people buried, prisoners. We are not going there. We have not asked to go there. We have not even asked. And the Vietnamese are not going to let us go there—they are not going to let us go there unless we ask. Admiral Larson and General Needham, why do you not ask to go to those prisons? And I will be pointing some of them out to you, as if you need to know.

The President has said that lifting of the embargo is contingent upon POW/MIA progress. So you are going to go against the policy of this President, and his predecessors ever since the war, if you vote for this amendment. In my judgment, and in the judgment of those affected by this amendment, the families, it is premature for the Senate to do this.

I am not opposed to lifting the embargo. I said I liked the Vietnamese people, and I do. There are some fine people in Vietnam, and I have met a lot of them in five trips. I went all over the country the last time there. I would like to get the war behind me too, and the best way to do it is to say: With all due respect, Mr. Do Muoi and those of you in the Vietnamese Government, give us the information you have. It is the humanitarian thing to do. It is the right thing to do. And after you do that we will lift the embargo. That is what we ought to do, and that has been the policy of Republicans and Democrats for the past 20 years.

When you cast your vote on this amendment I believe you should reject it because it is premature, and you should be doing so on behalf of the families. They are the ones who have the stake, the families. Let us stop thinking about our own selfish interests, stop thinking about some businessman from some oil company who wants to go into Vietnam and drill for oil. That is great. I would like to see them go in there and do that. I have seen the country. It is oil rich. It is a beautiful country. I have seen the beaches. I would like to go as a tourist—I have told the Vietnamese that—but after you give us the information on our men. That is the decent thing to do.

And my colleagues should be doing this because they support the President's efforts and his current approach to resolving this issue. If you do not support it, and you want to break from it, then you vote for the amendment.

In the strongest possible terms, and with some emotion I admit, I urge the rejection of this amendment. It is the wrong time. There are many, many times in foreign policy that we tend to micromanage in this place. I am guilty of it. We are all guilty of it, depending on which side of the issue we are on. But if this amendment is agreed to, the President, who I believe is leaning to lifting the embargo anyway—that is no secret, many in his administration want it lifted; many in the Bush administration wanted it lifted but there was more of a debate there than is in this one—if we vote to lift it we give the President the excuse to do it because he believes that the American people, through the Senate, have then so indicated that that is what the American people want.

I urge the rejection of this amendment. The right course of action is to have the President first make a determination that Vietnam has been fully forthcoming on the POW/MIA issue. Then and only then should the embargo be lifted.

I believe that is the right way to go. I believe that is what the families want. They have certainly indicated it and they are the ones who should be listened to. No one—no one including me or anyone else—could possibly understand the pain that these people have suffered over the past 25 years, waiting every time somebody goes on a trip to Vietnam, for some shred of information. Imagine the feeling of those who saw their loved one.

I have a tape, a film, in my office that I just got that the Vietnamese just released—in this great period of cooperation—which showed Bobby Garwood. Everybody knows Bobby Garwood came home. But do you know what? In the same film was another man, another POW. Perfectly healthy. Just as healthy as you are or I am. Looking right into the camera. And the Vietnamese were using him for propaganda purposes.

They said he died. Period. No other information. He died; died in captivity. They know what happened to him. And they gave us the film. Why can they not give us the rest of the information? They have it. That is not full cooperation. And it is—even if it is full cooperation, and it is not, it does not justify taking the action of this amendment with that kind of perfidy.

I do have some other remarks. Let me just ask, on a final point on that particular case in that film: If he died, where are his remains? If his remains were destroyed, where did they bury them? Who buried him? What happened to him? They kept notes on it. They know what happened to him. And there are many cases like that; not just one, many.

I would be prepared to yield the floor but before yielding I would say I am going to speak to my own amendment. There might be some question as to whether we would do that, whether I would speak to the amendment before I offer it in the course of this debate, or whether there will be a vote first on the Kerry amendment. But I would just say to my colleagues my preference would be, and I believe what I will do, is speak to my amendment because I believe that my colleagues need to hear why I believe we should stick to the policy that we now have, in great detail, with many examples and cases of where the Vietnamese have not been forthcoming and we know they have not been forthcoming.

Senator SPECTER said he would like to hear some evidence. Senator JOHNSTON said he would like to hear some evidence. I have it. I will temporarily yield the floor and allow some of my colleagues who have been waiting to speak to speak and then reclaim the floor at some point and discuss the content of my amendment, which will either be in the form of a substitute or another amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, there are other colleagues waiting to speak, so I am not going to go on at length to rebut most of what my colleague has said, although it is rebuttable.

There is one thing that is important. My colleague said the President ought to make the decision. He has some amendment that purports to give the President the chance to make the decision. Please understand that our amendment, the amendment of Senator MCCAIN and I and others, permits the President to make the decision. It totally leaves the choice to the President. It says we believe he ought to do it expeditiously. When the President deems expeditious is up to the President. So we leave this in the President's hands. There is no difference there.

As to these films that have been alluded to, it is precisely through the Vietnamese we got the films. I was over there and negotiated with them to get them to turn over 319 films that we have now reviewed. We have been able to look through the films. It is precisely because of that that we now have questions about the whereabouts of this person being buried. Now we now have the list—I showed it a few moments ago—of where people who died in captivity were buried. They also gave us that. So we are going about the task of tracking each of these people.

So, the point to be addressed here is how we are best going to continue this

process of accountability, whether we see it shut off or whether we continue.

Mr. SMITH. Will the Senator yield for one point for 30 seconds?

Mr. KERRY. I yield for one point for 30 seconds.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from New Hampshire.

Mr. SMITH. In response to what the Senator said regarding the film, it is correct the Vietnamese did provide the film on POWs and Garwood, where we got the film on David Garwood 25 years ago when he was alive and in prison for a number of years. But they have not told us what has happened to David Hrdlickq. So it is not a case of them providing films today or previously, but we have had films for years and they never chose to tell us what happened to the people.

Mr. KERRY. I agree. We do not have a disagreement on that. But the point is, unless they tell you—which they have obviously not chosen to do for 25 years—you have to find out. Now, if they are not cooperating with you, you are not going to find out.

This is all very simple. This is not half as complicated as some people want to make it. The choice for us is whether we encourage them to shut down the level of cooperation we have gotten to by ignoring the cooperation we have received, or whether we are going to keep going down this road. I think General Vessey said it about as strongly as you can say it. This is a way of opening up that cooperation. It is a judgment people have to make. I believe you keep better faith with the families by guaranteeing we have a process in place that will allow us to get them answers than pushing us back into the dark ages of 1975 to 1988, when the families got no answers and lived in total exclusion of what the truth might be.

Mr. MCCAIN. Will the Senator yield?

Mr. KERRY. If you care about the families, let us keep the process open.

Mr. MCCAIN. Mr. President, I ask the Senator if he would elaborate a little bit on General Vessey. He mentioned his name. I wonder if the Senator would think it appropriate to review the fact that General Vessey got a battlefield commission in World War II at age 17, I believe, served in three wars, became Chairman of the Joint Chiefs of Staff, retired with honor and dignity, and was called back by President Reagan and asked to be his special envoy to Vietnam on this issue.

The man clearly had deserved his retirement. He clearly was not eager for this assignment. I think the Senator from Massachusetts knows how many years he has spent traveling back and forth to Vietnam on this issue, examining it in depth to the point of being totally knowledgeable on every single MIA case and rendering his best judgment and advice and counsel to the President and the American people and those of us in Congress.

Is it not clear, I ask the Senator from Massachusetts, that General Vessey has said that it is in the interest of the United States of America, it is in the interest of addressing the MIA/POW issue for us to move forward in our relations with the Vietnamese Government? And is it not true that General Vessey greatly fears that at some point the Vietnamese will say, "Look, we have complied, we have done what you have asked us to do and yet you still refuse to honor the roadmap that was laid out by the Bush administration"? Is it not also true that he fears that this may cause us to receive much less cooperation and impair our ability to get this issue resolved?

Mr. KERRY. Mr. President, the Senator from Arizona is absolutely correct in summarizing General Vessey's view. I would like to underscore it for a moment. General Vessey not only received a battlefield commission and served for 46 years, but I think people ought to focus that this is a man who fought in Vietnam and in Laos. He is a commander. He lives by the rule that you do not leave people behind. He came out of retirement dedicated to live by that rule. He went back to Vietnam again and again and again, a long and tough journey.

I ask unanimous consent that a history of movement with the Vietnamese be printed in the RECORD.

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

POW/MIA HISTORY RE THE VIETNAM WAR

1973:

A total of 591 American POWs return to the United States. Most returned during Operation Homecoming from February to April 1973.

1974:

The Vietnamese repatriate the remains of 24 POWs who died in captivity.

1975:

Saigon falls and American forces are withdrawn from Vietnam.

1976–1978:

After the end of the war, Vietnam's objective was to be accepted into the international community. For example, in 1977 when the U.S. opted not to veto their United Nations membership, the Vietnamese responded by suddenly repatriating the remains of more than 20 Americans. At the same time, U.S.–Vietnamese negotiations explored the possibility of normalizing relations; however, this was later scuttled by Vietnamese demands for war reparations and their invasion of Cambodia. U.S. policy at the time was accounting for missing Americans as "a hoped for by-product" of the normalization process.

1978–1982:

Following the breakdown of normalization talks, contact with Vietnamese officials virtually halted, as did the return of remains and any form of cooperation of the POW/MIA issue.

1982–1987:

The U.S. made clear that resolution of the POW/MIA issue was a humanitarian matter that rested on international standards and that it was in Vietnam's interest to treat it that way, regardless of the state of U.S.–SRV diplomatic relations. It was also made clear that the U.S. domestic environment, absent such treatment, would dictate that the pace and scope of U.S.–SRV relations would be directly affected by cooperation on this issue.

U.S. policy-level delegations visit Vietnam and the Vietnamese pledge to resolve the POW/MIA issue.

1987:

January—U.S. proposals for technical discussions in Hanoi were rejected by the Vietnamese, as was a similar proposal the following month. President Reagan named a former Chairman of the Joint Chiefs of Staff, General John Vessey, Jr. USA (Ret.), as Special Presidential Emissary to Hanoi for POW/MIA Affairs.

August—General Vessey led an Interagency Delegation to Vietnam. General Vessey obtained agreement to resume and expand cooperation on POW/MIA and other humanitarian issues of mutual concern to the United States and Vietnam.

Vietnamese were provided some representative case files.

Vietnamese repatriate 8 remains.

1988:

Vietnam agreed to initiate joint field investigations aimed at resolving "compelling" cases that General Vessey had previously provided and to expand their unilateral efforts.

Vietnamese present proposals for the joint activities and agreed to begin joint field investigations. This resulted in three 10 day periods of joint investigations along with a visit by U.S. forensic specialists to examine remains unilaterally provided by Vietnamese.

Vietnamese repatriate 62 remains.

1989:

Vietnamese pledge continued cooperation during Vessey-led Interagency delegation visit to Hanoi and agree to measures that would expedite resolution of the issue.

A total of five field activities and four technical meetings are held during the year—results are disappointing.

Vietnamese repatriate 34 remains.

1990:

General Vessey and the POW/MIA Interagency Group meet with FM Thach in Washington, DC. Vietnamese agree to all USG requests including: improved cooperative planning for joint investigations, increased unilateral remains repatriations and serious cooperation to locate and make available wartime documents and records. Thach also agreed to assist in allowing access to witnesses of incidents where U.S. personnel were captured or casualties occurred, and to additional military participation during joint field activities.

Joint field activities and technical meetings continue—results continue to disappoint.

Vietnamese repatriate 17 remains.

1991:

April—U.S. policy concerning normalization of relations with Vietnam, the "roadmap," is presented to Vietnamese officials in New York. The "roadmap" outlined a series of quid pro quo steps the U.S. was prepared to take to improve U.S.—SRV relations and eventually lead to normalization.

The Vietnamese agreed to allow a temporary POW/MIA office in Hanoi during visit by General Vessey.

Five person office opened in Hanoi in July.

Vietnamese repatriate 27 remains (11 joint operations, 16 unilaterally).

1992:

January—The 150 member Joint Task Force-Full Accounting (JTF-FA) was established. The JTF-FA was designed to combine all the specialties necessary to obtain the fullest possible accounting of our POW/MIAs. The JTF-FA was placed under CINCPAC to allow the full resources of the theater commander to be brought to bear on this effort.

February-General Vessey returns to Hanoi to assess progress on POW/MIA matters. During the visit, the Vietnamese presented the Military region IV shootdown records.

March—Assistant Secretary of State Solomon led a delegation to Southeast Asia during which the Vietnamese agreed to five steps: implementation of a short notice live-sighting investigation mechanism, access to records, archives and museums, repatriation of remains, trilateral cooperation, and expanded joint field operations.

October—Cheney and Eagleburger meet with the Vietnamese FM Cam in Washington and confront him with materials obtained from Vietnamese archives. General Vessey returns to Vietnam and the Vietnamese agree to aggressively collect and present to the USG POW/MIA related materials from all sources and consolidate it in military museums, thereby providing access to joint U.S. Vietnamese research teams.

December—Vietnam announces a formal amnesty program for private citizens holding remains.

Joint field operations continue to expand in scope and team number and size is increased.

Vietnamese repatriate 32 remains (24 joint operations, 8 unilaterally).

1993:

January—All requested live-sighting investigations and the initial investigation of all 135 remaining discrepancy cases are completed.

April—General Vessey leads a delegation to Hanoi during which the Vietnamese provide new documents and access to several key witnesses for interview including Lt. Gen. Tran Van Quang, reputed source of the Russian 1205 document. Vietnamese pledge continued cooperation, offer information refuting the Russian document and agree to all U.S. requests including continued support of joint field operations, increased archival access, repatriation of remains, and continued investigation of the remaining 92 discrepancy cases.

May—Senator Kerry leads delegation to Vietnam requesting continued cooperation and the Vietnamese agreed to his requests including the formation of a joint POW/MIA information center in Hanoi.

July—President Clinton decides to drop U.S. objections to Vietnam clearing its arrears with the International Monetary Fund. High-level delegation visits Vietnam and conveys President Clinton's requirement for tangible results from the Vietnamese in four key areas. The delegation was led by the Deputy Secretary for Veterans Affairs, Heschel Gober, and included Assistant Secretary Winston Lord and Lt. General Michael Ryan of the Joint Staff. The President's four areas of concern become the bench mark for cooperation and include the repatriation of remains, access to documents, trilateral cooperation, and continued investigation of live sightings and priority discrepancy cases.

September—President Clinton renews the trade embargo with Vietnam, but allows some modifications.

December—Assistant Secretary of State, Winston Lord, led an interagency delegation to Vietnam to assess results in the four areas of concern. He reported cooperation was excellent and results have been achieved.

Joint file operations continue on the largest scale ever, cooperation by the Vietnamese receives high marks from JTF-FA.

Vietnamese repatriate 67 remains making 1993 the third largest year for remains since the end of the war.

General Information:

The remains of 281 Americans previously missing in Vietnam have been identified. Several hundred other remains have been repatriated, but not yet identified (many never will). The identification process is often time consuming and laborious. The delay in the positive identification of some remains is a function of the high standards of proof we require before making an identification, rather than a lack of Vietnamese cooperation.

Of the 1715 first hand live-sighting report received since 1975, 1,694 (99 percent) are resolved. No reports require further field investigation in Vietnam. Vietnamese cooperation in this area has been excellent.

One thousand one hundred and ninety-five (70 percent) relate to Americans who are accounted for (POW returnees, missionaries, jailed civilians, etc.)

Forty-five (3 percent) relate to wartime sightings of military personnel or pre-1975 sightings of civilians who remain unaccounted for.

Four hundred and fifty-four (26 percent) are fabrications.

The remaining 21 reports are under current investigation, but these do not require field investigation in Vietnam. Not all of these reports are Vietnam cases.

Archival research teams started work in November 1992 when the Vietnamese began making their military museum holdings available for review.

At the height of archival activity there were three teams located in Hanoi, Da Nang, and Ho Chi Minh City have shut down because they have completed the review of materials in those locations.

Nearly 24,000 documents, photographs, and artifacts have been reviewed with more than 600 items correlating to an unaccounted for American.

Joint Document Center has been established in Vietnam's Central Army Museum in Hanoi.

Oral History Program is designed to gain information from the memories of Vietnamese participants of operations during the war involving U.S. POWs or casualties.

More than 120 individuals have been identified for an interview, and over half of the interviews have already been conducted.

Priority Discrepancy Cases or "last known alive cases" are those cases where there is some indication that the servicemen was "last known alive" subsequent to their loss incident or was listed by their military service as POW at Homecoming but did not return during Homecoming.

A total of 196 individuals in this category were presented to the Vietnamese by General Vessey.

Total reduced to 135 by January 1992. The JTF-FA completed an initial investigation of all cases by January 1993.

We established a Priority Case Investigation Team in June 1993 to focus solely on the remaining priority discrepancy cases. This team has completed 34 follow-up investigations.

Policy review of additional information has resulted in a fate determined status for 123 individuals of the original 196, as of January 1994. This leaves 73 priority discrepancy cases requiring further investigation.

Twenty-four individuals have been accounted for through remains identification and have been removed from the list of POW/MIAs.

Although the other 99 individuals members have been removed from the priority discrepancy list, they are still considered unaccounted for and remain on the overall list of 2,238. We will continue to search for their remains.

A Special Remains Team was formed in the fall of 1993 to focus on those cases where the possibility of remains recovery appears best. The team works continuously, independently of JFAs, in Vietnam and has thus far focused on those who died in captivity. This team has recommended seven reported burial sites for excavation.

Americans accounted for through remains identification: Vietnam—281 (including 1 recovered from indigenous personnel); China—2; Laos—59 (including 3 recovered from indigenous personnel); Cambodia—3; total=345.

Americans unaccounted for in Southeast in Asia: Vietnam—1,647; Laos—505; Cambodia—78; China—8; total=2,238.

Totals from WW II: 78,000; Korea: 8,140 (KIA/BNR).

Mr. KERRY. Mr. President, this is a history of movement with the Vietnamese. You can go back to 1973 and there were 591 American POW's returned. In 1974, they repatriated 24 remains, people who died in captivity. In 1975, Saigon fell; our forces gone. From 1976 to 1978, there were very few things that went on. From 1978 to 1982, total breakdown, nothing happened. From 1982 to 1987, some engagement but no real progress. And, finally, General John Vessey goes over there. The whole task force is put together, and then in October 1992, just to give an example, Secretary Cheney and Secretary Eagleburger met with the Vietnamese and they confronted the Vietnamese with documents that we had obtained from Vietnamese archives. How did we get the documents from the archives? They let us into the archives. We got the documents. The documents showed us things, so the Secretaries meet with them and General Vessey then returned to Vietnam.

As a result, the Vietnamese agreed to collect and present to us related materials consolidated in the military museums and pull it together. I could go through here step for step, page for page, because that is where the pages are filled with the things that General Vessey was able to negotiate and get out of the Vietnamese which have given answers to families.

Despite all the Rambos running around this country who raise money and have spent incredible amounts of citizens' money claiming they are going to bring back live prisoners, they are going to get accountability, they have not provided one answer to one family. Not one. And in 20 years, the Rambos have not brought out one live prisoner. General Vessey has provided answers. From 196 cases, we are now down to 73. For those 116 or 120 families, they know what happened. General Vessey is telling us today: Lift

this embargo so you do not jeopardize further the process, so you can enhance it.

I think the Senator from Arizona made an important point in underscoring that. I know other colleagues want to speak, so I will yield the floor.

Mr. CHAFEE addressed the Chair.

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

Mr. CHAFEE. Mr. President, first, I want to say obviously this is an issue that stirs deep emotions, and I can understand fully the viewpoints of the major proponents of this legislation, the Senator from New Hampshire and the Senator from Massachusetts and the Senator from Arizona.

Next, I would like to say that I think it is important to know who the sponsors are of this amendment. I do not think there are two more distinguished veterans of the Vietnam war than the two Senators, Senator KERRY from Massachusetts and Senator MCCAIN from Arizona. We are familiar with their records. Not that what they say should be the total gospel but, nonetheless, the fact is that those two Senators—one a prisoner of war for a good number of years over there, the other with a very distinguished war record in the Navy in Vietnam—are the key sponsors of this resolution.

It seems to me the key question we are facing up to tonight is how do we get more information, the best possible information, on those missing in action, the MIA's. It seems to me that is the central question to the debate that we are engaged in. I would like to make several points, if I might.

First, I do not think we can discount the fact that nearly every codel, congressional delegation, Representatives and Senators, that have visited Vietnam, I know of none that have come back saying other than the fact that they believe the Vietnamese are cooperating fully. If there are others, if there are some delegations that have come back with a contrary view, I do not know who they are. Nor, Mr. President, do I think we can set aside the judgment of those distinguished officers, some retired, who have spent months and years on this problem and have come to the conclusion that the Vietnamese are cooperating fully.

General Needham's name has been mentioned several times, and Admiral Larson and General Vessey. I, like many of the Senators, have not been to Vietnam recently. So who do we depend upon? We depend upon those who have been there and those who have spent a lot of time on this. This is not just some flash visit by General Vessey: Go in, get the rapid tour, leave after 2 days, and that is it. General Vessey has been there I do not know how many times.

I must say, I have been impressed with the number of visits that Senator KERRY has made and, indeed, Senator SMITH likewise. During the summertime when the rest of us are off on some vacation, when you turn on the television, there is Senator KERRY making his sixth or seventh trip—I believe is it eight trips—eight trips Senator KERRY has made. So this is a deep passion of his to do everything he can to find what has happened to the MIA's there. This is very influential on the rest of us. So we have respect for their judgment, and their judgment has been the time has come now to lift the trade embargo against Vietnam.

The second point I think is a very important one. Do we not wish to reward in some small way the Government of Vietnam that has been cooperative? We have said to them: If you cooperate, meet these conditions, then we will lift the trade embargo.

They have done that. So what do we say? "No, no, there is another hurdle out there for you?" Or do we say, "yes, we respect what you have done and we will lift that trade embargo." But the next point, it seems to me, is very important. It has been made, but I would like to stress it again. Lifting the trade embargo is not a total lift of all the restrictions against Vietnam. We still do not diplomatically recognize that country. Vietnam is extremely anxious to achieve diplomatic recognition. That is something different from lifting the trade embargo.

The lifting of the trade embargo means we will trade with Vietnam, but it does not mean we will have full diplomatic relations. That is another reward, if you would, that we can grant to the Vietnamese later if they are even more forthcoming than has been stated to date by those who have been involved much deeper in this than I have.

Fourth, will this amendment diminish the chances for more information on the MIA's? Not in my judgment, for two reasons. First, it seems to me by rewarding in this modest way, lifting of the trade embargo, we are encouraging even greater cooperation. There are those who are in the Vietnamese Government who just find it too much effort, too lazy to do it or do not want to cooperate. There is a bureaucratic struggle, I am sure, within Vietnam: Yes, do something and cooperate further with those Americans. You could get something out of it. And there are those undoubtedly within the Vietnamese Government who are saying do not do anything more; they will not reward you in any fashion anyway.

So we are saying to those who are for the fullest cooperation, this is what we will give you. We will give you this lifting of the trade embargo and maybe later restoration of diplomatic relations. That is the first point.

But the second point—and I know Senator SMITH is entirely sincere in everything he says, but he just brushed aside this fact—is that more information will be found in that country when there are more Americans around there. I strongly believe that. I think the best way to get more information about MIA's in Vietnam is to have Americans across the countryside, even if it is trying to sell pumps in some small village. All the Americans that will come there for further trade are not going to be off shore drilling oil wells. They are going to be trying to sell automobiles. They are going to be trying to sell tractors. They are going to be trying to sell backhoes. They are going to be trying to sell telecommunications equipment. In my judgment, the best way to get more information is to have these Americans spread across the country.

Now, fifth, Mr. President, regrettably, there cannot ever be a full accounting of every MIA. Just think of it. From World War II, there are still 78,000 Americans who are missing. I would just like to give a tiny illustration, if I might, of an incident that struck home with me.

When World War II came, I left college along with another college classmate. We were acquaintances. We were not close friends. We both went into the Marine Corps together—not together, but we both went into the Marine Corps. We both joined the First Marine Division, both landed in Guadalcanal on August 7, 1942. He, Russ Whittlesey, was killed in September of 1942 on Guadalcanal. Because of the fluid situation, his body was found and was buried very quickly because of the situation that then existed.

Three months later we conquered Guadalcanal. We had driven away or killed all the Japanese that were there. We had control of the island. Our lines and the place where Russ Whittlesey was buried were fairly well known—not exactly; we did not find his body, not that I was personally searching for it, but the graves registration unit of our division was. So he was carried as missing. They knew he had been killed, but they never found his body.

In 1989, 47 years after Russ Whittlesey was killed, a farmer was plowing and struck and found his remains.

Now, the point I am making, Mr. President, sad though it is, we will not find the remains of every single American soldier who is missing in action in Vietnam. Regrettably, that is true.

Now, the sixth point. What do we gain in the United States from the lifting of this trade embargo? It in my judgment improves our opportunity to learn more about the MIA's that are there. That, of course, is the essential point of the discussion we are having this evening. Senator SMITH's credentials as being probusiness he set forth. But it seems to me that it is important to remember that this is a tremendous market that exists. We will not lose

out on that market by moving forward to lifting this trade embargo. We are not going to diminish our chances for finding out more about the MIA's there, and it will give us a chance to get across the countryside at the same time to sell our goods.

This is a tremendous country. If I asked those on the Senate floor today what is the population of Vietnam—if I would have asked that of myself several months ago, I would have come up with the answer "32 million," just trying to figure roughly.

The population of Vietnam is 72 million. It is a very big nation. I think it is a nation with which it behooves us to have better relations for a whole series of reasons. Our relationship with China, our relationships with all the nations of Southeast Asia, it seems to me, are affected to a great degree by what our relations are with Vietnam.

So for these reasons, because most of all and principally it is going to give us a better chance to find out more about the missing in action and, second, that there are markets there which provide jobs for Americans, I think we should take this first step—not a total step, not diplomatic recognition, but the lifting of the trade embargo, which I think is in the best interests of the United States of America and those families who still have that pain and sorrow for some loved one within their family who is an MIA.

I thank the Chair.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa [Mr. GRASSLEY] is recognized.

Mr. GRASSLEY. Mr. President, I rise in opposition to the amendment put before us by Senator KERRY.

Mr. KERRY. Mr. President, will the Senator yield?

Mr. GRASSLEY. If I do not lose my right to the floor.

Mr. KERRY. Simply for a point here.

The PRESIDING OFFICER. Does the Senator yield?

Mr. GRASSLEY. How long is the Senator going to take?

Mr. KERRY. I am not going to take very much time at all. I simply want to inquire whether or not it might be possible now—Senator MITCHELL, the majority leader, has informed me he intends for us to stay and vote on this this evening. The issue is, therefore, whether or not we could reach a time agreement, which we are perfectly happy to enter into over here. I wanted to inquire how long the Senator from Iowa wished to speak, and perhaps we can just make an allowance here and get everybody in and create an agreement, and then we can tell colleagues when it is we would vote.

Mr. GRASSLEY. At the outside, I would say roughly 15, maybe 12 to 15 minutes.

Mr. KERRY. How much time does the Senator from New Hampshire think he needs in total?

Mr. SMITH. Probably a half an hour, but I would want to confer with the minority leader before entering into an agreement, because he is a cosponsor with me. He is one of the original cosponsors of my amendment.

Mr. KERRY. This would not be a time agreement on the Senator's amendment. This would simply be a time agreement on the current and pending amendment. Therefore, the Senator's rights with respect to his amendment, of which Senator DOLE is a cosponsor, would be totally protected. The question simply is whether or not we could arrange a time which we could enter into now so we could have a vote on this. Then we could inform our colleagues so they can plan accordingly. If the Senator needs half an hour, say, and the Senator from Iowa needs 15 minutes, if we were to say an hour on that side and an hour on this side——

Mr. MURKOWSKI. This Senator is going to need a half hour.

Mr. KERRY. The Senator from Alaska needs a half hour?

Mr. MURKOWSKI. The Senator from Alaska would ask a half hour.

Mr. KERRY. A half hour, and I know 5 minutes for the Senator from Rhode Island, and the Senator from Maryland?

Ms. MIKULSKI. No more than 10 minutes, probably less.

Mr. KERRY. So again on this side, if you wanted to agree on a time limit of 2 hours equally divided, we would be agreeable to enter into that.

Mr. SMITH. I will attempt to confer with the minority leader on that request while Senator GRASSLEY is speaking.

Mr. KERRY. I thank the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. GRASSLEY. Mr. President, the debate on this amendment is not about whether there is evidence that U.S. servicemen were left behind in Indochina. That question was the one that the POW-MIA Select Committee grappled with in 1991-1992. We tried to answer that question. We left a very extensive record to deal with on that question.

We had disagreements on certain issues. And we found consensus on a lot of other issues.

Rather, I think the debate on this Kerry amendment is about whether we can truthfully say that the families of our missing have received the fullest possible accounting of their loved ones. I think the answer is, obviously, no.

There are some who say that the Vietnamese have shown somehow incredible rare openness and a rare amount of cooperation to provide us with information.

As a matter of fact, you can say Vietnam has provided us with some information, helmets, photographs, artifacts and the like. But my colleagues and the public cannot fully understand what it is that the Vietnamese gave us unless they also know what the Vietnamese did not give us. So let me explain.

To say that the Vietnamese are cooperating is a relative assertion. Compared to what, I ask? Certainly photos and helmets are an enormous breakthrough compared to nothing, which is what we were getting prior to that unseemly exhibition last October. Those who fell all over themselves to assign a great significance to the Vietnamese gesture must certainly recognize its hollowness now. For sure, the rest of the world recognizes it is a hollow gesture.

How many cases were resolved as a result of 700 photos? Just a handful—just a handful out of 2,200-plus cases.

For the benefit of my colleagues, for the benefit of families, and for the benefit of the public, I would like to describe the categories of information that Vietnam has. We learned of the existence of these categories through interviews during the select committee's investigation.

The first level of information is archival, related to military history. This is information in museums and such like that. Even Vietnamese citizens have access to much of this information. It would include photos and it would include helmets of pilots such as we saw trotted out last fall by the Vietnamese. This is the first level of information, and I might say it is the least useful.

Next, there are the provincial wartime records of shoot-downs. This information is an accounting of the date, the time, and the location of each shoot-down of an American plane out somewhere in the countryside of Vietnam. It also provides data on the type of aircraft and the status of the pilot and the crew.

These are official unit records of the antiaircraft corps of Vietnam. The utility of this information is, among other things, to crosscheck the status of our MIA's with our own records of the U.S. Government.

Finally, there is the national security information. Here I refer to central committee-level documents. These contain in essence the Vietnam national secrets on U.S. prisoner activity and information thereto. This information is what would tell us what happened to our prisoners and to our missing.

It is important to know first off that Vietnam denied the existence of any information whatsoever of this data. So did our crack investigative outfit on this issue, the Defense Intelligence Agency or DIA. Yet, as I will show, somehow the information started to appear.

In April 1992, a delegation from the select committee went to Indochina

seeking answers and documentation. I was one of them. We were told politely that there was no information available, not even photos, and helmets, and all that stuff that they produced just 6 months later. Obviously, it was a baldfaced lie. It took creating an international scandal before the Vietnamese would eventually part with even this low level category of data. And they did not provide this information government to government. They somehow, accidentally, let me say, let us find it through some person who was described as a researcher.

This, I remind my colleagues, was information that the Defense Intelligence Agency insisted did not exist.

Throughout the rest of 1992 and 1993, the Vietnamese still claimed to have no new information. Meanwhile, there were high expectations on the part of Vietnam that the embargo would be lifted in September of 1993 on the 20th anniversary. But the Clinton administration, although softening the embargo somewhat, however, wisely rejected a push by the bureaucracy and these business interests to lift that embargo.

The President's rationale was that the Vietnamese had failed to be fully forthcoming. But now a very funny thing happened thereafter, Mr. President. Subsequent to September 1993 with President Clinton playing hardball, let me emphasize—with the President playing hardball—lo and behold, a second level data on our MIA's and the provincial unit records began to surface. Like the earlier channel, the channel used to pass this information was not the usual government to government one. But this time instead of them allowing us to accidentally find the data, they channeled it through a humanitarian effort; that is to the same joint task force that has been digging up their countryside looking for remains. This data has been streaming in steadily since last fall. It shows date and location of incidents, time of aircraft, and status of pilot and crew. Some of it conflicts with information the U.S. Government had on specific MIA's, and the extent of that conflict I think is useful information for us.

How did this information just happen to show up, Mr. President?

The answer is because the administration, meaning the Clinton administration, played hardball and caused them to cough up the data. Yet, this is the very same data that both the Vietnamese and the DIA said did not exist. Now we know that it does exist.

So in summary, the only information that we have received so far from Vietnam about our MIA's is museum pieces and military historical records.

Now, Mr. President, let me outline the information that we do not have. I am sure that this will be of immense interest to the families, to the public, to the intelligence community and to my colleagues. We have no provincial prison records, no national prison records, no national leadership records, no list of prisons and who was kept where and what was done with them during the war.

No dossiers on prisoners; nothing from the Ministry of Interior which is their security department; no decision papers; no position papers; no ministerial directives. In short, then, we have nothing from Vietnam's files. All we have is what we know from our files. We provide the Vietnamese with what we know and they comment on it. To me, that is not cooperation; it is not the type of cooperation that I have heard described here on the floor of this body by the sponsors of this amendment.

The Vietnamese have not even given us their list of prisoners. We merely gave them our list and asked them to comment. We presented them with the last-known-alive list, and they commented on it. That is like trying to piece together a very difficult puzzle. That is a far cry from providing us records and documents and letting records and documents tell us what happened. What is so sensitive now about a twenty-year-old wartime record and their handling of prisoners 20 years ago? What should be so sensitive about that? The bottom line is that we are operating over there almost exclusively on our own data and, taxpayers, get this: We are paying the Vietnamese for the privilege of digging up their countryside for remains. Some of the prices we are paying would make $1,800 toilet seats that the DOD buys seem very reasonable.

Mr. President, they have denied us all of this information, despite the fact that the United States recently turned over to them—our Government turned over to the Vietnamese—3 million pages of the same type of data that we had on their prisoners. Is it not reasonable to expect the same thing in return before we go about proclaiming the Vietnamese's total cooperation to our efforts?

In light of all this, Mr. President, I wonder how many among us can face their constituents and families of MIA's and say, yes, the Vietnamese have reasonably been fully forthcoming. The immediate question is: If pressure on Vietnam made them disclose the first and second levels of information, why would we lift the embargo now, before we get their national security data, the data similar to what we gave them recently, and the kind of data reflected in the Russian document that our DIA—that crack investigative unit that we rely on probably more than we should—predictably claimed that it has been debunked. There is a document that with everything else in it, they do not have any question; but anything that refers to our POW's in Vietnam, somehow, it just is not factual. They find fault with it. But everything else in the document was OK.

That ought to tell you something about our people, whose major responsibility is to see that we carry out our obligation to get this information out to satisfy the families yearning for this information.

Because Vietnam has not been forthcoming with information, we should continue to hold out, just as President Clinton did in September, until that third level of information, accidentally received or otherwise, finds its way into our hands. If we do not continue to press for full disclosure, what incentive does Vietnam have to fully cooperate and fully disclose? We owe it to the families and to those who will fight for America in the future, to those whom we told we will neither forsake nor forget.

Furthermore, Mr. President, if we move ahead with lifting the embargo, without full disclosure by Vietnam, we will be rewarding Vietnam, while ignoring their human rights abuses. I have heard the distinguished Senator from Nebraska, Senator KERREY, state this point over and over again, and we should listen to what he says about this. We have stress over human rights issues in China. In fact, our Secretary of State, just 2 days ago, was talking to the Chinese in Paris about improving their record if they want this body to keep most-favored-nation status going. Why that concern about China? Why not the concern about human rights in Vietnam? I do not know.

Vietnamese citizens are unable to express their discontent. You may remember that, recently, Senator ROBB was unable to gain access to a political prisoner that he sought to meet with in Vietnam.

There continues to be a tight public security operation in Vietnam. The Vietnamese people continue to suffer hardships and abuses. Meanwhile, information is abundant that more liberal political factions in Vietnam are increasingly threatening to replace the old Communist guard. If we lift the embargo, we reward that old guard. Human rights abuses will continue, Mr. President. Surely, this is not in America's interest. It is not in the world's interest, and it does not speak very well of the consistency of our moral leadership in the world community of nations when we keep stressing freedom.

Last night, that was a strong point that President Clinton made in his State of the Union message. It was a strong point that I think we all believe. It is a strong point that ought to be considered in this debate. These are all legitimate reasons, Mr. President, why we must support the Dole-Smith amendment, which I hope we will get a chance to vote on and defeat. Lifting the embargo is not right, not for the families, not for the missing, not for tomorrow's servicemen, and not for our

country. We have a moral obligation to deliver on our promise of the fullest possible accounting. Let me get one thing straight, Mr. President, those who are pushing the embargo to be lifted are doing so because they want it lifted, not because the problem has been solved.

The problem of the fullest possible disclosure by Vietnam is unresolved because Vietnam has failed to cooperate as fully as they have the capability of doing. They have responded to our economic leverage. They have done it on level one and level two. Let us keep that economic leverage there for level three information that we want. We can force their hand and force them to deliver just as the President did in September. Let us not take away the President's leverage to do so again.

The strategy supported by the Dole-Smith amendment is empirical. Both times we got information. We got it because we played hard ball. We can do what works, or we can roll the dice. I think that it is a roll of the dice if we follow the direction of the amendment now before the Senate.

I yield the floor.

Mr. KERRY. I want to take a moment before my two colleagues, particularly the chairman, speak. I listened carefully to the Senator from Iowa. I think one of the most important things here is to have accuracy in the representations. In point of fact, the Senator has not accurately represented documents that we have received. He said that we ought to listen to Senator BOB KERREY on the subject of human rights. I agree. BOB KERREY is an original cosponsor of this amendment. He is a Medal of Honor winner, Vietnam veteran, and he believes we ought to proceed forward here. BOB KERREY has advocated human rights in Vietnam. He believes we will do more for human rights by going in there and being able to assert ourselves and press the issue of democratization and freedom, which we do not do very effectively now. He will speak for himself.

Let me point to corrections in the RECORD. I was on the trip where he relates the Vietnamese said no information is available and they somehow lied. They said they did not have the information available at that time to get their hands on while we were there, but they were going to begin a process of reaching out to their tradition houses, archives, and their military personnel and get that information in. That is precisely what has been happening. I think the Senator from Iowa has made a marvelous argument for why we ought to lift the embargo, because, in point of fact, he traced the history of how documents came to surface. They came to surface because we had a person working in their archive process. They knew it, and we knew it. They chose to surface some of these materials through that person. Why? Because this is still an authoritarian government. We all understand that. They have their own tensions within their own government. There are some people who do not want to deal with us. There are some people who do. There are some people who do not want to put things out. There are some who do.

We have that in our own departments. The Senator remembers how tough it was to get the CIA to give us information. Remember how tough it was to get the DIA to give us some information. This is not unique. We understand the process of tug-of-war to get information.

The fact is all the information we have been able to get, we get because we have been able to be there. We have been able to discover things. We have been able to confront them. And that is the process.

The Senator says we do not have prison records. That is not true. We do have prison records. The Senator said we have no dossier on our prisoners. I personally had certain medical records on our prisoners turned over to us, and we hope those are going to help lead us to further records on our prisoners.

In addition, he said we have no interior department records and no records of some of the political records and shoot-downs.

I personally negotiated and pressed for what are called the group 559 documents that dealt with operations along the Ho Chi Minh Trail. In addition to that, there is a group of documents called the 875 documents which are documents of the general political directorate which come through the interior department and refer to our prisoners. We are now receiving those documents. We have some of them in hand.

We think there may be more, but nobody knows to a certainty where or how many more. We are going to continue to press that process.

So I come back. I think the Senator frankly has made an excellent argument for how we have been able to produce these documents which is exactly what we are saying. You get the document by getting access and moving down the road through the cooperative effort.

I promised to yield to the Senator from Rhode Island who has been waiting.

Mr. GRASSLEY. Mr. President, will you let me engage the Senator for 60 seconds?

Mr. KERRY. I am delighted to. I do not want to put the Senator off. I do not want to yield the floor. I am happy to respond.

Mr. GRASSLEY. Mr. President, I make clear that I cannot contest some of these documents that he refers to, but we happen to know what documents exist from our investigation. I want to make clear that I was talking about a full and complete set.

We have some specific pieces here and there that we have gotten from the department the Senator stated and dossiers and some prisons. But I am talking about a full and complete as we know those records full and complete exist. We do not have that sort of cooperation from them.

Then my last point is simply the Senator made an argument when he states about it being an authoritarian government. It is for that reason that I think we have to use the economic leverage or we will never get any answers, and it is because they are authoritarian they can get away with lying to us.

Mr. KERRY. Let me say to my colleague, I do not contest that we at times have been lied to. I never asserted otherwise.

I am trying to create a structure where we can create an accountability where there is not a lie.

As I said at the outset of my comments, there is nothing in the approach of myself, Senator MCCAIN, Senator MURKOWSKI, and others, that is based on trust. We would be fools if this was based on trust. This is based on a process of how you verify.

But let me say to my colleague—he says, you know, we know what they have or do not have. We know that they had certain records. We do not know that they have them today. We cannot prove them today. No one can prove they have them today.

The only way we are going to prove they have them today is by getting into the process and discovering them and finding someone who is going to give us a smoking gun. We can make all the conjecture we want about what they do and do not have. The truth is we are not going to know unless we are there, and that is the bottom line.

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

Mr. PELL. Mr. President, I urge support for Senator KERRY and Senator MCCAIN's amendment stating it is the sense of the Congress that the trade embargo with Vietnam should be lifted.

I have long endorsed lifting the trade embargo. Indeed, I would be pleased to see the administration take even more dramatic steps. Early last year Senator LUGAR and I wrote to President Clinton recommending that the trade embargo be lifted and appropriate steps taken toward the normalization of relations with Vietnam, for many of the same reasons just enumerated by Senators KERRY and MCCAIN. I ask unanimous consent that a copy of our letter and a letter from the chamber of commerce be printed in the RECORD at the conclusion of my remarks.

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

Mr. PELL. Mr. President, I think it is interesting to note that every Vietnam combat veteran among our body supports this amendment. It is time to write an end to the Vietnam war. Con-

tinuation of the trade embargo with Vietnam in this day and age in which American officials negotiate with North Koreans and trade with the People's Republic of China is measured in tens of billions of dollars is an anachronism.

Ending the trade embargo does not mean an end to the search for those listed as missing in action or prisoners of war. In fact, it means an intensified search as more Americans visit Vietnam. To the team of American investigators now operating in Vietnam will be added hundreds, perhaps thousands, of American businessmen and tourists. Any shred of evidence of a live prisoner or the remains of someone missing in action, I am certain, will surface more quickly than if we continue to try to limit contact with Vietnam. I believe that lifting the trade embargo will bring the best accounting possible of our MIA/POW's.

The United States alone maintains trade sanctions on Vietnam. As others have noted, lifting the trade embargo would enable American businesses to compete more effectively for the promising Vietnamese market. Business is important. We all recognize that America must export more if we are to grow as a Nation.

But equally important is the impact of American business on the Vietnamese political and economic system. American business will transform the landscape of Vietnamese society just as it is changing China today. While both Chinese and Vietnamese officials may believe that they can resist political changes even while pursuing economic reform, I do not believe that they will be able to stem the tide of political liberalization that comes with economic change. By lifting the trade embargo, we have the opportunity eventually to see democracy brought to all of Vietnam. Where once we fought for half a country, we now have a chance to win all a country. We cannot afford to lose this opportunity again.

Improving the human rights of the Vietnamese people, many of whom fought beside our soldiers in the war, and resolving the remaining cases of those missing-in-action should be the goal of our foreign policy in Vietnam.

I urge my colleagues to support this amendment. At the same time I urge President Clinton to lift the trade embargo and take steps toward restoring full diplomatic relations with Vietnam. Let us seize the future, not dwell in the past.

Particularly I bring to our attention focusing again on the fact that all the Vietnam combat veterans in our body support this amendment. I yield the floor.

EXHIBIT 1

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, March 18, 1993.

DEAR MR. PRESIDENT: We are writing to urge you to lift the United States trade embargo on Vietnam and to not oppose loans to Vietnam by international financial institutions. In addition, we believe the United States should take appropriate steps towards the normalization of relations with Vietnam, including the establishment of a diplomatic liaison office in Hanoi.

In our view such steps are warranted as well within the policy parameters established by President Bush in the so-called road map proposal for the normalization of relations between the United States and Vietnam. In particular we note that the Paris Peace Accords for the settlement of the Cambodian conflict have been in effect for over a year and in fact the United Nations Transitional Authority in Cambodia (UNTAC) is now contemplating the completion of its mission. In addition, we believe a process has been established for the resolution of the POW/MIA issue with Vietnam that has already produced substantial results and promises to produce even more progress over the coming years.

Further resolution of the POW/MIA issue would be aided by a closer relationship with Vietnam. In this regard we would support efforts to devote more American assets to the Joint Recovery Task Force now operating in Vietnam. We certainly believe that it is within Vietnam's capability to do much more in assisting the resolution of this issue but we believe the prospects for success will be enhanced through intensified American and international contact with Vietnam.

In addition although we remain deeply concerned about Vietnam's human rights situation, once again we believe that we will have greater influence on Vietnam's human rights situation with normalization than we would without such relations. A similar situation prevails in China where because of our extensive political and economic relationship with China we maintain a dialogue on human rights and other issues which has resulted in internal improvements.

The United States alone maintains trade sanctions on Vietnam. Lifting the trade embargo would enable American business to compete more effectively with other countries and other international businesses for the promising Vietnamese market.

We believe that an aggressive and enlightened bilateral and multilateral dialogue with Vietnam will eventually result in democratic change in Vietnam and achieve a more complete resolution of the POW/MIA issue. For those Americans deeply concerned about those issues we believe that there is only one policy course. Therefore, we encourage you to take immediate steps to end Vietnam's economic and political isolation from the world community.

With every good wish.

Every sincerely,

CLAIBORNE PELL,
Chairman.

RICHARD G. LUGAR,
U.S. Senator.

U.S. CHAMBER OF COMMERCE,
Washington, DC, January 25, 1994.

HON. CLAIBORNE PELL,
U.S. Senate, Washington, DC.

DEAR SENATOR PELL: During consideration of H.R. 1281, the State Department Authorization Bill, amendments will be raised dealing with the current U.S. economic sanctions against Vietnam. The U.S. Chamber of Commerce urges your support for the amendment proposed by Senators Kerry, McCain, Murkowski, Robb and others which requests that the President lift all sanctions prohibiting non-strategic trade and investment with Vietnam.

Given the ongoing liberalization of Vietnam's economy and its cooperation with the United States regarding POWs/MIAs and the situation in Cambodia, the U.S. foreign policy rationale for continuing sanctions against Vietnam is no longer persuasive. In fact, of 200 POW/MIA discrepancy cases, more than 120 have been resolved to the satisfaction of the U.S. government and the families involved. Lifting the embargo would speed resolution of the remaining bilateral issues more effectively than maintaining sanctions that only serve to damage the economic position of the United States.

A continuation of the U.S. trade embargo against Vietnam will only serve to restrict U.S. business from competing in the region now and in the future. Most of our major trading partners have been trading in Vietnam for some time, positioning themselves to take advantage of a potentially lucrative and dynamic export market, while U.S. companies with competitive products are forced to sit on the sidelines.

The U.S. Chamber of Commerce Federation of 215,000 businesses, 3,000 local and state chambers of commerce, 1,200 trade and professional associations, and 68 American Chambers of Commerce abroad urges your support for this amendment requesting an immediate lifting of the U.S. trade embargo with Vietnam.

Sincerely,

WILLIAM T. ARCHEY.

The PRESIDING OFFICER. The Senator from Maryland, [Ms. MIKULSKI].

Ms. MIKULSKI. Thank you very much, Mr. President.

Mr. President, for many years I have supported the efforts to get a full and complete accounting of our missing in action from the Vietnam war. As a woman in both the House and the Senate, my heart went out to the families of the MIA's whose wives, mothers, and daughters never knew what happened to their loved ones, also particularly to the sons and daughters who never even knew their dad because he was missing in action when they were either a child or before they were born.

These gallant, brave families have faced at every step over the last 2½ decades resistance, rejection, and even stonewalling of their efforts by the Vietnamese Government and often they got little help or little support from their own United States Government. They feel hurt. They always feel abandonment.

At the same time, I have always supported our Vietnam veterans, those who vote, those who died, and many who bear the permanent wounds of war. My support has not been by words but I have tried to do it by deeds.

I chaired the subcommittee that funds the Appropriations Committee for the veterans programs. I have tried to fund the benefit package that was promised to them and to really move health care to a world-class status.

I have voted to create the POW/MIA committee within the Senate and voted to sustain that committee.

For me, the men and women who served in Vietnam are special. So many were working class families, and in my own neighborhood, I have been to their

funerals, and I have been to their parades. My mother's very best friend's son, a graduate of West Point, was killed in Vietnam. His name is Frankie Schap. Right now he would be in his late forties, and what we have of Frankie, or I should say Captain Schap, is his name engraved on the Vietnam memorial and engraved in the families of a Polish American neighborhood who were so proud the day he went to West Point, the day he graduated from West Point, and we then remember the day he came home from Vietnam in a casket.

So I have been on the side of the men and women who were there, whether it was the women at China Beach or the men at the Mekong Delta.

So now we are faced with what should we do about this vote on lifting the embargo. My first impulse is to vote no, absolutely no. Then I had to examine what will get us to the accounting of what we want.

For 25 years we followed the policy of no communication, no cooperation, and the pursuit of isolation with Vietnam, with economic sanctions, punishments and embargoes. We got nowhere. But then, under President Reagan and then amplified by President Bush, there was the policy of small steps, of communication and confidence building, led primarily by General Vessey. And there have been openings. There has been more accounting. There has been more information during the last 5 years.

We have the information that was brought to us by General Vessey, a decorated hero who himself served gallantly in Vietnam, who outlined the steps that he thought were achieved during his leadership in heading the Bush effort on confidence building and small steps. Senator KERRY, JOHN KERRY, has shared with us the facts about many of those; that from 1975 to 1988, very little happened; that under the then Vessey effort, the MIA task force was able to go out into the community to dig for remains; that Vessey presented 196 cases, and now, of those, we have 120 whose fates have been determined.

We now have our own U.S. military on the ground and the MIA task force that is going into villages actually able to dig into the grounds where there have been the last sightings to pursue remains. I have been told that we have in the U.S. military one who has an unlimited pass to go into the archival information.

These have been important steps. Are they the only steps? Oh, no, no. Has what has happened in the last 5 years been enough? The answer is no. We want a full and complete accounting.

But the Vietnamese tell us if you give in the economic area, you will get even more cooperation, information, access, and accounting.

Well, should we trust the Vietnamese, I ask? Well, I do not think this is about trust. I think it is about a testing, a testing of the Vietnamese. If they say they will give more, then I believe we should test it.

Let us not kid ourselves. Vietnam is a very, very nasty place. It is still a totalitarian regime. It still has considerable human rights abuses. I think we all know that there has been a crackdown on freedom of speech, that there has been an imprisonment of nonviolent dissenters and religious dissenters. We know there have been other abuses relating to children and women. So we know that Vietnam is no garden of paradise.

As to our MIA's, I really do not know if any MIA's are alive. But I do believe that the Vietnamese know more than they are telling and I do believe that the Vietnamese could do more than they are doing now.

Are any alive? Well, I do not know. But I do know and I do believe that there is more information in the field. I believe that there is more information in the files. I do believe that there is more information in the archives. And I also do not want to abandon those MIA's who are missing or their families.

I was mesmerized by a book by Mary Stevens called "Kiss the Boys Goodbye" in which she delineated the possibilities of even more findings in Vietnam.

I know the work, the hard work, of the POW-MIA Committee—Chairman KERRY, JOHN MCCAIN, CHUCK GRASSLEY, BOB SMITH, TOM DASCHLE, NANCY KASSEBAUM. It is a rollcall of honor in the way they did such due diligence on that committee.

But now I think we are not talking about goals. We all agree on the goals. There needs to be an ongoing, continued, unrelenting pursuit for a full and complete accounting.

But what we are debating here is about means and about means to be achieved in a timely way. So I have come to the conclusion that it is time to roll the dice, to test the Vietnamese, to challenge them to step up, but at the same time as we challenge them, that we let them know we are not capitulating to them.

Why am I willing to lift the embargo? I am willing to lift it because this is not the final step in our relationship with Vietnam. It is only a tool right now. Right now, the Vietnamese want normalization. They want a full diplomatic relationship. They will probably want MFN. I am sure they are going to want to be in GATT.

By lifting the embargo, we give this a chance. We give this a test, even though we do not have trust. We can issue a challenge to put up, even though we do not capitulate, nor do we abandon our MIA's.

And if they fail to do more, to tell more, to cooperate more, we in Congress can block any further steps towards normalization, diplomatic relationships, MFN or membership in the GATT, all those things that they want.

There is a struggle going on in Vietnam between the old guard and the new guard, and 60 percent of the population in Vietnam is under the age of 24. They were born after the Vietnam war came to a close.

The time now, I think, is not to punish this new generation for the sins of their fathers. We need to see if this new guard will cooperate with us in a way that the old guard has not.

So let us give it a try. Yes, let us gamble. I will always continue to stand with those MIA families, with our Vietnam vets. But let me say I want to stand with the Vietnam vets and the U.S. Congress who call for the lifting of the embargo. I believe we could lift the bamboo curtain to find out that which has been hidden and held secret for more than 25 years.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MURKOWSKI. I wonder, Mr. President, if the chairman of the Foreign Relations Committee is waiting to speak?

Mr. PELL. I have spoken. Thank you.

Mr. MURKOWSKI. I must have stepped out.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I want to join with my distinguished colleagues on both sides of this issue who have a genuine commitment to the highest obligation of government, and that is the issue of full accountability for American servicemen who are unaccounted for from the Vietnam war.

I would also like to advise my colleagues, some of whom have come into the Senate in the last few years, that I am no stranger to this particular issue. Back in 1986, as chairman of the Veterans' Affairs Committee, I held extensive hearings on the matter of MIA/POW full accountability and encouraged extended testimony, which the record in the Veterans Affairs Committee supports. As part of those hearings, I worked with the League of Missing Families and other veterans' organizations in an effort to collect as much information as possible on the issue of POWs/MIAs from the Vietnam war.

Mr. President, I cannot tell you the anguish that Senator Cranston and I had—at that time, we were in the majority and Senator Cranston was the ranking member of that committee—as day by day we hoped that we would receive some firsthand information on charges that American soldiers were left behind at the end of the war and were being held against their will in Vietnamese prisons.

At the hearings, we had situations where witnesses would come in and testify that they had access to films show-

ing Americans in prison camps, chained together in gold mines, even. They also testified that there was some kind of subterfuge, some type of CIA plot to withhold this information from the American people. It was agonizing.

The reason I go into this is to suggest to you that many of those who have spoken today on this subject have been thinking about this issue for quite some time. Of course, those who served as prisoners of war in Vietnam such as my colleague Senator MCCAIN have a very special message. And my friend from New Hampshire also has a point of view based on his service in Vietnam and his examination of the record, and I think his viewpoint deserves consideration.

But I ask all of my colleagues, as we discuss this issue today, to recognize that we are also discussing the conscience of America with regard to the Vietnam war. It was a time that was very unpleasant in the memories of Americans who were of that era. It is also, if you will, a debate on the outcome of that war, which is not a very pleasant matter to reflect upon.

But this is also a debate about the future. I also ask my colleagues to recognize that there is a new generation both in America and in Vietnam who were not even born when this war was fought. It is a new era. It is a new generation. I was particularly moved by the comments of the Senator from Maryland, who reminded us that the average age of the 72 million people in Vietnam is 24 years old.

I also think that we have to face reality in this discussion. The reality that while 2,238 American soldiers remain unaccounted for today in Vietnam, we have made substantial progress because in 1973 that figure was 2,583. To put this figure in further perspective, in the Korean war those unaccounted for total 8,177; in World War II, 78,794; in World War I, 1,648.

The fullest possible accounting for our POW's/MIA's is the Nation's highest obligation. I think this is one aspect of U.S. policy that all of my colleagues would agree with. But the embargo, the sanctions, have proven to be counterproductive to that goal. The American presence which we have had in Vietnam, with the presence of the MIA task force, as well—and this is not generally known, Mr. President—as well as the presence of three State Department personnel in Hanoi who are assisting the visits of Americans to Vietnam—have given us the ability to communicate in ways that were not possible when we completely isolated Vietnam. And with this communication has come additional information related to resolving POW/MIA cases.

I am not satisfied with our progress in obtaining the fullest possible accounting. But I believe that further progress is now inhibited by the continued isolationist policies of the past. Is it not ironic as we debate here in this Chamber on the merits of most-favored-nation status for China that we talk of continuing an isolationist policy against Vietnam? The logic of most-favored-nation status for China is that we want to maintain communications with the Chinese so that we can bring about change, so that we can bring about advancements in human rights. But for some reason or another, we do not apply this same logic to Vietnam even though we do want to bring about change in Vietnam. We want to bring about human rights improvements. We want to bring about democracy. And we want to bring about the fullest possible accounting for servicemen still unaccounted for in Vietnam.

United States ability to exert leverage on Vietnamese leaders to meet our demands, in my opinion, has diminished because other countries are not standing still. They are moving into Vietnam. They have established diplomatic and trading relations. As a matter of fact, 120 countries have normal relations with Vietnam, including all our former allies during the war.

The question we have to ask is, will we make more progress if there is more access? And the answer is clearly yes. The evidence proves that point. We had an isolationist policy for 19 years. Then, 3 years ago, we began to take small steps to end that isolation. Now we are talking about finally changing that isolationist approach. I would venture to say we have been on that tack long enough. As we have established a presence, we have made more progress in what our obligation is, and that is full accountability.

I was in the military between 1955 and 1957, between the Korean and Vietnamese wars. I was in the U.S. Coast Guard, so I do not speak as a prisoner of war or one who fought during that war. But again, my commitment as chairman of the Veterans' Committee in holding hearings on this issue in 1986 has given me a unique sensitivity of the obligation that we have the families whose loved ones were lost during the war. We have a responsibility to ease the suffering of these families by obtaining the fullest possible accounting, and not losing sight of that goal.

I was in Vietnam in 1986. I was fortunate enough to bring back with me two children who had not seen their mother for approximately 6 years. It was a very moving experience. I was in Vietnam again in December of this year. I cannot tell you the change that has occurred in that country. The contrast between the circumstances at the time that I held hearings in 1986 and what has happened today is remarkable. In 1986, we had no firsthand information because we had no access, no communication, no presence in Vietnam. The situation was of grave concern to me and Senator Cranston and to the League of Families and others who participated.

Then, in 1991, General Vessey was sent to Vietnam by George Bush to begin a formal process with the Vietnamese to resolve the fates of American servicemen. My colleagues have articulated the progress that has occurred since the Vessey mission.

You will also recall that during the Bush administration we had the roadmap toward normalization of relations with Vietnam. We laid down certain terms and conditions that the Vietnamese had to meet before the President would improve relations. The conditions included withdrawal from Cambodia, recognition of human rights, of course full accountability for the fates of American servicemen.

Then, somewhere along the way we changed the goal post. On Cambodia, for example, we said first, that they must withdraw from Cambodia. Then we said, no, no, Vietnamese, we want you to use your influence in Cambodia. But even with changed goal posts, the Vietnamese met, for the most part, the requirements that we set down. And we make no apologies for that.

At the time the roadmap was initiated, we had a policy of no communication, no presence. We could not travel to crash sites. We could not interview Vietnamese citizens and officials. Americans could not spend over $100 in Vietnam. It was against the law.

But that situation changed as we increased contacts with the Vietnamese. United States personnel now have access to the Vietnamese Government's military archives and to its prisons. United States personnel in Hanoi now travel freely to the crash sites and interview Vietnamese citizens and officials.

So we have had positive progress and positive cooperation in the last 3 years and that is a direct result of increased access in Vietnam: General Vessey's mission, the Joint Task Force Full Accounting Office in Hanoi, the unofficial presence of our State Department, and the presence of United States business personnel and tourists traveling in the country.

The more access Americans have in Vietnam, be it diplomatic, commercial, journalistic, academic, or humanitarian, the stronger the links between America and Vietnam will become, the more open the Vietnamese society will become, and the more likely we are to finally address the issue of full accountability.

Full accountability is something that is a bit in the eyes of the beholder because we will never be able to fully account for all the 2,238 that we list as unaccounted for. Obviously, some were lost at sea, some were lost in fires. That does not relieve us of the obligation of fullest possible accounting, it simply means reality dictates that we may not account for every single POW/MIA case.

That leads me to reflect on where we are today in this discussion. If now is not the time to lift the embargo, when is? When are we going to be able to stand here objectively and say that we have achieved full accountability? Does that mean that we will not relax the sanctions against Vietnam until we have been able to account for every one of the 2,238? I would like to stand here and say yes, that is correct, Mr. President, but reality dictates that we will never be able to fully account for every serviceman classified as POW/MIA.

But we do have a process going on to resolve every case possible, and it is a process that I think more Americans should appreciate and understand.

I know Senator MCCAIN, Senator KERRY, Senator SMITH and others have seen the accounting process. The point that I want to communicate is that this interaction that we have established with the Vietnamese is resulting in uncovering additional information. And as the Vietnamese society opens up to a United States presence, there is no point, there is no rationale, to conceal information.

The last trip I made to Vietnam convinced me that the time has come to use engagement, if you will, and not isolation, to fully resolve the fates of missing Americans. Two impressions stuck in my mind from that trip: One is the tremendous dedication of the Joint Task Force Full Accounting that is in Hanoi. The progress that I was referring to earlier is the result of the hard work of the task force. They have reduced the number of incidents to be investigated from 1,116 to 119. This systematic process involves following up on information, for example, that someone was seen shot down parachuting 20 years ago. A task force goes out in the field, they go to the villages, they interview witnesses. They take that case and continue to work on it until they either have identified remains or other evidence of the fate of the serviceman, or until they have exhausted leads. It is such an impressive process that I urge all my colleagues to read the reports of the joint task force.

The Joint Task Force also has resolved a number of the high priority, discrepancy cases. The number of discrepancy cases has decreased from 196 to less than 80.

I note also Mr. President, most of these people, that make up these teams are Vietnam veterans. If there is any group that has a greater motivation, I do not know who it is.

The joint task force also has reviewed a tremendous number of archival documents: 23,000 pieces have been examined. Further, the joint task force has presented findings to the families of the POW/MIA's: 5,614 notifications to approximately 900 families.

I was particularly moved by the statement of Lieutenant Colonel Flanagan, the deputy commander of the joint task force, who told me: "More Americans need to come over here and see how it really is and then go back and tell other Americans about the progress and the cooperation that is occurring here."

I agree with the Colonel. Therefore, I plan to propose to this body that we take the families of our MIA's, at the Government's expense and using Government transportation, to Hanoi to meet with this team so that they can see for themselves what is being done to obtain the fullest possible accounting for their loved ones. It will truly be, I think, a worthwhile experience. I know that there have been efforts made in this regard. Perhaps those efforts should be formalized. I hope that I can count on my colleagues in that regard.

The second impression that sticks in my mind from my recent visit to Vietnam is the increased cooperation from the Vietnamese. Every Vietnamese I talked to, from high-ranking Government officials in the country to reporters on the streets, were committed to fully cooperating with the Americans to resolve the fates of American servicemen still unaccounted for.

I think that many of my colleagues who visited Vietnam over the last several months would agree that they witnessed a true sense of cooperation. That does not mean that we have to be satisfied with whether the Vietnamese cooperated in the past. They did not. The question is, are they cooperating now? I think that the cooperation is real and that it will continue. I truly believe that cooperation and progress would be increased if the sanctions were lifted and the relationship could grow.

The cooperation that I witnessed, as I said, has produced results. According to the joint task force briefing, 67 sets of remains were returned from Vietnam in 1993. That is double the number in the previous year and overall the third highest level returned since the war ended. In addition, recently completed trilateral investigations on the Laos border were the first of their kind, and it was the Vietnamese who pushed Laos to cooperate with the Americans.

My recent trip also confirmed reports of Vietnam's changing society. In my meetings with various officials in the Vietnamese Government, I was struck by their strong commitment to an open-market economy. They have looked at what happened to Russia and to North Korea, and they have turned towards an open-market economy. This is an extraordinary thing. In addition, the Vietnamese are a very energetic and well-educated people. Many of them speak English and they are able to feed themselves. They have made significant progress.

Mr. KERRY. Mr. President, I ask if I can interrupt for a moment?

Mr. MURKOWSKI. I defer without losing my right to the floor.

UNANIMOUS CONSENT AGREEMENT

Mr. KERRY. I thank the distinguished Senator. I merely do so because I would like to propound a unanimous consent request which will help colleagues to make considerably better choices for the evening.

I ask unanimous consent that there be 2 hours remaining for debate on the Vietnam issue for tonight, to be equally divided between Senators KERRY and SMITH; and that immediately following the entering of the agreement, the two pending amendments numbered 1262 and 1263 be laid aside in order for Senator SMITH to be recognized to offer his amendment dealing with the same subject; and that no amendments be in order to the Smith amendment or further amendments be in order to the McCain amendment.

I also ask unanimous consent that at 9:15 a.m. on Thursday, January 27, the Senate resume S. 1281 and proceed to 45 minutes of debate equally divided between Senators KERRY and SMITH; and that at 10 a.m., a vote occur first on the Kerry amendment No. 1263, to be followed immediately by a vote on the Smith amendment, to be followed by a vote on the McCain amendment, as amended, if amended, all without any intervening action or debate.

Finally, I ask unanimous consent that the first vote be limited to 15 minutes in length, the second vote limited to 10 minutes in length.

The PRESIDING OFFICER. Is there any objection to the unanimous consent request of the Senator from Massachusetts, Mr. KERRY?

Without objection, it is so ordered.

Mr. KERRY. On behalf of the majority leader, I am able to announce that there will be no further rollcall votes tonight.

I thank the distinguished Senator from Alaska.

Mr. MURKOWSKI. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I believe the Senator from Alaska has the floor and I intend to continue to speak for about 10 minutes more.

Mr. KERRY. Mr. President, I ask unanimous consent that the Senator complete his remarks and the unanimous consent agreement take effect at the conclusion of the remarks of the Senator from Alaska.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska is recognized for 10 minutes.

Mr. MURKOWSKI. Mr. President, lifting the embargo clearly does not take away the leverage tools we have.

Restrictions on military items and other high-technical items remain in place. Most-favored-nation status is not granted. Normal diplomatic relations are not resumed. Moreover, the President has the flexibility to reimpose restrictions. But it does do what we want it to do and that is to give us an increased American presence. Leverage comes from engagement, not isolation.

Further, lifting the embargo will serve mutually compatible goals.

As I said in the beginning of my statement, the goal of this amendment is to help the families obtain the fullest possible accountability. The amendment strives to move relations with Vietnam in a positive direction so that we can resolve the accountability issue for the families' benefit, for their loved ones, for their children. And we need to speed up the process, Mr. President, because we have been on this track for 20 years. How do we get beyond it? The progress that we have achieved through limited access speaks for itself.

This amendment also serves the goal of promoting free markets, democracy, and human rights through communication, access, and presence.

Lastly, this amendment serves the goal of increasing U.S. competitiveness through trade and commerce. Some have mentioned a rather delicate issue, that some supporters of this amendment want the amendment so that we can go drill oil. That is a ridiculous remark, with absolutely no foundation and, very frankly, I resent the implications associated with that, because it is not factual.

What is factual is that from a trade standpoint, the sanctions that we have imposed now simply hurt the United States rather than Vietnam because other countries are doing business in Vietnam.

Our embargo no longer deprives the Vietnamese of goods and services. It only deprives Vietnam of American goods and services. When our President is talking about creating new jobs, it makes little sense to keep America out of promising markets when our isolationist policy does not move us closer to full accountability. Allowing Americans to have a presence there will increase the process and the timeframe on the issue of accountability.

So I think we have to keep this issue in focus: It is a humanitarian obligation of this body to address the lifting of the sanctions.

Last year, I introduced legislation to lift the most restrictive aspects of this trade embargo. I have asked the Banking Committee to hold hearings on my bill. I have also communicated with Senator ROBB, chairman of the East Asian Subcommittee of the Foreign Relations Committee, asking him to hold oversight hearings on United States policy toward Vietnam. He has indicated he will do so.

So, Mr. President, I urge our colleagues to pass this resolution today so that we can send a clear signal to the President that the time has come to lift the trade embargo. I commend the previous administration, President Bush, for initiating the first opening by saying American firms could open offices in Vietnam, but not do business. I also commend President Clinton for allowing United States firms to participate in development projects in Vietnam that are financed by international financial institutions.

Mr. President, in conclusion, I ask each of my colleagues to reflect on the question I asked earlier in my statement: If not now, when? When are we going to be satisfied as to what constitutes full accountability? It is a subjective argument because, as I have indicated, 2,238 are currently unaccounted for in Vietnam vis-a-vis 8,177 in Korea, 78,794 in World War II and 1,648 in World War I. We have to recognize the harsh reality and the unfortunate fact that we will never be able to account for all of our missing. But, we must continue to try by the best method. The isolationist approach we took for 19 years did not result in what we all want to have happen, and that is full accountability. The changes over the last 3 years have resulted in a small U.S. presence. The presence of the Joint Task Force in Hanoi has accelerated the process. The Vietnamese are now working in concert with us, maybe not to our full satisfaction, but substantially better than we had before.

So again, Mr. President, I think this is the time. If we are back here in 6 months or back here in a year debating the same issue of whether we are satisfied with the cooperation or whether we are satisfied with the status of accountability, we are still going to have to address the same issues. In the meantime, we run the risk of the Vietnamese deciding that they will no longer cooperate to the degree that they have been if the message that they take from this debate is that we do not feel they are cooperating. A loss of cooperation will only hurt the process of accountability.

So I would implore my colleagues to reflect on the reality of what this debate means for further progress. I have the utmost respect for the opinion of my colleagues who served in Vietnam, who were prisoners of war in Vietnam. They know better than any one of us the anguish that goes into a decision to support the pending resolution to initiate a relationship with and a presence in Vietnam. But I have made up my mind that the amendment, which urges the President to eliminate the trade sanctions against Vietnam, does not lose sight of the highest obligation of Government, and that is the full accountability of those who have made the supreme sacrifice for their country.

I really believe that this is the appropriate time and the appropriate method for meeting our humanitarian obligation to follow the best possible course for lessening the anguish of those families who have not received answers about the fate of their loved ones.

I encourage my colleagues to support the amendment and I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska yields the floor. Who yields time?

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire [Mr. SMITH] is recognized.

AMENDMENT NO. 1266

Mr. SMITH. Mr. President, under the terms of the unanimous consent agreement, I send an amendment to the desk on behalf of myself, Senator DOLE, Senator GRASSLEY, Senator D'AMATO, Senator CAMPBELL, and Senator HELMS 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 New Hampshire [Mr. SMITH], for himself, Mr. DOLE, Mr. GRASSLEY, Mr. D'AMATO, Mr. CAMPBELL, and Mr. HELMS, proposes an amendment numbered 1266:

AMENDMENT NO. 1266

On page 179, after line 6, insert the following new section:

SEC. 174. LIFTING OF SANCTIONS ON SOCIALIST REPUBLIC OF VIETNAM CONTINGENT UPON POW/MIA PROGRESS.

(a) LIFTING OF SANCTIONS.—The prohibitions, restrictions, conditions, and limitations on transactions involving commercial sale of any good or technology to the Socialist Republic of Vietnam, or involving the importation into the United States of goods or services of Vietnamese origin, in effect as of January 25, 1994 under the Act of October 6, 1917 (40 Stat. 411 et seq.) as amended shall remain in effect until thirty days after the President determines and reports in writing to the Senate and the House of Representatives that the Socialist Republic of Vietnam has provided the United States with the fullest possible unilateral resolution of all cases or reports of unaccounted for U.S. personnel lost or captured in Vietnam, Laos, or Cambodia for which officials of the Socialist Republic of Vietnam can be reasonably expected to have in their possession additional information or remains that could lead to the fullest possible accounting of said U.S. personnel based on U.S. intelligence and investigative reports, analyses, and assessments obtained or conducted prior to January 26, 1994;

(b) CONSULTATION.—It is the sense of the Senate that the President should consult with Congress, POW/MIA family representatives and national veterans organizations to the maximum extent possible prior to making determinations under subsection (a).

(c) NONDELEGATION.—The authority of the President to make the determinations and report to which subsection (a) refers may not be delegated.

(d) DEFINITIONS.—For purposes of subsection (a)—

(1) the phrase "cases of unaccounted for U.S. personnel" means cases involving United States personnel originally listed by the

United States as prisoners of war, missing in action, or killed in action/body not recovered following their wartime loss incidents in Vietnam, Laos, or Cambodia; and

(2) the phrase "accounting" means the return of unaccounted for U.S. personnel alive, repatriation of their remains, or convincing evidence as to why neither is possible."

Mr. SMITH. 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.

Mr. SMITH. Mr. President, thank you.

Mr. President, just a couple of quick points in response to a couple of speakers before going into the remarks on my amendment.

Some are making the debate that it seems as if the person with the most medals from the Vietnam war—for example, General Vessey or Admiral Larson or others—are the best qualified people to tell us what our policy in Vietnam should be.

I reject that argument. Although all of those people have great credibility, we have thousands of members of the DAV, and their organization, which I shall point out very shortly in my remarks, is opposed to this amendment to the Kerry amendment, and they have their medals. Also, many of them lost limbs in the war and obviously have been injured.

So I do not think having a medal or having a great, illustrious military career which is fantastic is the criteria we ought to use to judge as to whether or not the Vietnamese are making the full accounting that we are asking for.

So with all due respect to those gentlemen named, I think there are many, many people who have worked the issue for a number of years, some of whom have military backgrounds, some of whom have not, some of whom worked in our intelligence community for 25 years on this issue who have not served in the military. Although that is very impressive, that is not the only necessary criteria to judge as to whether or not we are receiving the full cost accounting.

I also want to respond briefly to something Senator MIKULSKI mentioned. I am sorry she is not here on the floor at this time. But she brought up a very good point. It is something I want to respond to.

I have spent the past several months in debate on this. I spent a lot of time during the select committee hearings. Apparently I just did not seem to get the message out in a clear manner to try to have the American people and many who discuss this issue understand why it is that we have not narrowed down this list of so-called discrepancy cases in a complete fashion.

There are 2,238 MIA's. Approximately half of those people are listed as killed in action according to our records, and the other half are listed as missing in action or POW's.

The interesting thing is that the discrepancy cases were referred to as if somehow we have taken 160 or 170 of these cases and narrowed them down to 35 or 40 based on the best information that we have at our disposal. But on the 1,100 people out there who are listed as missing in action, in some cases we have no information at all, in some cases we have a lot of information. We have some information that they survived their crash, and in other cases we do not have any information at all. So there are all kinds. In some cases we even have them listed as killed in action.

But let me make a point here. The last time I was in Vietnam, the Vietnamese presented to me the name of an individual whom we had listed as killed in action. They said to me, "We had this man as a prisoner." I said, "Where are his remains, or do you have him alive?" They offered neither. They also offered no reason, no explanation as to why they could provide neither. So here is a man we have listed as killed in action based on the best information we have. He probably disappeared on the battlefield and we did not have any more specific information. The Vietnamese tell me in their own words that they captured him, but they do not tell me what happened to him.

You see, when you use discrepancy cases and you narrow this down on the basis of discrepancy cases, that is simply inaccurate. It is not the valid justification for saying that we have this total cooperation. Is it part of it? Yes. It is a very important part of it. Discrepancy cases are very important. They are the best cases we have. They are the kind of people I talked about who were filmed and used in propaganda. They are people where we had good solid clues that they survived their incident and they were captured. They are good cases. They are some of the best cases. But they are not the only cases.

You cannot take the 1,100 people—indeed the whole 2,200, especially the 1,100 we do not have any information on—you cannot simply say because we do not have information that the Vietnamese do not have any information. That is a terrible conclusion. It is an irresponsible conclusion today.

That is exactly the fault of the policy that we have gone through for months and years with the Vietnamese. When we come in and say to the Vietnamese, we have 100 discrepancy cases or 110, what we have told them is the other 1,000 people in the category of MIA, we are not interested in them. We are not interested in those people. We are interested here. Here is what we have discrepancies on. If they have someone missing or they have knowledge of somebody on the other list, what is the incentive?

So I would like to just make those points because they have been made erroneously in the debate. I think it is important that everyone understand that there are 2,238 people missing. Approximately half of those, 1,100, are listed as killed in action by our information, and 1,100 of them are listed as POW/MIA by our information, or we have no information as to what happened to them. Some of those people in that 1,100 are the discrepancy cases. But you cannot say that, because the Vietnamese resolved a number of the discrepancy cases, they do not have information on the others in that 1,100 category.

I have said this until I am blue in the face, I do not know how many times in the debates, public and private. And it still seems to be out there that somehow all of the cases are resolved except these discrepancy cases. That is nonsense. It is a fault in our policy. It is a vehement disagreement that I have with General Vessey in the way that he has addressed this issue. It is simply inaccurate, and you basically have done the job for the Vietnamese by saying, OK, the other 1,000 people, we do not care about them. Here is what we are interested in, these discrepancy cases, because we have information that they survived. I am interested in the information that the Vietnamese have on whether they survived.

If you will recall, when the men came home in 1973—the homecoming—one man came home who was listed as killed in action. He came back as a prisoner. So our reporting and our information is not 100 percent accurate.

Mr. MURKOWSKI. I am curious to know why the Senator from New Hampshire would have reason to believe that the process of full accountability and the resolution of discrepancies in evidence—which the Senator from Alaska admits exist—would necessarily cease.

Is there any reason to believe that progress would not continue and, in fact, lead to a greater degree of satisfaction to the questions the Senator is legitimately bringing up?

Mr. SMITH. Mr. President, I addressed it previously, and I will also in my upcoming remarks. But the issue is that we have no assurance. If we do not hold the Vietnamese to accounting—the policy in the past 20 years has been, on a humanitarian basis, that the Vietnamese should provide us unilaterally this information, which we believe they have. If we do not, we should not lift the embargo. That has been our policy.

My point is that this amendment is a departure from that policy. If they suddenly open up the archives and provide us the answers, I would be the first to congratulate them. We certainly would not have any leverage; that is my point. If we do it, we will have no leverage.

Mr. MURKOWSKI. The reality is, Mr. President, what presence do we have

there now? We would have an increased presence, and we have seen an increase in our own satisfaction with regard to advancements that have been made because of increased cooperation. So one can make the conclusion that indeed increased presence would very likely lead to increased cooperation.

I think the Senator from New Hampshire is entitled to his opinion, and the Senator from Alaska maintains, on the basis of his experience, that the best way to get this issue behind us is through access. That is why I am part of the group supporting the formulation of the Kerry, McCain amendment.

Mr. SMITH. If that were the case, we probably should have done it in 1973. Maybe we should have done it to North Korea, lift that embargo.

Mr. MURKOWSKI. We could argue the merits of most-favored-nation status for China if you want to argue a parallel thing.

Mr. SMITH. I respectfully disagree with the Senator on that. No President to date has taken that position, and the League of Families and other family members, and the veterans organizations disagree with that assessment. I think we have some type of a moral obligation to listen to them ahead of business interests and at least give it more time to work.

I think that the progress we have made over the past 20 years—and there has not been much of it—has been because we have held firm. But that is another issue.

Mr. MURKOWSKI. I differ with my colleague. Advancement has been made as a consequence of the U.S. presence there, and the record will support that.

Mr. SMITH. Mr. President, I am pleased to join with the distinguished Republican leader and my colleagues, Senators GRASSLEY, D'AMATO, HELMS, and CAMPBELL in offering this amendment.

This amendment, as you know, concerns the status of our relationship with Vietnam and the impact the POW issue should have on how that relationship will develop in the coming months. The amendment makes it clear that the lifting of the trade embargo against Vietnam should be contingent upon the President being confident that Vietnam has made the maximum unilateral effort to provide information already in their possession on missing U.S. personnel from Southeast Asia.

That is not an unreasonable amendment. That is a very reasonable amendment. Certainly, upon that certification by the President, who has access to the records of our intelligence community, I think that is a reasonable amendment, which is why I am pleased to offer it.

I point out on a parliamentary basis here that to vote for the Kerry amendment or the McCain amendment, whichever it happens to be, basically says to the President: Lift the embargo. We trust the Vietnamese to come forth and come clean with the rest of the information, which most of us admit that they have.

My amendment says let the President certify that, and if he does certify that with his intelligence community, after consultation with the veterans groups and the League of Families and other family members, if they feel that time has come, then move on and let us go. But the key phrase is "fully forthcoming"; not every bit of information they can give, but what is fully forthcoming.

There has been a lot of talk in Washington that the administration is now on the fast track to lift the trade embargo against Vietnam; that is no secret, and I think that is true. I have had conversations with the White House. They have never denied that there is interest and debate going on in the White House to lift the embargo. The White House told me as recently as January 7 that no decision has been made on the matter and no decision is expected anytime soon.

It is obvious, though, based on comments by senior administration officials, both named and unnamed, that this matter is currently being considered by the President's national security team and his economic advisers. I have been around this town long enough to know what the signals are, from meetings taking place in the White House and the comments that have been coming out of there, that obviously this is on the fast track. I know many of the same players, ironically, in the Bush administration, who pushed for lifting the embargo, are still there in the Clinton administration. It is amazing how other people can lose their jobs when one administration changes to another, but all the people working this issue seemed to have stayed the same.

Every one of my colleagues knows by now that I have one overriding concern on the matter of our relationship with Vietnam; that is, the issue of the POW's and MIA's never accounted for following the end of that very divisive conflict 20 years ago. I will state up front that I join many in this body in looking forward to the day when the United States and Vietnam have fully normalized relations, diplomatically and economically. I wish it were today, but it should not be today. I know a few veterans in this country who do not feel likewise.

I served during the Vietnam conflict, not with the distinction of many of my distinguished colleagues here on both sides of this debate who have served in Vietnam, such as Senators ROBB; BOB KERREY; JOHN KERRY; PRESSLER; and MCCAIN, of course, a POW; and HANK BROWN. And there are others. I am certain that all of us want to heal those wounds of war. This is not a personal matter with any of those Senators. I respect them all, but I believe all of us want to do it in an honorable way.

The question is: What is the honorable way to do this? What is the honorable route? That is the purpose of the amendment that I am offering today, to make clear that our intent is to ensure that the United States is indeed receiving all relevant POW/MIA information that Vietnam has the capacity to provide.

Some on this debate will try to say I am asking for a full accounting. That is impossible. I am not. I do not expect the Vietnamese to provide the remains from the bottom of the South China Sea, but what they can fully provide now, unilaterally. This is the overriding concern, not just of the Senator from New Hampshire and many others in this body, but it is the concern of every single family member of the servicemen still unaccounted for. It is a concern of every national veterans organization in this country.

I think they ought to have a spokesman here tonight, and they do. I am going to let you hear from them in my words. The last few weeks while we were on break, each of these national veterans organizations, in addition to the POW/MIA families, expressed their concerns directly to the President on this issue—directly.

I will take a moment now to enter into the RECORD the statements and positions of our Nation's veterans and family members, for they are worried that some in this Chamber have not been made aware of their positions.

The American Legion comprises 3.1 million members. They told the President that they are opposed to lifting the trade embargo against Vietnam until the POW/MIA issue has been addressed to their satisfaction. They have passed resolutions to that effect. As a matter of fact, they contacted every single Legion post in America in every State. The national commander of the American Legion sent a personal letter to every single Senator on January 6 explaining in detail why they believe more progress can and should be made on the POW/MIA issue before we remove our trade embargo. Every Senator, I believe, has this letter.

The last sentence of that letter reads as follows:

> The time is not right for such action (to lift the trade embargo)—Hanoi's illusory cooperation must be replaced by real, verifiable, tangible progress. In the strongest possible terms, Legionnaires from throughout the Nation join with me in asking you to keep faith with POW's and MIA's, their families and members of the active military services.

Those are the words of the American Legion. In a related press release, the national commander stated:

> America's veterans aren't going to forgive, or forget about, the businesses that put their profit margins ahead of the interests of our POW's or their families.

I might add, Mr. President, that I am told that the American Legion has contacted, as I said, all 50 States, every post.

The Disabled American Veterans, comprised of 1.3 million members, has told the President:

We do not feel that the recent spate of cooperation (on the POW/MIA issue) justifies lifting the embargo or taking steps toward normalizing relations between our nations. As such, we stand firmly by our most recent convention resolution.

That is the DAV.

The Veterans of Foreign Wars, comprised of over 2.2 million members, has told the President, in a letter from their national commander dated January 7:

The level of cooperation necessary to warrant lifting the trade embargo is one that produces more than minimal results. We are not convinced that the results obtained to date warrant lifting the embargo. We, therefore, urge you to keep the embargo in place.

That is the VFW.

AMVETS, the Nation's fourth largest veterans organization, reiterated their position on January 11 stating:

Our primary concern is for the MIA families for whom every consideration must be made. We oppose normalizing relations with Vietnam until a full accounting is achieved. We recognize that the Vietnamese are cooperating, but progress must be measured by the degree of cooperation. To suddenly drop the embargo sends a signal that we've given up on ever achieving a full accounting of our people. This still should remain the highest national priority.

Finally, the president of Vietnam Veterans of America, the Nation's largest veterans organization comprised solely of veterans from the Vietnam war, has told the President in a letter dated January 7, 1994:

We recognize the seriousness of efforts such as the massive search that was launched yesterday, but these measures have produced far too little information to justify any conclusions. Your commitment to resolving the fate of the missing prior to opening diplomatic relations with Vietnam is much appreciated. We see lifting the trade embargo now, however, as a movement toward full recognition. Accounting for America's POW/MIA's and the whole question of steps toward normalization of relations with Vietnam is a painful issue for many wartime veterans. Some will never agree to reconciliation, and others hunger for it. In between are a great number of veterans who want to resolve both issues—the fate of our POW/MIA's and our relationship with Vietnam. For most Vietnam vets it is not a question of retribution but of resolution. We share a deep concern that lifting the trade embargo—and giving up whatever leverage is still left in it—will result in the abandonment of American POW/MIA's. Healing from war takes time, and the fullest possible accounting is part of that healing, and it is not complete. Until it is resolved, the embargo should stand and normalization should wait.

That is the stated position of the Vietnam Veterans of America.

Let me just take another organization that has a stake in this, perhaps more than the others I have mentioned.

The Nation's largest family organization of United States personnel missing from the Vietnam war expressed their view, most recently on January 7. Sue Scott, chairman of the board of the National League of POW/MIA Families, stated in a press release:

If the Vietnamese want the embargo lifted now, U.S. evidence shows they can easily meet the President's criteria by providing remains and records being withheld. Vietnam's dismal record (on POW/MIA's) does not meet the President's criteria, pledges to the families, commitments to our nation's veterans or obligations to those who serve our country. We, the families, expect the President will adhere to principles and honor his word to the families that he will not move forward without POW/MIA criteria being met. The President would be well-served to ignore the wishful thinking, distortions of reality and omissions of fact being promoted by his bureaucracy. The families are tiring of being labeled as unrealistic or re-fighting the Vietnam war because we seek an end to our uncertainty which Hanoi can readily provide.

The National Alliance of Families, another organization with family members of POW's and MIA's, has also asked the President not to move forward with relaxing or lifting the embargo until Hanoi has taken additional steps to resolve the POW/MIA issue.

Mr. President, I presented the views of our Nation's veterans and the POW/MIA families. They are not my words. And I did not ask for them. They came to me.

Every one of these organizations are united in their belief that now is not the time to lift our embargo against Vietnam. And every one of them is united in their belief that Vietnam can and should be able to provide additional information on those still missing from the war, to include the fate of POW/MIA's who were lost or captured in Laos.

Now I know there are Senators in this body who disagree with the position of the Nation's veterans groups and the POW/MIA families. But I would be surprised if there was any Senator who would support warming our relations with Vietnam at this point if President Clinton, our Commander in Chief, felt that officials in Vietnam still had additional information in their possession that could lead to an accounting for United States personnel missing from the war. I know of no Senator who is prepared to answer that question here on the Senate floor today, and that is what brings us to this amendment.

These are the people that you just heard from who had the most at stake, and their feelings are more important than mine or any other Senator on this floor. They are more important than the President, and they are more important than the Vietnamese. They ought to be listened to. They ought to be adhered to.

They have spoken and have very clearly. I can tell you I have spoken to some of these people and the families and in the veterans communities. Many of them have traveled to Vietnam. There is not rancor toward the Vietnamese people. They just want an honest resolution. You cannot get one for certain if you lift the embargo now. You might get it lifted and hope you might, and I will be the first one to congratulate those proponents if it happens.

It is a gamble. It is a roll of the dice, as Senator MURKOWSKI said. "I am willing to roll the dice."

I am not, and neither are the veterans groups or the families, and they are the ones who have the most at stake.

This amendment does not prejudge how the President may feel on whether Vietnam has been fully forthcoming on POW/MIA issues or what he may determine at some point in the future, or whether his view may be at odds with the Nation's veterans or the POW/MIA families, or indeed some Senators. Instead, the amendment before us simply states that if and when he may decide to move on the embargo question, we, in this body, will expect him to tell us that Vietnam has been fully forthcoming on outstanding POW/MIA issues. It is certainly reasonable, Mr. President, for the Congress, and indeed, the country to expect the President to make such a determination before taking further steps in our relationship with our former adversaries in Hanoi. That is not unreasonable. That is not a political positions. There is nothing partisan about this.

There can be no confusion as to what this amendment states. I want to go through the amendment—it is simple and straightforward—and read by the clerk, and that is why I wanted it read.

And I would again stress that this amendment does not tell the President to lift the embargo against Vietnam, and it does not tell him to keep it in place. It simply tells him that the Congress wants to be assured that Vietnam has been fully forthcoming on POW/MIA issues before we move forward. And if the President feels he can make such a determination in the next month or so—this amendment lets him do it.

I hope my colleagues will agree that this determination should, in fact, be made by the President, after consultation with the U.S. intelligence community and others. He is the one in the final analysis that will be best positioned to make this determination. And I would hope and expect that the Senate Foreign Relations Committee would agree on this point, judging by the discussion and vote which took place on this matter at the committee level last September. I have the transcript of that discussion, and I would be happy to read from it if necessary—I think it is suffice to say that the Foreign Relations Committee rejected an

attempt in the committee to lift the embargo in September because it did not want to tie the President's hands on the POW/MIA issue. Both Democrats and Republicans agreed by a majority vote in the committee to, and I quote from comments made by the ranking member at the time, to "let the President come to a decision, and then make our judgment if we are inclined to do so."

The Kerry amendment or the McCain amendment basically gives him direction. It says lift it and we will support you. That is the message that you are giving.

The language of the amendment now before us is consistent with the vote of the Foreign Relations Committee last September.

The most important part of this amendment is as follows—for the President to move forward in further relaxing or lifting our embargo against Vietnam, he must first tell the Congress, and I am paraphrasing here, that the Socialist Republic of Vietnam has provided the United States with the fullest possible unilateral resolution of all cases of unaccounted for United States personnel lost or captured in Vietnam, Laos, or Cambodia, for which officials of Vietnam can be reasonably expected to have in their possession additional information or remains that could lead to the fullest possible accounting of these missing United States personnel based on United States intelligence and investigative reports and analyses which have been gathered to date, including that gathered by Admiral Larson and General Needham.

And that should include, in my opinion, the President making a determination to Congress that Vietnam has satisfactorily addressed information such as that which came to light from the GRU intelligence archives of the former Soviet Union. Just this week, a year later, the Pentagon put out a very brief analysis of these documents from Moscow, but at least conceded that, and I quote, "We believe there is probably more information in Vietnamese party and military archives that could shed light on these documents."

Where is it? Why would we not insist on it?

The Pentagon said that Monday, Mr. President, and we obviously do not have that information from Vietnam yet. In fact, I do not even think we have asked for it in the last few months—so it is a bit premature to cast those documents aside—but again, it is up to the President to make that determination. And with all the problems our committee found last year with the handling of this issue by certain officials at the Pentagon over the years—not everyone, but many—it is incumbent upon us to ask the President to come to his own conclusion—under this amendment, that authority cannot be delegated down to the bureaucracy. The President will come to his own conclusion.

I want to, just as an aside, say here what a dramatic document that Russian document was. It alleged that 1,205 American prisoners where held when, in fact, only 600, roughly, were returned.

Finally, I hope that the President will make a determination before lifting the embargo that intelligence reports of alleged POW's kept back in Southeast Asia after the war now in the possession of our intelligence community have, in fact, been fully investigated. Furthermore, he should make a determination that reports of remains and pertinent POW/MIA records being withheld by Vietnam and Laos have been fully investigated.

All of this is quite reasonable, Mr. President, and it is what the American people, particularly the Nation's veterans and the POW/MIA families would expect before we move forward with Vietnam. I would therefore hope that this amendment would receive strong bipartisan support from both sides of the aisle.

We are hearing that another amendment may be offered dealing with these issues, Mr. President, but let me be clear in stating my belief that the vote on this amendment will be seen across the country as the vote by which every Senator's commitment to the families of our Nation's veterans and POW's will be judged. That is what it will be. This is a judgment vote. This is a defining moment. It is a responsible amendment and it is consistent with everything the President has said to date on this issue and everything his predecessors have said and it is consistent with the position of our Nation's veterans and the families.

I did not come to the Senate floor today to propose an amendment to maintain the trade embargo against Vietnam until the United States obtained the fullest possible accounting for every last serviceman that is missing. Some have said that and will probably say it in the future. That is not why I am here. If you listen carefully, this amendment does not say that every unaccounted for American has to be accounted for before we lift the embargo against Vietnam. The Vietnamese cannot do that. It would have been wrong for me to propose such an amendment—obviously, obtaining the fullest possible accounting could take years, and there are some that will never be located.

Some of the missing were involved in overwater losses—some crashed in remote jungles or mountainsides where there were no enemy forcers to observe the loss and help us account for these individuals. I know that, and we do not hold the Vietnamese to account for those people. However, I would point out, as I have said several times before, that just because we do not have a clue as to the ultimate fate of the individual, does not mean the Vietnamese do not know what happened. In point of fact, on seven different occasions since the end of the war, the Vietnamese have actually repatriated the remains of servicemen involved in overwater losses—so they have certainly shown their capacity to have hard information on cases where one might logically think they would not have any information at all.

Again, our information; their information.

So just as I am not proposing keeping the embargo in place until every last person is accounted for, it would likewise be wrong for other Senators to come to the floor to propose lifting the trade embargo against Vietnam right now because they have somehow determined that Vietnam has been fully forthcoming on all the POW/MIA cases for which Vietnam should have information. That would be a remarkable judgment for a Senator to stand up here and make. And it is one that I would certainly challenge on a case by case basis, and I am prepared to do it if necessary. In fact, I can assure my colleagues that I would protect my rights under the Senate rules and take as much time as I deemed necessary to counter any such claims. But the bottom line is, we can debate it all week long. Indeed we debated it all last year in the Select Committee on POW/MIA Affairs. And for every quote someone might read from our committee's report last year saying how great things are, I can find a sentence in the same report that will say just the opposite. That is the way committee reports are around here.

Mr. President, this amendment has been thought through carefully, and I hope my colleagues will appreciate that I am not here to try to block the United States from moving forward with Vietnam. I would hope we would, at some point soon, move forward with Vietnam. In fact, this amendment allows President Clinton to move forward with Vietnam, but it also gives him the flexibility to determine at what point and to what degree Vietnam has been fully forthcoming on POW/MIA matters before moving forward.

So let us not rush to judgment here on the Senate floor based on some recent codel trip to Vietnam. Let us wait until the information gathered by the intelligence community to date in Southeast Asia and Moscow has been presented to the President, and let us wait to see the President's response.

I have been to Vietnam five times to discuss this issue and every time, I come away with the impression that more information could be unilaterally provided by the Vietnamese if they made the political decision to do so.

Others get a different view. But all of it is immaterial unless we are willing

to take the time here on the Senate floor to go through every single one of the remaining 2,238 cases of unaccounted for Americans to see in which instances Vietnam could be reasonably expected to have additional information based on investigations to date.

Every one of those numbers has a family behind it. Every one of those numbers has a family behind it, Mr. President. These are not just statistics. I do not want to tell those families that we are now the best experts on their loved ones. I believe the President should make that decision. Although I consider myself an expert on a lot of them, I am not an expert on all of them. I do not think anybody, with all due respect, in this Senate has spent more time than I have going through those cases one by one.

So I will close by reminding my colleagues of many of the things President Clinton and White House officials have stated to date on the POW/MIA issue and our relationship with Vietnam. And I am more attentive to comments from the White House on these matters, than I am with comments by low-level bureaucrats in the Departments of State and Defense or U.S. teams in the field in Southeast Asia who are often only knowledgeable on one piece of this complex issue where the President has the knowledge and the overview on all of it.

Most recently, on January 3, the White House press secretary was asked if the President was ready to move further in our relationship with Vietnam and the response was, and I quote, "As you know, the President has maintained that is contingent on progress on POW and MIA issues." And indeed, I remind my colleagues that the title of the pending amendment is "Lifting of Sanctions Against the Socialist Republic of Vietnam Contingent on POW/MIA Progress." So you cannot have an amendment that's more in sync with the position of the White House. And indeed, while our committee unanimously determined last year that this issue was not a priority during the last Democratic administration, it has been a consistent measure of whether our relationship improves with Vietnam since President Reagan took office, and it's been that way for the last 13 years, up to and including President Clinton.

Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. The Senator has 23½ minutes remaining.

Mr. SMITH. Thank you, Mr. President.

On December 10, President Clinton stated in a letter to me that "I am deeply committed to resolving the cases of all personnel missing since the Vietnam war. For this reason, I have made achieving the fullest possible accounting for our POW/MIA's the test of our relationship with Vietnam. Like you, I seek an honorable resolution to this issue. I will not accept mere activity by Vietnam on POW/MIA issues as progress." Again, the President could not make it more clear, and I commend him for it. The test of whether or not we move forward with Vietnam depends on real and complete answers on the POW/MIA issue—not on how many crash site excavators Vietnam allows into their country and not on whether it would be profitable for American businesses to go to drill for oil.

On November 19, while at the APEC summit, the President stated that he, "could see Vietnam more integrated into the region's economic and political life after providing the fullest possible accounting of those Americans who did not return from the war there."

So can I. So can I, Mr. President.

On July 16, White House Deputy National Security Advisor Samuel Berger stated, "The President understands that while the processes underway in Vietnam on the POW/MIA issue are important—and I remind my colleagues not to be confused by the word process as some people in this body like to use it to measure POW/MIA progress, which is a little disingenuous:

> The litmus tests here are concrete results and solid answers * * * the President has specifically rejected suggestions that he lift the trade embargo, partially or fully, even though that position disadvantages American business. This is not a commercial or diplomatic issue for the President; it is a moral one. . . Vietnamese efforts to date, while welcome, are not sufficient to warrant changes in our trade embargo or further steps in U.S.-Vietnam relations. That is a very powerful and appropriate statement—

"This is not a commercial or diplomatic issue for the President—it is a moral one." And it is. Ask those families. Ask those veterans groups. It is a moral issue and we do not have the right to make that moral decision.

On July 2, the White House stated:

> Our policy toward Vietnam must be driven not by commercial interests but by the overriding purpose of achieving further progress toward the fullest possible accounting of our POW/MIAs. . . Progress to date is simply not sufficient to warrant any change in our trade embargo or any further steps toward normalization.

And last April, at a White House news conference, the President stated that he was:

> Much more heavily influenced by the families of the people whose lives were lost or whose lives remain in question than by the commercial interests and the other things which seem so compelling in this moment. I am just very interested by how the families feel.

Finally, just days after his election, then President-elect Clinton stated the following at a Veterans Day ceremony in Little Rock:

> As I have pledged throughout my campaign, I will do my very best to make sure we have a final resolution of the POW/MIA issue. . . I have sent a clear message that there will be no normalization of relations with any nation that is at all suspected of withholding any information. We must have as full an accounting as is humanly possible.

That is the President. That is the policy. That is what this President believes and we ought to support it.

Now, Mr. President, I know during the break, a few of my colleagues went to Vietnam, as part of CODELS that were traveling in Asia. And while there, you received the standard briefings and you caught a glimpse of the process underway by which we are slowly obtaining relevant information that could lead to an accounting for some U.S. personnel, although we are mostly talking, in terms of the ongoing crash site excavations, about people we know died during the war, and indeed they were listed as killed in action/body not recovered. I am sure the Senators who went to Vietnam were also allowed to view another expensive sideshow in which United States investigators are stationed at Vietnam's central museums—I have been there four times—where they are given information to review bit by bit, only a small percentage of which actually pertains to active POW/MIA cases. Most of it refers to people who already came home or are dead.

But, I would hope my colleagues who went to Vietnam would be able to separate in their minds, terms like "process" from "accounting," and "fate determined" from "tangible results," and "cooperation" from "fully forthcoming." And I hope they would not forget that more than 80 percent of the missing cases from Laos, where there has been extremely limited results, actually involve areas that were under North Vietnamese control during the war. And while we are slowly getting records, after years of requesting them, it is a slow process, and probably a painful, difficult, or embarrassing one for the Vietnamese.

Nonetheless, the Vietnamese should know that this is a process that they must go through for relations to improve with the United States. And I take strong exception to those who would hold up every document as it is now slowly turned over by Vietnam, 20 years later, and say, "look, here is the proof—Vietnamese officials are now fully cooperating and they have now told us everything they know about our POW's and MIA's." I recall one Senator a few months ago actually praised Vietnam for turning over a bag of letters addressed to missing servicemen from their families during the war which were never delivered to these guys sitting in their cells. Never even delivered. And they turned them over. That is progress? Vietnam gave these letters back to the United States in September and issued a press release saying "New MIA Documents Found." Are you telling me they did not know where those letters were? Give me a break. And then a Senator back here

praised this step—as if it was going to somehow account for missing servicemen. I would say that the Vietnamese have definitely shown that their propaganda machine from the war is still in full throttle.

Mr. President, let me repeat, Vietnam has to be encouraged to go through the process of telling us everything they know—and this process is really only in the beginning stages. It has improved. It is only when we know they have gone through that process and coughed up everything we can reasonably expect they know about our POW's and MIA's, that we will be able to say to the families and our Nation's veterans that the Vietnamese have truly been fully forthcoming.

Then the wounds of war are healed. Then it is behind us. The Vietnamese should understand this and we should tell them that in no uncertain terms, as I have on many occasions.

I would also add that the process of getting the Vietnamese to open up their Ministry of Defense and Ministry of Interior records at the state, provincial, and local levels will hardly be assisted by the Kodak Co. or Mobil Oil being allowed to do business in Hanoi or Ho Chi Minh City. Nonetheless, I have heard suggestions in the past from some in this body that by having Americans do business in Vietnam, they are somehow going to stumble into the top secret records, archives, and find additional information that could lead to an accounting for missing individuals. Just as if the Vietnamese send a person here, a businessman—say from Taiwan—he could just stumble into the Pentagon and find out our National secrets. Come on.

Let me take just a moment to remind my colleagues of some of these cases which remain open with the Vietnamese—and some of these are cases from both Laos and Vietnam—and this is only a representative sampling that I doubt Senators who just visited Vietnam were briefed on. I doubt Senators who just visited Vietnam were briefed on this. I would like to hear if they were briefed on this.

United States Air Force pilot Wallace Hynds was lost over North Vietnam on August 2, 1967. At the time of the incident, which involved an FR4C in Hay Tinh Province, he was presumed to be dead from the crash. In fact, he was declared "killed in action/body not recovered" and was listed that way at the end of the war in 1973. Today, Air Force pilot Hynds is still unaccounted for. Enter the next piece of the puzzle. In 1991, just 2 weeks before our Select Committee on POW/MIA Affairs was formed in the Senate, a United States investigator was allowed to make a visit to a Vietnamese military museum in Vinh, northern Vietnam. While at the museum, he located the military ID card and the blood chit which belonged to Wallace Hynds. Next to these items, in Vietnamese writing, it stated—"Military Identification Card and Blood Chit of Air Force Pilot Wallace G. Hynds, captured alive in Hay Tinh Province." That was the Vietnamese reference to this pilot—that he was captured alive.

We have him listed as killed in action/body not recovered. Vietnamese officials obviously know what happened to Wallace Hynds. How would they not know? They have his ID card in the museum. Of course they know what happened to him. Do you know where the ID card is? In your pocket in the uniform. They either had to kill him and take it out of there or they captured him alive and took it out. They know where he is. And our own Defense Department has acknowledged in a letter to me from June 1993, that, because of this discovery, this is now a priority case. Well, the Vietnamese did not know it was a priority case for the United States when I was there in July, because I had to bring it to their attention, after they gave me the list of names General Vessey had asked them to work on, and Wallace Hynds' name was not on it. The point here is that we still have not received any further information on this case from the Vietnamese, although they clearly know what happened. He was captured alive. So, if the Vietnamese were giving us excellent cooperation, bending over backwards, and being forthcoming with us, as some have claimed, why is not Admiral Larson and General Needham, instead of out here with shovels, why are they not in Hanoi asking where Wallace Hynds is?

That is what they ought to be doing.

That is what they ought to be doing. That is my problem with the joint task force. They have their focus wrong and they have their priorities wrong.

Let me give you another example. Navy Commander Donald Richard Hubbs was listed as an over-water loss while flying aircraft over the North Vietnamese coast on March 17, 1968. I have been in touch with the family of Commander Hubbs. His daughter went to Vietnam last month seeking answers. Why does she have to go to seek answers? For 20 years they heard nothing—nothing. Then the daughter went to Vietnam. Now listen carefully to what I am saying.

She arrives in Hanoi and is told by United States investigators for the first time in 26 years that some of the aircraft's radar equipment had been recovered at the time of the incident by the United States. More importantly, she was given a copy of the Vietnamese graves registration list of United States personnel lost in Quanh Binh Province which has her father's name on it. It turns out that while the U.S. Government had this information for over a year, it was never given to the family, even though the law said you have to give it to the family. She had to go to Vietnam herself.

When Commander Hubbs' daughter met with the Vietnamese experts on this issue at their foreign ministry last month, she was told Vietnam has no further information. If Commander Hubbs' name is on a Vietnamese graves registration list, they know where he was buried. General Needham, why do you not find Commander Hubbs? They obviously can account for Donald Hubbs. Yet, to date, they have not chosen to do so. And when the head of Vietnam's Communist Party, Mr. Do Muoi, sits there and tells me and other Senators, as he has in the past, that the POW/MIA families should come to Vietnam to witness the excellent cooperation first hand, I doubt he is referring to Donald Hubbs.

Frederick John Burns was a marine captured in South Vietnam on Christmas Day 1967. For 26 years, the family of this marine has waited for a final accounting of Fred Burns. Why? Because he was listed as "died in captivity" by the North Vietnamese on their own lists on January 27, 1973, the day the accords were signed.

General Vessey asked for an accounting of Fred Burns and was given a document which the Vietnamese say shows he died in captivity. It is signed by his prison commander. His remains, however, were never returned, and he was in their prison.

Now we have a Vietnamese propaganda film showing Fred Burns and Bobby Garwood. He looked healthy. He was used for propaganda. No remains, nothing; no information.

The narration on the 1970 Communist film says:

> Here is a recently captured American GI. His name is Frederick, and he's from New York. He says something which makes even our children laugh—'We Americans can't understand how you get the better of our forces'—sure he can't understand and he has read the slogan without catching the meaning—don't destroy children's school—he and his like have destroyed many schools.

That was in the film. That is the propaganda, Mr. President. There was propaganda on both sides during the war; I know that. I am willing to put the war behind me, but that does not mean we should forget this marine was in a Vietnamese prison and what happened to him. If he died in prison, give us his remains. If you do not have his remains, tell us how he died and give the family some peace.

We have been told this stuff for 20 years. The Vietnamese can be expected, therefore, to have the capacity to repatriate his remains for proper burial by his family. Worried about drilling around for oil? How about digging up his remains and giving them back to the family? At the very least, they should be able to tell us how his remains were disposed of and where they are buried. You will never convince me otherwise—not General Needham, Admiral Larson, Senator KERRY, nobody else—will ever convince me they do not know where he is, because they do.

Last month, just before Christmas Day, his family was given a copy of the propaganda film I just referred to. They sent the film knowing the family was going to get it and hurt them more. And then they say we do not know what happened to him. Come on. They were the most meticulous recordkeepers we ever heard of. We had testimony from everybody on that, including defectors.

Here is a fourth and final example for those who claim the embargo should be lifted, even though the President has not yet made a decision on this. Yesterday, out of the clear blue sky, unsolicited, comes a fax into my office. It is from the daughter of Air Force Col. Michael O. Elhanon. He was flying an F-100A on a forward reconnaissance mission over North Vietnam August 16, 1968. He was reported missing in action. Search and rescue efforts were initiated with negative results. We did not know whether he was dead or alive. We still do not know.

There are several hundred MIA cases where we just do not know what happened. They are not discrepancy cases. General Vessey is not taking up the cause for this individual. Because we do not know what happened does not mean the Vietnamese do not know what happened, and we should not forget it.

Colonel Elhanon's name should be put on the discrepancy list and given to the Vietnamese. Why? Because a reference to his actual shootdown by North Vietnamese units and a reference to his military ID card being in the possession of Vietnam officials was located in 1991. The ID card was carried by Colonel Elhanon in a zipped upper breast pocket on his flight suit. If the Vietnamese officials have Colonel Elhanon's military ID card, they can produce Colonel Elhanon or information about what happened to him. They have not done it. No one has pushed them on this case because it is not a discrepancy case.

In July 1992, the Vietnamese were requested by the United States side to turn over the ID card, and as of today, a year and a half later, after the last request, the family has yet to receive the ID card. Again, that is specific information. How many Senators were briefed on this case when they received their briefings in Hanoi on the excellent cooperation being provided by the Vietnamese? Are you interested in oil or are you interested in men? It is reasonable for President Clinton to make determinations on these cases because he has the information.

Here is another example of those who are still not convinced, in case there are any, that we should wait for the President. This one pertains to a loss in Laos where North Vietnamese units were involved. I remind my colleagues, more than 80 percent of those still unaccounted for in Laos, including 53 Americans who were known to be out of their aircraft at the time of impact, involved areas under North Vietnamese control during the war.

First Lieutenant Henry Mundt, United States Air Force, and Lieutenant Col. William Brashear, United States Air Force, were piloting an F-4C aircraft on an operational mission over Laos on May 8, 1969, 25 years ago. The aircraft was disabled by hostile ground fire. We knew at the time that at least one crew member ejected because at least one parachute was observed and radio contact was established with the individual on the ground, although identification was not made and rescue efforts failed to locate him. It was not known whether the crew member ejected.

In January 1974, 1 year after the war, Mundt and Brashear were declared "killed in action/body not recovered," even though we know at least one made it to the ground safely and established radio contact.

Enter another piece of the puzzle. Exactly 1 year ago this week, on January 25, 1993, Lao villagers unexpectedly gave us additional information on this case. During a crash site excavation of this case in southern Laos, the villagers came up to our team and told us that the crash site excavation would not do much because Lieutenant Mundt and Lieutenant Colonel Brashear parachuted from their aircraft and were captured by Vietnamese and taken away.

You cannot take the information that we believe is our best information on discrepancy cases and ignore everybody else; you cannot do it. One witness said he thought they were taken to a North Vietnamese military hospital in Attapeu Province. The Lao denied our teams the opportunity to investigate the case further saying they wanted to investigate it first. And requests to the Vietnamese for further information on Lieutenant Mundt and Lieutenant Colonel Brashear have gone unanswered, even though we know they were captured by Vietnamese forces because they said so. And we have them listed as KIA. They are not discrepancy cases. How do you answer to the families of those men? Do you want to drill for oil before we find out what happened to those guys? Give me a break.

When the families of Lieutenant Mundt and Lieutenant Colonel Brashear heard Senators holding a news conference in Hanoi a few weeks ago were saying "It is time to close the book on the past. It is in the interest of the United States, in the interest of the MIA's and their families, and in the interest of stability in the region," I suggest the families of Lieutenant Mundt and Lieutenant Colonel Brashear, and the others I have now mentioned, would get a knot in their stomach, as well they should. The knot probably got tighter when they heard another Senator report in Hanoi last week that United States teams were, and I quote, "getting very good cooperation . . . getting cooperation as good as they could expect, and there's nothing they've been denied." Senator JOHNSTON, you asked for evidence. How much more do you need?

Marine Corps Maj. Norman Karl Billipp was listed as missing in action in South Vietnam on May 6, 1969 during a forward air controller mission. His family resides in New Hampshire. They are constituents of mine. We did not know what happened to Major Billipp at the time of his incident. It is now clear the Vietnamese must, in fact, know the disposition of Major Billipp. They have the flight route map from the aircraft in their possession at their army museum. This is an example of where the Vietnamese have turned over one piece of information which shows they can be more forthcoming. They do it to tease us. To date, they have shed no additional light on this case. You are not going to get information on it by digging around in the ground somewhere. You are going to get it in Hanoi.

Joseph Morrison and San DeWayne Francisco were flying an F-4D over North Vietnam on November 25, 1968. We lost track of them. They never returned from their mission, and search and rescue missions were unsuccessful. They were listed as missing in action. The Vietnamese know what happened.

Some of my colleagues may recall in October 1992, then President Bush held a Rose Garden news conference to herald a significant breakthrough on the POW/MIA issue. I attended that news conference, along with Senator KERRY. A private United States investigator under contract by DOD was given access by the Vietnamese to official photographs from wartime incidents involving United States personnel. This led to the formation of an archival research team with United States investigators in Hanoi. Of the 4,000 photographs turned over at the time, I am not aware of any photograph which led to an actual accounting of anybody.

In fact, only a handful of photographs actually pertained to the POW issue and provided new information not already known. One of them was a photograph of Joseph Morrison, one of the Air Force pilots I just mentioned. Sadly, Morrison was dead in the photograph taken by the Vietnamese and we did account for Morrison because of that.

But where is Morrison? We have a photograph of the body, yet the Vietnamese have yet to give us any information about the incident and they have yet to return the remains. They showed us his photograph and I saw the photograph. If they have an official Vietnamese News Agency photograph of Joe Morrison, we could reasonably expect they can account for him and Mr. Francisco. Yet they have been silent.

That is disappointing. That is wrong.

All of these examples are probably enough to illustrate my point, and I know I am running out of time. So I do not want to rehash it anymore. But if Senators would contact the MIA families in their States—and I hope they will—they will learn more about the examples. It behooves us; we have a responsibility; maybe we ought to read these cases before we vote.

This example, the last one that I would like to give, involved a wide variety of reports of American POW's at prison locations in North Vietnam and Laos during the war, from which no American POW's ever returned, even though they were reported to have been there. They never came back. I will not go into detail because of time, but one prison is called Tan Lap. It is in a remote area of northern Vietnam. I visited there last summer to determine the accuracy of some of the intelligence reports the United States has received. No one from our Government has ever asked to go there, even though it was a camp which was suspected by the DIA during the war of holding American POW's. It was a camp which, according to a recently declassified CIA study in 1982, is now believed to have contained American POW's during the war.

CIA, everybody will deny it: There is nothing to it.

That is not what the report said. Read the report. This report was not declassified under the orders of President Bush and Clinton. It was only declassified a couple weeks ago at my insistence. No one came back from that prison, and the CIA has reported that American POW's were held there during the war. I am talking about during the war. It is now 1994. Have the Vietnamese been confronted with this evidence? No. I just found the study a couple of weeks ago.

Has General Needham taken that up with the Vietnamese? No. And in yesterday's paper the Pentagon has reiterated their contention that no information has emerged that would substantiate the inference that a separate prison system ever existed in Vietnam.

Mr. President, that is disingenuous, and I am being kind.

I have now another CIA study that was conducted in 1976. It has been classified for 18 years. It was released at my request after the President said all POW/MIA documents from Vietnam have been declassified.

The CIA states, and this is 1976,

> In response to recent human source reporting on American POWs still in North Vietnam, we conducted a photographic study of selected prison/detention facilities in the northern portion of the country . . . An analysis of 19 camps not known to have contained Americans revealed inconsistencies in the various camps reaction to the Son Tay Raid. (That was our attempt to rescue POWs during the war).
>
> Some camps reacted defensively to the raid, other camps did not react initially but constructed weapons positions later in the year and some camps never received weapons positions during the time frame of our study, November 1970 to January 1973. The reason for this inconsistency in the various camps reaction to the raid is not known. It does show that the North Vietnamese did not provide blanket precautionary measures and that only selected camps reacted initially to the raid. Because of this inconsistency and the fact that several reports have been received recently stating that Americans are still being held in North Vietnam, the possibility of a second prison system for the detention of American POWs cannot be disregarded.

Mr. President, that is the first time the American people have heard those words written by CIA 3 years after the war. It has been classified all these years—it was never reviewed by our committee last year—and the only reason it is now public is because I demanded that it be declassified. And this is after the President said everything has been declassified. The CIA in its own words was saying that the possibility of a second prison system existed. And if you look at their subsequent study on the Tan Lap prison in 1982, a camp which did react to the raid, a picture starts to emerge about what camps comprised the second system. The CIA had one report in 1986 concerning an American POW in this camp in 1978, and their CIA debriefer in Bangkok said, "CIA is very high on this source. The debriefer involved states source was very forthcoming, open, and seemed completely candid. In fact, although the debriefer has interviewed scores of refugees who claimed first hand live sightings, this is the first, in his subjective view, whom debriefer believes is being completely honest." And my colleagues should read the subsequent message traffic on this between CIA and DIA. You can draw your own conclusion on whether this report was ever properly followed up. I think it is obvious that it was not. CIA could not even get DIA to agree to do a polygraph of this source. But regardless of whether members feel it was properly pursued, I implore you to at least give President Clinton the opportunity to come to Congress and tell us that these reports have been fully investigated with the Vietnamese being fully forthcoming to his satisfaction. There is too much at stake to just lift the embargo without the President making such a determination. And that is all that is required under this amendment.

We also know that in Laos, there were areas, such as the caves in Sam Neua Province, where American POW's were known to be held, and this was the CIA's position, and yet no one was ever returned. The nine that returned at homecoming never even transited through Sam Neua Province. And we know from intelligence reports that North Vietnamese units were stationed in this area of Laos, and we even know the name of the North Vietnamese general who commanded this area. Yet we have made no discernible progress in learning the fate of the American POW's who were held in northern Laos. The Washington Post had a front page story on this on January 2—I would refer my colleagues to the story if they have not already seen it. In point of fact, neither the Vietnamese nor the Lao have accounted for a single POW held in Sam Neua Province since the war, even though that is where the CIA determined we had the strongest evidence, including aerial photography. The Vietnamese and Lao had their headquarters up there, so it is not like they just do not know what happened. They certainly can account for Air Force pilot David Hrdlicka. He was held in that area. The Communists put his picture in Pravda. He is alive and well in the picture. We have the transcript of a propaganda confession he was forced to make on the radio. There is no doubt he was a POW being held at their headquarters. But he is still unaccounted for.

Finally, some of my colleagues may have seen in the papers in recent days that there are new reports now coming to light through the declassification process concerning alleged American POW's having expired at some prison camps in northern Vietnam long after the war. They are reportedly buried in marked cemeteries adjacent to the prisons. As far as I know, U.S. investigators have not even visited these prisons, even though they have had these reports for several years, and in some cases, they have actual diagrams of the prisons and the cemeteries. And I have talked to the people who interviewed some of these sources. One of them was Bill Bell, who used to head our office in Hanoi. He believes some of the reports were very credible. That is another reason why I am asking the President, under this amendment, to assure me that the Vietnamese have been fully forthcoming with the United States before we move forward.

These are the kind of things on which we need the Vietnamese to be fully forthcoming. I have listed samples of POW/MIA cases and intelligence reports that require answers and cooperation from the Vietnamese. In my opinion, these are the areas that are the real test of the depth of Vietnamese cooperation for they directly implicate the Vietnamese on the POW issue. If the Vietnamese want to drag this process out some more and play the waiting game on the embargo with us, I, for one, am prepared to wait until they make the decision to be fully forthcoming.

For those who say lifting the embargo is the only way to get the POW/MIA information we seek, I would suggest that is no different than saying lifting the embargo against North Korea is the way to resolve the nuclear issue there. I find it ironic that some who

want the embargo lifted on Vietnam were proposing earlier this afternoon keeping the embargo on North Korea until they have met their full obligation on the nuclear issue. I would think we should expect Vietnam to likewise meet their full obligation on the POW/MIA issue before we lift the embargo there.

It is also no different from saying that lifting the embargo on Libya is the only viable way to get Kadafi to turn over those responsible for the Pan Am 103 bombing. Or lifting the embargo on Cuba is the only way to get Castro to respect human rights. That is outrageous.

Granted, these are my opinions, and in some respects, that is different from the amendment now before us. The amendment before us simply calls on the President to make determinations on POW/MIA cooperation, consistent with his pledges to date, before we remove the embargo. That assessment is called for under this amendment. That is why Senators, at the very least, should be patient and allow the President to make his determinations based on the evidence gathered to date, and not on public pronouncements by some Members of Congress who, the record will show, wanted the embargo lifted before we even had the ongoing process in place and before they had even studied the facts pertaining to the POW/MIA issue.

This straightforward and simple amendment is the responsible course of action for the Senate, and I therefore urge my colleagues to vote yes so that these assessments can be made by the President.

In closing I point out to my colleagues that this amendment urges the President to consult with Congress as he starts to make further determinations on POW/MIA progress, so we will all have ample opportunity to express our views to him, and we should give him the opportunity to weigh our views before we mandate, in some sort of legislative way, either a lifting or a maintaining of the embargo.

Mr. President, I urge the adoption of this amendment; it keeps faith with the commitments made to date by President Clinton; it keeps faith with the search for our POW/MIA's; and it keeps faith with our Nations veterans and the POW/MIA families. The President has stated that the POW/MIA issue is our highest priority with Vietnam. He has stated it is a moral issue for him. After all, we are talking about people who wore the Nation's uniform into combat and who did not come home.

There is no business more important right now than the business of ensuring that the Vietnamese have been fully forthcoming in telling us what they know about our unaccounted for POW's and missing personnel from the war. I await that determination from the President and I urge my colleagues to do likewise.

Mr. President, I ask unanimous consent that excerpts from the transcript of the Foreign Relations Committee be printed in the RECORD so that that can be interpreted verbatim. There have been some differences of opinion as to what was intended or what was said. I would like the record to speak for itself. So I ask unanimous consent that that be printed in the RECORD.

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

Say, "It is the sense of the Senate that."

Senator DODD. Would it require certification?

Senator KERRY. That does not work. You still have a legal requirement before point (5).

Senator DODD. Paul, why don't you offer what you have in mind?

Senator COVERDELL. Larry, would you be willing to set it aside until the next amendment?

Senator PRESSLER. Yes, why don't we do that. Let us set it aside. And why don't our staffs work on this for a few minutes here.

And let me offer now Senator Murkowski's amendment.

Mr. Chairman, I have an amendment to offer on behalf of the Senator from Alaska.

The CHAIRMAN. Execuse me.

I would say that we plan to break at about 12:30, and resume here at 2:30, so members can make their plans.

Senator PRESSLER. All right. I shall go very rapidly here.

I have an amendment to offer on behalf of the Senator from Alaska, Senator Murkowski and myself stating that it is the sense of the Senate that the President shall remove the trade embargo against Vietnam. As my colleagues know, next week the President must decide whether or not to review the economic sanctions against Vietnam under the Trading with the Enemy Act of 1917.

By passing this amendment, this committee can go on record in support of increased economic access to Vietnam as a means to achieve the fullest possible accounting of POW's and MIA's I recognize that Vietnam is an issue of great personal significance for many members of this committee, myself included, and so forth. And I know that Senator Kerry has done an immense amount of tireless work and has a tireless commitment to Vietnam's POW's and MIA's, and I commend him for that fine work.

Mr. Chairman, I have a lengthy statement on this, which is several pages long.

The Chairman. Without objection, it will be placed in the RECORD.

Senator PRESSLER. I wish to put them in the RECORD. And I move the adoption of the amendment.

[The prepared statement of Senator Pressler follows:]

The CHAIRMAN. Is there any comment on the amendment?

Senator HELMS. Mr. Chairman.

The CHAIRMAN. Senator Helms.

Senator HELMS. Now, the committee may very well support this amendment. But I have got to say I think it is a mistake. There are very strong feelings on this issue in both the House and the Senate. And I predict that some members of the House and some members of the Senate will strenuously oppose the entire bill because of this single provision.

Now, President Clinton has this issue under consideration, and I think we ought to give the President some time to consider it. Let him come to a decision, and then make our judgment if we are inclined to do so.

I am very concerned that the passage of this amendment will make Vietnam less cooperative on the POW/MIA issue. And I think it will be sending the wrong signal to our allies, which have supported efforts to isolate Vietnam.

If it goes to vote, I, with all apologies to my friend, I must vote in the negative.

Senator DODD. If my colleague would yield. I just want to associate myself with your remarks. I think you are correct. First of all, you are consistent. Because I would like someone also to put a definition of what is different between this form of Marxism that exists in Cuba or other places, where we spend so much time and energy. But I think you are absolutely correct, the President is trying to move in this area, and I think for us to jump ahead without having considered thought be applied here as to how it affects other issues is the appropriate way to proceed.

And so while my inclination is to want to lift that embargo, I think the Senator from North Carolina is correct in his analysis.

Senator HELMS. Thank you.

Senator SIMON. Mr. Chairman.

The CHAIRMAN. Senator Simon.

Senator SIMON. I support the amendment. I think it makes sense. I think our policy is counterproductive. I have a company like Caterpillar in Illinois who wants to sell to Vietnam. They cannot do it now.

Why do we say it is okay to sell to China and not to Vietnam?

Now, Vietnam is not any great threat. What we are doing in our Vietnam policy is serving the national passion rather than the national interest. I am old enough to remember when Harry Truman said we are going to help Germany and Japan. And I can remember, with all due respect, the chairman and the ranking member are also old enough to remember that. I remember how unpopular Harry Truman was when he did that. Harry Truman was right.

The Vietnamese War is over. They have been cooperating. And Senator Kerry and Senator Brown know this much better than I. But I do not see any purpose served at all by our present economic boycott of Vietnam. So I am going to vote for the amendment.

The CHAIRMAN. Senator Kassebaum.

Senator KASSEBAUM. Mr. Chairman, I would defer in time to Senator Kerry and Senator Brown and myself. We were all members of the POW/MIA special committee. But, particularly, Senator Kerry and Senator Brown spend a great deal of time on this issue. But I would have to vote against it. I think it is premature.

There are still some very sensitive issues that need disclosure. And it seems to me that we are moving in that direction. But to do it at this time really undermines the ability that we have to get the disclosure that I think will need to be completed, where we can really move in this direction. And I agree with the remarks that Senator Helms has made.

The CHAIRMAN. Senator Brown.

Senator BROWN. Mr. Chairman, I am delighted to report I am far too young to remember what Harry Truman said about Japan.

[Laughter.]

Senator BROWN. Actually, it was pretty close.

I do not think it should pass without noting that the distinguished Senator from

South Dakota is a Vietnam veteran, who served two terms in country and I think has a record that every American admires. And I think in terms of advocating this policy he is probably the ideal one to present it, or one of the ideal ones.

There are several members of the committee who have very distinguished records there. But I think the issue should not be thought of without noting his background in that area.

I am concerned about it for a reason that is a little different than what we have talked about, and it may only relate to a special concern I have. My perception of our trade relations around the world is that following our World War II experience, we largely bought off on a system where we accepted other countries' restrictions on our exports to them, and gave them access to our market in a very broad fashion that we do with almost everyone.

I do not mean to say that we are perfect or that we have no barriers at all, but we, on a comparative basis, have an extremely open market—perhaps the most remarkably open market of any major economy in the world. That is a way of saying that the point at which you start trade relationships is very important. Because once you are started on a plane, where they have a restricted market and you have an open market, then it becomes very difficult to get them to make unilateral concessions.

I am concerned about this action in that my hope is that the resumption of trade relations with Vietnam—which will happen—my hope is that when that happens, when we resume trading with Vietnam, when we end the embargo, that it only happen after there has been some negotiations on the whole nature of market access, market access for them in the United States, and U.S. access to the Vietnamese market. And my hope is that we do not end the embargo without having that negotiation first and getting some decent ground rules for equal access.

If we grant that access before we have done that negotiating, I fear we will have a much more difficult time of getting fair and equal access.

So that is a little different focus than I think many of the members have been observing. But at least my hope is that we would take care of the discussions on market access before we would end the embargo.

Senator SIMON. Would my colleague yield?

Senator BROWN. Surely.

Senator SIMON. If we were to drop the word "immediate" here, that would not preclude doing precisely what you are talking about. But it seems to me it is so ridiculous that Japan, Taiwan, everybody else is in, France, they are in Vietnam selling away, and we cannot.

I have two major Illinois corporations who want to sell to Vietnam but they cannot do it. We are hurting Vietnam a little, but we are hurting ourselves more.

Senator SARBANES. Could I ask a question?

Is it your assumption that the President is now in negotiations with Vietnam about removing this trade embargo and getting certain things, I would assume, in response for it; that his hand in those negotiations, which I take it would be very quiet ones now going on I assume, would be strengthened by passing this? It seems to me it would be somewhat weakened by passing this.

Because, in effect, it would say, Well, you know there is a movement growing afoot to do this. In any event, it is going to take presidential action to do it.

I mean, this is a sense-of-the-Senate. But it seems to me in that in the play of policy here, let him play with a full hand while he is at it right now and see what that produces. It may produce some results that none of us are fully aware of at the moment.

Senator PRESSLER. I think the Senator from Illinois has made a good suggestion, and I would be willing to change the amendment and take the word immediate out.

Senator SIMON. Take out the word immediate.

Senator PRESSLER. I hope the Senator has a right to change his amendment, but I will do that without consulting with Frank Murkowski who is not here.

Senator SIMON. All right

Senator KERRY. Mr. Chairman?

The CHAIRMAN. Senator Kerry?

Senator KERRY. This is a troubling amendment in some regards personally, not in terms of the policy, because the moment here is kind of a critical one with respect to the road travelled on Vietnam

The President is literally going to decide in the next couple of days, and I was discussing this earlier with the White House today. And I think we are on a carefully thought out and orchestrated road here where there is some critical information that has come into our hands in the last weeks and months as a result of the efforts ongoing that is not fully evaluated yet and it needs to be evaluated.

There is every indication that the Vietnamese are cooperating very significantly. I just got a letter yesterday from the Ambassador in New York indicating that significant documents from the 559 Division and the 875 Division, which handled prisoners, have been turned over in the last weeks as well as large bags of letters that they found to prisoners and other things. So, there is an ongoing process here.

What the President has promised the families, and it is an important promise, is that our actions are going to be commensurate with the cooperation of the Vietnamese. I do not think anybody wants to be abusive of that process that is in place.

Now, I personally believe that that process is greatly enhanced by lifting the embargo. But I believe because I see this process now so carefully engaged in, that we do not really advantage the process ourselves or the ultimate goals by pressing this issue today. That is not to say that in 3 weeks or 4 weeks we may not want to press it when the evaluations are in and when we can make a judgment about the results of the cooperation that has increased in the last months.

So, I want to be very careful here. I do not want my opposition to this particular language at this particular moment to be interpreted in any way as suggesting that we are well served by keeping the embargo. We are not. But I want to pay respect to the needs to have that interpretation made of this current information, and also to give the President the leeway in his interplay with the Vietnamese to make the judgment.

Now, we all ought to understand here, and I want the Senator from North Carolina who was a member of the committee and signed off on the report and others to really understand, that there is an ultimate division here which we are going to have to confront. There are people who do not want ever to move forward and who will find any reason whatsoever, including any interpretation of noncooperation, as an excuse to prevent moving forward on the embargo. And there is an ultimate confrontation with that. It may not be appropriate at this moment today, but it really is 3 weeks, 4 weeks, 6 weeks down the road here.

It is clear—I was just in Japan last week and met a number of companies that are losing a million dollars a month or so, and these are companies, one of them is Digital. $1 million of profit last year. They are losing $12 million annually now of a contract they cannot complete in Vietnam. And what is scary is because many of the Vietnamese and other countries trained on Digital, they will be replaced by NEC and by others. And the result will be that they will be out of it forever. And we had better understand that as we go down the road here.

This embargo will not ultimately change Vietnam's behavior because Vietnam has alternative sources. There are many billions of dollars that have now been invested in Vietnam, and the Taiwanese are there, the Chinese, the Japanese, the French, the Germans, all our competitors are laughing at us.

When we were last over there we met with the 14 ambassadors of our allies. Every one of them said, you ask us for advice on the embargo. Every one of them said, you ask us for advice on the embargo. If we are going to give you advice from our perspective we say, keep it. But if we are going to give you advice for the region and for all of us, lift it immediately.

Now, we have got to understand that. Vietnam is growing at 6 to 7 percent a year right now without us. And what has happened is that we have got the IMF that we have granted them which means they get credit, but we do not allow our companies to take advantage of the benefits that that credit now gives them.

Now, I am not putting commercial interests ahead of the larger moral interests of getting this accounting. But the fact is we want something from the Vietnamese. This is not unilateral.

You cannot sit here forever and say, give us information and if you do not we are going to hurt ourselves. Well, that is basically our policy. And unless we recognize that Vietnam has the answers and if we are going to get the answers, we had better have access. And if you continue to shut the door, you shut the door on getting answers. So, in effect, families are not helped by the continuing of the embargo.

Now, I just got a letter yesterday from a person who put up an American flag in Hanoi outside the office they are now allowed to open to merely talk about doing business but not to do business. As a result of that flag being there, people came into his office.

And he said to me, you know, they said we are scared to go to the government. We are scared to go over here, but we think we know where some American remains are. We would like to show you where they are. And they talked to this person. This person put them in touch with our office in Hanoi.

Our office in Hanoi went out to the location and, indeed, they are now probably going to have answers for a family. One American flag provided those answers for that family probably. And the question this businessman put to me, he said, what would 100 American flags or 1,000 American flags in Vietnam do for us?

So, there is a confrontation in a few weeks on this issue, but I strongly think that this particular day, this particular moment, though I support the fundamental effort, is not the moment.

Senator Pressler: Mr. Chairman?

The Chairman: Senator Pressler?

Senator Pressler: Could I just conclude by saying that I thank my friend very much. I think by taking Senator Simon's suggestion and taking the word immediate out I think

we solve the President's problem because we take the pressure off. This could be prospective. The President can negotiate and so forth without the word immediate being in there.

But let me say, my thinking on this whole matter is exactly similar to Senator Kerry's. If there are more POW's there we will be able to find them a lot better by having Americans going around and there being offices there and getting information.

Also, I was with Senator Brown and Senator Cohen on a recent trip to that part of the world. China and Japan are getting their paws on Vietnam. And I think by our recognizing Vietnam we would have a balance to China and Japan economically in that part of the world.

And I certainly agree with Senator Brown's fine point that our trade imbalance is partly because of how generous we are. As to the whole region, we are going to have to change that not only for Vietnam but for China and Malaysia and all those countries because we have been allowing their products to come into our country and they have limited ours.

So, in conclusion, I think with taking the word immediate out it addresses Senator Kerry's problem. I think we need to address the trade imbalance issues on a worldwide basis, but if we do not move forward with this trade we are just letting China, and Japan, and France, and Germany, everybody else in the world get the standards set and get the business, as well as establish hegemony where we really need to have our foot in the door.

So, I move the adoption of the amendment. And by the way, the Baltic States amendment, staff has worked that out. So, right after we vote on this if we could, by unanimous consent, adopt the Baltic States amendment I would appreciate it.

The Chairman: All right. Since we have a quorum now, let us adopt the Baltic States amendment.

Senator Dodd: I would like to hear what it is and I would like to see it.

The Chairman: You have not seen it? Okay.

Senator Pressler: Let us do the Vietnam one first.

The Chairman: We will do the Vietnam one now.

Senator Dodd: Is this on Vietnam?

The Chairman: The vote is on the amendment as modified by the Senator from South Dakota.

Senator Dodd: Is this Vietnam?

The Chairman: Yes, this is Vietnam. The clerk will call the roll.

Ms. Allen: Mr. Biden?

(No response.)

Ms. Allen: Mr. Sarbanes?

Senator Sarbanes: No.

Ms. Allen: Mr. Dodd?

Senator Dodd: No.

Ms. Allen: Mr. Kerry?

Senator Kerry: No.

Ms. Allen: Mr. Simon?

Senator Simon: Aye.

Ms. Allen: Mr. Moynihan?

(No response.)

Ms. Allen: Mr. Robb?

(No response.)

Ms. Allen: Mr. Wofford?

(No response.)

The Chairman: Senator Robb votes no by proxy.

Ms. Allen: Mr. Wofford?

(No response.)

Ms. Allen: Mr. Feingold?

Senator Feingold: No.

Ms. Allen: Mr. Mathews?

Senator Mathews: Aye.

Ms. Allen: Mr. Helms?

Senator Helms: No.

Ms. Allen: Mr. Lugar?

(No response.)

Ms. Allen: Mrs. Kassebaum?

Senator Kassebaum: No.

Ms. Allen: Mr. Pressler?

Senator Pressler: Aye.

Ms. Allen: Mr. Murkowski?

(No response.)

Ms. Allen: Mr. Brown?

Senator Brown: No.

Ms. Allen: Mr. Jeffords?

Senator Jeffords: Aye.

Ms. Allen: Mr. Coverdell?

Senator Coverdell: Aye.

Senator Pressler: Mr. Murkowski is aye by proxy.

Ms. Allen: Mr. Gregg?

(No response.)

Ms. Allen: Mr. Chairman?

The Chairman: Aye. And also Senator Moynihan votes aye by proxy. I am sorry. He votes no by proxy.

Senator Helms: Did you get Murkowski's proxy vote?

Ms. Allen: Yes, I did. And Senator Moynihan is no by proxy?

The Chairman: Senator Moynihan is no by proxy. On this vote there are nine nay's and seven yea's. The amendment is not agreed to.

Senator Pressler: And the Baltic States amendment, staff has agreed on that. Shall I go through what the changes have been or has it been distributed? They have taken out everything under B.

The Chairman: Could we have a copy of it?

Senator Pressler: Yes.

The Chairman: Would you have copies for everybody?

Senator Simon: May we have copies for everybody please? I think this is important enough that we do.

[Pause.]

The Chairman: I would like to announce also that there * * *.

The PRESIDING OFFICER. The time of the Senator from New Hampshire has expired.

Mr. SMITH. I will continue tomorrow. I thank the Chair.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts, [Mr. KERRY], is recognized.

Mr. KERRY. I thank the Chair.

Mr. President, I am not going to take even half as long as my colleague. He has thrown out a lot of cases, and I do not know how many folks have been able to digest them or listen to them all, and there have been a lot of allegations about these cases.

Let me just start off and try to say the accuracy in this process is awfully important. It is hard for people who do not know a lot about this to pick through it. We are obviously not going to be able to do that in a short span of time. But the Senator has made a number of representations, and I would really like to correct some of them and let the record be clear on them.

No. 1, he quoted the Foreign Relations Committee actions on the embargo as indicating why we ought to be in sync with his particular amendment, and that in fact the Foreign Relations Committee in the action it took on the embargo was reflecting the decision let the President decide.

Let me say to my friend, since I am on the Foreign Relations Committee and since I was the principal one opposing proceeding forward on the embargo at that point in time, I know what that message was and what we did. We did not decide on the basis of his amendment to let the President decide. That had nothing to do with it.

We decided it because we wanted to keep faith with the effort in place to make sure that the whole JTF process in Vietnam was working. I felt very strongly that we had not given it enough time and that we owed it to the veterans to permit a number of months to go by to see if the Vietnamese were, indeed, cooperating further. It had nothing to do with "letting the President decide." It had to do with the determination of the committee that moving forward was premature.

Now, that is just one example of the way in which something is taken and thrown out here and reality is in fact very different.

Let me give you another example, the case of this film and this person where he says, "Why isn't General Needham there in Hanoi finding out what happened to this guy that we knew was alive?"

Well, we are finding out. We have found out. We do not have his remains yet. But the point is General Needham is finding those things out.

Now, I will share with my colleague a sense that a lot of things have been done very badly in this process over the years. There is a lot of blame to go around, going right back to 1973, and families were misled; families were not given the full truth. I think one of the great things that our report and our work did jointly was to prove the trail of negligence, inattention, bad decisions and other things that really have led the families through a terrible process.

But we should not compound it now by not making clear what our group is doing and not doing in their efforts to provide full faith in this. The Senator does not like what the task force is doing. He has made that very clear.

But they are getting answers. You have plenty of people around who have made huge pronouncements as former Congressmen, or as Congressmen and others who say that there are 80 live Americans and we are going to bring them out in a month, who tell us that there are live people there and who have gone to Vietnam and made announcements about live people and come back, people who say those are photographs of my son, my father, and we find out they are fake. This process has been led by a certain number of charlatans and exploiters, and we should not allow fiction to cloud what we are trying to do here.

Now, the case that he just talked about in the film happens to be a person by the name of Burns. He was an American, and an American captain was with him in the camp. The American captain has told us he died of malnutrition and in fact he was buried by Americans. We now have certificates from Vietnam confirming his death certificate and hopefully the location of the grave because they gave us the grave registration.

So the Senator is here screaming, "Find him, General Needham." We have information on this fellow just as we do on every other case he has raised. We are getting this information. The fact is we hope we will find his remains now that we know he in fact died, how he died, where he died, and several fellow Americans observed his burial at the time.

The Senator did not tell you that during his discourse. He also did not tell you that the pictures of Bobby Garwood in that film show him carrying a gun on a mission walking around with Vietcong soldiers at the time, and that this is the same Bobby Garwood who led people up to an area north of Hanoi claiming it was the area where he could identify buildings. He identifies the buildings. We have another press conference saying this confirms Americans were alive. And lo and behold, the satellite photography that we have proves the buildings he was pointing to did not even exist when he was there as a prisoner.

That is the kind of distortion that this matter has been subject to for a long time.

We have also heard about all the veterans groups that supposedly have strong opposition—Vietnam Veterans of America, American Legion, and others. I think it was Jack Kennedy who said of the American Legion back in the 1960's they had not had an original idea in 25 years. Well, now maybe it is 50.

Do you know what the American Legion says to the President? They say there are live prisoners, and until we get the live prisoners back we cannot lift the embargo. So the Senator now wants us to set that as the new standard in his amendment. We have to consult with them before we can proceed forward.

The amendment the Senator has put in is directly opposed to the amendment of Senator MCCAIN, Senator PRESSLER, Senator ROBB, Senator BOB KERREY, myself and others. We are urging the President to take a step. The amendment of the Senator is geared to prevent the President from taking a step. It sets a new standard. It is purposely imprecise. It calls on the President to require Vietnam to produce for Laos and Cambodia.

So we are not just going to have them responsible for Vietnam. They have now to produce to the fullest accountability for Laos and Cambodia. That on its face ought to be rejected. It is not even a sense-of-the-Senate. They want it to be law so that this actually ties the hands of the President, something most Republicans were extraordinary loath to do when President Reagan and President Bush were in office. While he suggests this is something the President ought to like, I suggest on its face that this administration will want this rejected and suggest it is not an appropriate standard.

Mr. President, the Senator said we ought to be getting real answers; that we are not getting real answers. And he says that we should not be going to grave sites. We should be going to Hanoi to get a real answer. I have shown you a photograph. This is a real answer. Three bodies were unearthed here that we believed might have been alive, might have been prisoners. We did not know. And by virtue of this grave site, we will have answers for families, answers that not one of your Ramboesk, self-styled saviors of POW's has ever produced, not once, not one. They raised expectations. They have raised hopes. And they have raised millions of dollars exploiting a lot of people in the process promising to bring back live people. But they have never brought back a live person.

Mr. SMITH. Excuse me. Parliamentary inquiry. I need to understand. The Senator is referring to me in his remarks.

Mr. KERRY. No. I referred to the people in the outside who have been raising moneys. Has the Senator been raising money?

Mr. SMITH. The Senator knows I have not been doing that. I resent the implication. And you also misrepresent what I said; the statements that I made. You said I did not say there was a document certifying his death. I did say that. The Senator needs to be accurate.

Mr. KERRY. Mr. President, what I said was that the Senator says we do not know what happened to this person. I will go back into the RECORD. That is what the Senator says. He says it is unanswered. I have pointed out that it is not unanswered.

The fate has been determined. This is not a handful. I heard the Senator from Iowa say just a handful have been answered. I do not consider when General Vessey gives them 196 cases that we are down to 73, that more than 116 cases is a handful. Those are 116 American families that have an answer today. And I am proud to stand on this floor advocating a policy that will get more answers for families, not less.

The Senator suggests that when the chiefs of these veterans groups speak they speak for all veterans. He cites the Vietnam Veterans of America. Mr. President, I am one of the four founders of the Vietnam Veterans of America. I know that at least one of the other four founders believes as I do. That is 50 percent. And I know that many of my friends are members. I am a lifetime member. Leadership does not speak for me on this.

I also know that in the VFW there are thousands of members who do not share the opinion of some of the leaders. That is true in all of these organizations. And no Senator should be intimidated by the notion that when a President of an organization or somebody writes a letter it represents all of the views of all of the organizations.

That is true for Senator MCCAIN who is a member of them, for Senator PRESSLER, and for Senator BOB KERREY, for Senator JOHN GLENN who stands here, a war hero himself, and others. Do not tell me who speaks for me or for some other friends of mine who are veterans.

Mr. President, we have been told that there are 1,100 people who ought to have the same treatment as all of the others. I have gone to look at those cases too. The Senator from New Hampshire knows that I made an issue about that during the time we had the committee, and I insisted we have people review those cases.

We have this great number, 2,238 POW–MIA. But we know that there are not in fact 2,238 POW's nor even MIA's about whom we know very little. The Pentagon knows that more than 1,100 of those people are dead. They know that, and they know their bodies will never be recovered. And of the 1,100 others that are on that list, General Vessey went through them and that is the list he gave to the Vietnamese.

He went through those cases, and they found almost 200 of them where you might be able to make a presumption the person lived. I suggest that if my colleagues read those 200 cases, they would have a hard time deciding that truly in 100 of them they lived. But we gave the benefit of the doubt, raised it up to 200 so that no issue would be left unexamined, so no stone would be unturned, so nobody could come in and say, gee, you should have done this case. Some of the cases were missed. I agree with my colleague. It was not as complete as it should have been. We added some cases as time went on. We found some others that we thought legitimately should have been in the first batch.

Mr. President, I could show my colleagues in the Senate sheets that show that every single one of these cases is being investigated. Some of them have been investigated 8 separate times. People have gone out into the field, talked to witnesses, tried to find out what happened.

We have this great mythology that somehow there are all these records. I have seen the records we get in Vietnam as our investigators have seen them. They are tattered, ragged, sheets of paper in many cases. They have no computers. They have no filing sys-

tems. Many of these are being pulled out of boxes. They have mildew on them, they are dirty, they clearly have not been stored in any significant way. And in a country that suffered enormous bombing, people were out in the Ho Chi Minh Trail with B-52 strikes. Some prisoners were bombed by ourselves. Some people never reached camps. Some of them we will simply never know the answers.

So I simply want to say, I could go on a little bit further. Senator GRASSLEY said we are not getting documents. I called over, and we have gotten documents from the security service on individual prisoners. The group 875 documents, for those who took care of the prisoners when they were in country; documents from the Department of Military Justice, group 559 documents which was the group responsible for operations in Laos.

We have gotten specific shoot-down documents. We have learned things about people that we never knew anything about as a result of some of these documents. We have private diaries of wartime battles. We have private personnel battalion commander records of fights. We have learned from these documents. And all I can say to my colleagues is that the real issue here is whether we are going to try to set up a process that guarantees we continue to get information and provide this information to the families.

We have a difference of opinion; not that we want to serve the families, not that we want to do everything we humanly can to resolve this issue, but a difference as to how you do that.

I believe that we ought to trust the judgment of the people in the field. Some people do not trust them at all. That is their prerogative. But I find it very hard to believe that the young lieutenants that I saw out there risking their lives, or that the generals or colonels who have major careers ahead of them, who want to produce, who want to do things correctly, are somehow all of them betraying their oath to the Constitution and the uniform they wear.

I mean some people seem to make a presumption that every soldier who ever came in touch with this, that every person in the Pentagon, that every single person who has ever dealt with this issue, who has not come up with a live person is somehow part of a conspiracy. And thousands of reputations are being tarnished in the process of that.

I do not think anybody has claimed perfection in this. There certainly is not perfection. But I think there is better faith that some people have allowed for.

So, Mr. President, I will have more to say tomorrow. The Senator from Ohio is waiting extremely patiently this evening. Before we close off, I yield to him.

Mr. GLENN. I thank my colleague. My remarks will be brief.

Mr. President, this is obviously a very emotional issue with a lot of people, and we come to this debate with a lot of people having feelings that go back many years and with friends left behind in Vietnam. It brings back recollections of other wars where people were left behind, also.

The question is, at this point, how do we truly get the best answers for the families? How do we give them the best peace of mind, to know that everything is possibly being done that possibly can be done to account for their loved ones? How do we get answers for the families? How do we get answers for the veterans organization, such as AMVETS; VFW, Vietnam Vets, the National League of Families, and others? How do we guarantee the best chance of getting those answers? I will go beyond that. How do you get answers for me? I do not take second place to anybody in being interested in knowing what happened to our people and knowing whether we have done everything we possibly could do to make sure that unaccounted for becomes accounted for, whatever that accounting may show. How do we get it for Senator KERRY. He has no less interest in this than anybody else and takes second place to nobody on that. He was in that war. Senator MCCAIN was in that war. How do we get a good accounting?

Nobody, least of all those who have been in battle, wants to abandon hope for those who did not come back. We want the concrete results that Senator SMITH talked about a little while ago. So the question to me is not what we have hoped for all these years, not what I stood for in wanting the best accounting and making sure we were tough on Vietnam. But we come to this time in 1994, which is now some 20 years after our American forces pulled out in 1973 and 1975, when finally even the Embassy was abandoned and the last of our people were brought out. The question is how best to proceed at this time in the current situation in which we find ourselves. Do we keep the attitude we had, and I had, and a lot of people had, back through the early 1980's when we were really not getting much information? Or do we say we have a new tack we can take now, and perhaps we really should abandon some of the views we had earlier.

I do not want to admit to anybody that we are abandoning anything. We are not abandoning anything. What we are trying to do, I believe, is take a new tack in guaranteeing that we will continue to have the best information coming out. That information, to me, should center on one thing first. I hope it is not a futile hope to center on this one thing: Is anybody still alive out there that could be brought back? Is anyone being held against their will out there? After every war we have had, there have been some people, for whatever their private reasons are, who decided they would stay where they were; they either met somebody and fell in love, or for whatever reasons, they decided they wanted to stay. That has happened after every war. Aside from those people, is anybody being held against their will? How do we ask for that and make certain we can best investigate those possible situations?

It seems to me that our situation has indeed changed. Through the years, bit by bit by bit, there has been a cooperation, bulging at times, cut off at others, threats at other times. Yet, there has been an increased cooperation that nobody can deny out there. Has it been as complete and as fast as we all would like? No, certainly not. But has it been a real slow progress where we are getting more information than we used to get? Yes, I think we would all have to say that is the case.

We have seen General Needham out there now, and we have had Admiral Larson and General Vessey. General Needham is on the spot with his team. He tells us he is absolutely free to go wherever he wants to go. He has not been refused on requests he made to go out and investigate sites or investigate the potential live sightings from that area and investigate all of those things. Senator KERRY has pointed out that General Needham has exercised those options, and in case after case and every time some new rumor occurs, he goes and diligently investigates again. I was wondering when we were out there and he was showing us crash sites and telling us about some crash sites, where there is still live ammunition and bombs around, and where they had to be careful and mark the entryway into some of these investigative areas they were into now, and they had to mark these with little flags, and people walk through narrow corridors and stay out of the more dangerous areas on each side. I was wondering then if we are not going to perhaps inadvertently kill more people going in to look for some of these crash sites, where the best they are coming out with are a few fragments of bones; and the relatives here are interested in those remains, obviously, fragmentary though they may be. You cannot equate that with money, obviously, and the interests of the people back here. When we were out there the previous year, the numbers of remains that had been identified and brought back, the total cost of doing that was about $1.7 million, as I recall. I hasten to add, again, that you cannot equate something like this to the families with the cost involved, nor would I propose that we limit it because of costs.

It indicates that we are spending a lot and going ahead with bringing back those fragments, and they are making

every effort they can to make certain that everything is returned that people want returned, if we have the option of doing it.

I submit that through the years the Vietnamese have, in their efforts to help in our accounting, done a lot of new things in cooperation. At this point—and I keep coming back to this point in time—in 1994, are we liable to get more information? Are we liable to find out truly if there are any of our people still alive out there? Should we go back and say we are going to get tough, we will not cooperate with Vietnam? Or is it to our own selfish advantage in trying to find out what happened to the unaccounted for, if we go ahead and have a more cooperative view toward Vietnam, if we open up some sort of relationship with them that is more formal than we are exercising right now. I submit that, in my opinion, we would probably cut off the flow of information if we do not move to some newer relationship.

It has been 20 years since Americans left there. Are we ever going to find out what happened to every one? No, no more so than we have for World War II, where we have almost 79,000 still unaccounted for. Out of Korea, over 8,000 are unaccounted for. In Vietnam, we can probably bring that down to a pretty good estimate, to about 1,200 that we cannot really say for sure what happened. Just to put this in comparison also, as we were in Vietnam, the Vietnamese asked me a question during one of our meetings: Could we supply records on their people that are missing? I asked how many they thought they had missing, and they said somewhere over 300,000 Vietnamese are missing, and they said, "We would appreciate your help in determining what happened to them."

I took that seriously. When we came back I called the people over at the Pentagon who follow the aftermath of the Vietnam war and I said could this be that they still have 300,000 unaccounted for out of the Vietnam war? It is their country. Why do they not go look for them?

Our people said no, they think that is quite plausible.

I said can we help them get records? Their people are interested in loved ones that disappeared in the war just as our people are. They are human. They told us their people go to shrines every year, somewhere near the last place they heard from their loved ones, and they continue to this day to ask questions. And they told us about sheets that are put out regularly and distributed throughout Vietnam still trying to find, to this day, some of their people that are missing— 300,000 they claim. And our people over in the Pentagon said that is probably an accurate figure. They did not dispute that figure.

The question is, do we have adequate records on all those people? Did we keep records in the heat of combat when there was a fire fight and people we are going down and dying and falling? Do you get the man 's dogtag and get his records and take it back with you so that these records can be kept for some post-war analyses? No; you certainly do not.

I am not taking the sides of the Vietnamese against us on this. Certainly not. I only bring this up to point out that war sometimes is not very tidy and some of your record keeping is not as good as you wish it was.

So we are not abandoning these people out there. I want to get every single bit of information we can. If anybody says to me that I am trying to favor the oil conditions, or I am trying to favor those who want to sell consume goods out there and we are abandoning our prisoners in the interest of commerce, that would make my blood boil because certainly nothing could be further from the truth.

I want to see us get every bit of information we can, as Senator SMITH said, concrete results. Do we do that by having some form of recognition, having some form of cooperation which will keep the lines of communication that are now open, keep them open and expand them as they grudgingly, slowly expanded through the years? Or do we tighten down on that?

I know that we will never have the answer to every single person that is unaccounted for in Vietnam. Certainly we want to have as clear a picture of what happened as possible and to account for everyone that we possibly can account for.

But I would say to those families that still are grieving after 20 or 25 years, or even 30 years, that we go back to the days of the beginnings of the Vietnam conflict, to those who are still grieving for to find out what happened to the loved ones back in those days and to the members of veterans organizations who lost buddies and friends and remember what that war was like all too well, I would ask them then how do you think we will best be able to account for the people that are still missing out there?

Do not just hold a grudge and say we will never cooperate with those people. If we took that attitude after every war we knew what would happen with the Germans or Koreans or whatever war we have been in. Somehow we start getting over it, sometimes. Do not just say because Vietnam was not a popular war that we are going to forever say that we will never have any relationship, because I do not think that is the way that we really find out what happened to every single person that we can find out about.

I do believe that the time is changing, the time has come to say we do not give full diplomatic recognition right off the bat or something like that. I think it is time to say we are not going to put up a lot of roadblocks here, and say we are not going to do a whole bunch of things until we get some of the accounting we truly want. That is not the way to get that accounting.

Maybe not to the extent that we would like, and as soon as we would like, but I think that they have come a long ways toward providing what information they have. Maybe it is not perfect, maybe there are particular cases that General Needham and his team need to investigate more. But I keep equating some of these requests for information with the Vietnamese request of us for information and my request to the Pentagon as to what information we have on Vietnamese combat deaths that occurred in areas where we controlled the territory. And we have rather sparse records in that area. We cannot give them any answers.

But I think we do need to keep a condition, we need to keep the situation out there such that they will be forthcoming with information they have. We have teams out there now set up to monitor that and we try to look into the information that we get from them.

For all these reasons—I give these as reasons why I have gradually, through the last few years, changed my mind on what we should do. I think the best way to make certain we get information is to make certain that we do not clam up, do not tighten up. As I said, I do not do this for commercial reasons at all, whether we never have oil companies out there or our consumer people out there. I think the cooperation that we have been building slowly over a period of time, and that they have responded to, is the best way to go to making sure that we do have concrete results, that we do have as much information as we ever can get, to make sure that we know to the best possible level exactly what happened to every American that did not come back from Vietnam.

I yield the floor.

The PRESIDING OFFICER (Mr. FORD). The Senator from Massachusetts [Mr. KERRY] is recognized.

Mr. KERRY. How much time remains?

The PRESIDING OFFICER. The Senator has 26 minutes and 50 seconds.

Mr. KERRY. I think, Mr. President, we are anxious to try to wrap up here. I would just like to point out a couple of things if we can as we go along that I want the RECORD to reflect. I ask unanimous consent that a history of the POW/MIA activity since the war be printed in the RECORD.

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

POW/MIA HISTORY RE THE VIETNAM WAR

1973:

A total of 591 American POWs return to the United States. Most returned during Op-

eration Homecoming from February to April 1973.

1974:

The Vietnamese repatriate the remains of 24 POWs who died in captivity.

1975:

Saigon falls and American forces are withdrawn from Vietnam.

1976–1978:

After the end of the war, Vietnam's objective was to be accepted into the international community. For example, in 1977 when the U.S. opted not to veto their United Nations membership, the Vietnamese responded by suddenly repatriating the remains of more than 20 Americans. At the same time, U.S.-Vietnamese negotiations explored the possibility of normalizing relations; however, this was later scuttled by Vietnamese demands for war reparations and their invasion of Cambodia. U.S. policy at the time was accounting for missing Americans as "a hoped for by-product" of the normalization process.

1978–1982:

Following the breakdown of normalization talks, contact with Vietnamese officials virtually halted, as did the return of remains and any form of cooperation on the POW/MIA issue.

1982–1987:

The U.S. made clear that resolution of the POW/MIA issue was a humanitarian matter that rested on international standards and that it was in Vietnam's interest to treat it that way, regardless of the state of U.S.-SRV diplomatic relations. It was also made clear that the U.S. domestic environment, absent such treatment, would dictate that the pace and scope of U.S.-SRV relations would be directly affected by cooperation on this issue.

U.S. policy-level delegations visit Vietnam and the Vietnamese pledge to resolve the POW/MIA issue.

1987:

January—U.S. proposals for technical discussions in Hanoi were rejected by the Vietnamese, as was a similar proposal the following month. President Reagan named a former Chairman of the Joint Chiefs of Staff, General John Vessey, Jr. USA (Ret.), as Special Presidential Emissary to Hanoi for POW/MIA Affairs.

August—General Vessey led an Interagency Delegation to Vietnam. General Vessey obtained agreement to resume and expand cooperation on POW/MIA and other humanitarian issues of mutual concern to the United States and Vietnam.

Vietnamese were provided some representative case files.

Vietnamese repatriate 8 remains.

1988:

Vietnam agreed to initiate joint field investigations aimed at resolving "compelling" cases that General Vessey had previously provided and to expand their unilateral efforts.

Vietnamese present proposals for the joint activities and agreed to begin joint field investigations. This resulted in three 10 day periods of joint investigations along with a visit by U.S. forensic specialists to examine remains unilaterally provided by Vietnamese.

Vietnamese repatriate 62 remains.

1989:

Vietnamese pledge continued cooperation during Vessey-led Interagency delegation visit to Hanoi and agree to measures that would expedite resolution of the issue.

A total of 5 joint field activities and four technical meetings are held during the year; results are disappointing.

Vietnamese repatriate 34 remains.

1990:

General Vessey and the POW/MIA Interagency Group meet with FM Thach in Washington, DC. Vietnamese agree to all USG requests including: improved cooperative planning for joint investigations, increased unilateral remains repatriations and serious cooperation to locate and make available wartime documents and records. Thach also agreed to assist in allowing access to witnesses of incidents where U.S. personnel were captured or casualties occurred, and to additional military participation during joint field activities.

Joint field activities and technical meetings continue—results continue to disappoint.

Vietnamese repatriate 17 remains.

1991:

April—U.S. policy concerning normalization of relations with Vietnam, the "roadmap," is presented to Vietnamese officials in New York. The "roadmap" outlined a series of quid pro quo steps the U.S. was prepared to take to improve U.S.-SRV relations and eventually lead to normalization.

The Vietnamese agreed to allow a temporary POW/MIA office in Hanoi during visit by General Vessey.

5 person office opened in Hanoi in July.

Vietnamese repatriate 27 remains (11 joint operations, 16 unilaterally)

1992:

Jan.—the 150 member Joint Task Force-Full Accounting (JTF-FA) was established. The JTF-FA was designed to combine all the specialties necessary to obtain the fullest possible accounting of our POW/MIAs. The JTF-FA was placed under CINCPAC to allow the full resources of the theater commander to be brought to bear on this effort.

Feb.—General Vessey returns to Hanoi to assess progress on POW/MIA matters. During the visit, the Vietnamese presented the Military region IV shootdown records.

March—Assistant Secretary of State Solomon led a delegation to Southeast Asia during which the Vietnamese agreed to five steps: implementation of a short notice live-sighting investigation mechanism, access to records, archives and museums, repatriation of remains, trilateral cooperation, and expanded joint field operations.

October—Cheney and Eagleburger meet with the Vietnamese FM Cam in Washington and confront him with materials obtained from Vietnamese archives. General Vessey returns to Vietnam and the Vietnamese agree to aggressively collect and present to the USG POW/MIA related materials from all sources and consolidate it in military museums, thereby providing access to joint U.S. Vietnamese research teams.

December—Vietnam announces a formal amnesty program for private citizens holding remains.

Joint field operations continue to expand in scope and team number and size is increased.

Vietnamese repatriate 32 remains (24 joint operations, 8 unilaterally)

1993:

January—All requested live-sighting investigations and the initial investigation of all 135 remaining discrepancy cases are completed.

April—General Vessey leads a delegation to Hanoi during which the Vietnamese provide new documents and access to several key witnesses for interview including Lt. Gen. Tran Van Quang, reputed source of the Russians 1205 document. Vietnamese pledge continued cooperation, offer information refuting the Russian document and agree to all U.S. requests including continued support of joint field operations, increased archival access, repatriation of remains, and continued investigation of the remaining 92 discrepancy cases.

May—Senator Kerry leads delegation to Vietnam requesting continued cooperation and the Vietnamese agreed to his requests including the formation of a joint POW/MIA information center in Hanoi.

July—President Clinton decides to drop U.S. objections to Vietnam clearing its arrears with the International Monetary Fund. High-level delegation visits Vietnam and conveys President Clinton's requirement for tangible results from the Vietnamese in four key areas. The delegation was led by the Deputy Secretary for Veterans Affairs, Heschel Gober, and included Assistant Secretary Winston Lord and Lt. General Michael Ryan of the Joint Staff. The President's four areas of concern become the bench mark for cooperation and include the repatriation of remains, access to documents, trilateral cooperation, and continued investigation of live sightings and priority discrepancy cases.

September—President Clinton renews the trade embargo with Vietnam, but allows some modifications.

December—Assistant Secretary of State, Winston Lord, led an Interagency delegation to Vietnam to assess results in the four areas of concern. He reported cooperation was excellent and results have been achieved.

Joint field operations continue on the largest scale ever, cooperation by the Vietnamese receives high marks from JTF-FA.

Vietnamese repatriate 67 remains making 1993 the third largest year for remains since the end of the war.

GENERAL INFORMATION:

The remains of 281 Americans previously missing in Vietnam have been identified. Several hundred other remains have been repatriated, but not yet identified (many never will). The identification process is often time consuming and laborious. The delay in the positive identification of some remains is a function of the high standards of proof we require before making an identification, rather than a lack of Vietnamese cooperation.

Of the 1715 first hand live-sighting reports received since 1975, 1694 (99%) are resolved. No reports require further field investigation in Vietnam. Vietnamese cooperation in this area has been excellent.

1195 (70%) relate to Americans who are accounted for (POW returnees, missionaries, jailed civilians, etc.)

45 (3%) relate to wartime sightings of military personnel or pre-1975 sightings of civilians who remain unaccounted for.

454 (26%) are fabrications.

The remaining 21 reports are under current investigation, but these do not require field investigation in Vietnam, Not all of these reports are Vietnam cases.

Archival research teams started work in November 1992 when the Vietnamese began making their military museum holdings available for review.

At the height of archival activity there were three teams located in Hanoi, Da Nang, and Ho Chi Minh City have shut down because they have completed the review of materials in those locations.

Nearly 24,000 documents, photographs, and artifacts have been reviewed with more than 600 items correlating to an unaccounted for American.

Joint Document Center has been established in Vietnam's Central Army Museum in Hanoi.

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Oral History Program is designed to gain information from the memories of Vietnamese participants of operations during the war involving U.S. POWs or casualties.

More than 120 individuals have been identified for an interview, and over half of the interviews have already been conducted.

Priority Discrepancy Cases of "last known alive cases" are those cases where there is some indication that the servicemen was "last known alive" subsequent to their loss incident or was listed by their military service as POW at Homecoming but did not return during Homecoming.

A total of 196 individuals in this category were presented to the Vietnamese by General Vessey.

Total reduced to 135 by January 1992. The JTF-FA completed an initial investigation of all cases by January 1993.

We established a Priority Case Investigation Team in June 1993 to focus solely on the remaining priority discrepancy cases. This team has completed 34 follow-up investigations.

Policy review of additional information has resulted in a fate determined status for 123 individuals of the original 196, as of January 1994. This leaves 73 priority discrepancy cases requiring further investigation.

24 individuals have been accounted for through remains identification and have been removed from the last of POW/MIAs.

Although the other 99 individual members have been removed from the priority discrepancy list, they are still considered unaccounted for and remain on the overall list of 2,238. We will continue to search for their remains.

A Special Remains Team was formed in the fall of 1993 to focus on those cases where the possibility of remains recovery appears best. The team works continuously, independently of JFAs, in Vietnam and has thus far focused on those who died in captivity. This team has recommended seven reported burial sites for excavation.

Americans accounted for through remains identification: Vietnam—281 (including 1 recovered from indigenous personnel); China—2; Laos—59 (including 3 recovered from indigenous personnel); Cambodia—3; Total—345.

Americans unaccounted for in Southeast in Asia: Vietnam—1,647; Laos—505; Cambodia—78; China—8; Total—2,238.

Mr. KERRY. I also ask unanimous consent that Progress on POW/MIA During 1993 be printed in the RECORD.

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

RE: PROGRESS ON POW/MIA DURING 1993

REMAINS

As of the end of the year, Joint Field Activities and the unilateral turnover of remains by Vietnam had resulted in nearly 67 remains, thus making 1993 the third largest year for repatriations since the end the year.

Hanoi stepped up its publicity program for its remains amnesty program, offering reimbursement to its citizens for expenses incurred. Increasing numbers of Vietnamese are coming forward with information that may help locate American remains.

DISCREPANCY CASES

Since July 2, the work of the Special Priority Case Investigation Team has enabled us to confirm the death of 12 more individuals from the last-known-alive discrepancy list. With the help of the Vietnamese, we have now unofficially confirmed the death of 116 of the original 196 high-priority discrepancy case individuals.

DoD has conducted five live-sighting investigations since July 2. As of September 10, there were no live sighting reports that required field investigation. A total of over 200 investigations, including some in prisons and military facilities, have produced no evidence that Vietnam is holding an American POW.

DoD has completed twenty-six joint US-SRV field operations.

DOCUMENTS AND ARCHIVES

Since July 2, the JTF-FA has received documents from two important wartime North Vietnamese military units—"Group 559," that deal with operations along the Ho Chi Minh Trail, and "Group 875," the General Political Directorate unit responsible for American POWs.

Of particular interest is the Group 559, Ho Chi Minh Trail shootdown record. It provides information on many cases that will assist in their investigation. These documents are important in that they help confirm information we already have concerning North Vietnamese knowledge of aircraft losses along the Ho Chi Minh Trail areas as well as information we already have relative to prisoners known to have been captured. In the case of the 559 records, some of the information is new. In many cases the new information will provide important leads for future investigation. In some cases, it will help answer questions about the fate of missing Americans.

TRILATERAL COOPERATION

In August, at the U.S.-SRV-LDPR Trilateral Cooperation Meeting in Hawaii, the Vietnamese and the Lao agreed to conduct coordinated simultaneous border-area operations with the U.S. in December, when the rainy season ends.

New Group 559 documents provided by Vietnam appear to be useful in the investigation of losses in the People's Army of Vietnam controlled areas of Laos.

In December, the first trilateral field activity was completed. While it is too early to access the results, Vietnamese cooperation was considered excellent.

JTF-FA

JTF-FA's mission is to provide the fullest possible accounting for the 2,239 individuals still listed as missing or otherwise unaccounted for in Southeast Asia. Of that number, 1,648 are unaccounted for in Vietnam, 505 in Laos, and 86 in Cambodia.

JTF-FA has completed five joint field activities (JFAs) in recent months. Two of the JFAs were in Vietnam, one was in Laos, one was in Cambodia and one was trilateral. Since June, JTF-FA teams in Vietnam and Laos have conducted operations in 16 separate Vietnamese and Lao provinces, investigated more than 300 cases, and excavated more than a dozen sites.

24TH JFA

The 24th JFA in Vietnam was conducted from June 24 through July 20. During this operation, team members investigated a total of 128 cases and interviewed 269 witnesses. Information provided by these Vietnamese citizens may be essential in determining the fate of missing servicemen.

The team also excavated five sites, resulting in the recovery of some human remains. Remains recovered during this operation were repatriated to the United States on August 4, and are undergoing analysis at CIL-HI.

Team members also recovered some material evidence including aircraft parts and aircrew equipment. That evidence is being analyzed to determine if it correlates to any of the task force's outstanding cases of unaccounted for Americans.

25TH JFA

JTF-FA conducted the 25th JFA in Vietnam from August 17 to September 20. During this operation, team members conducted 179 investigations and excavated eight sites. Again, some material evidence, along with some remains were recovered during the excavations. Other remains alleged to be those of American servicemen killed during the war were turned over to investigators by Vietnamese. These remains will be analyzed by CIL-HI experts to determine if they are potentially those of Americans before they are repatriated to the United States.

LAOS

JTF-FA conducted a Lao operation from July 16 to August 16. This was the fourth operation conducted in Laos in 1993, and the tenth since JTF-FA was established. During this operation, team members investigated 28 cases and excavated three sites. Some remains and material evidence were recovered during the operation and are being analyzed.

Ninety-seven activities involving investigations, excavations, and surveys have been completed in Laos in 1993. Compared to previous years, the number of activities in 1993 has increased substantially. Fifty-one activities were completed in 1992, 20 in 1991, and 12 in 1990. Two additional operations are planned for October and December 1993.

CAMBODIA

In Cambodia, JTF-FA competed two operations in 1993 with 21 activities in the January and February period. However, only 7 were completed in March and April when operations were temporarily suspended after the team received incoming mortar and small arms fire from unidentified hostile forces. Two operations are planned for the remainder of 1993. A total of 19 additional activities are scheduled to be conducted during these two operations.

26TH JFA

The 26th JFA in Vietnam was the Vietnamese portion of the first trilateral field activity conducted from December 3-20, 1993. The team investigated 12 cases during the JFA and characterized Vietnamese cooperation as excellent.

Mr. KERRY. Mr. President, I also ask unanimous consent that the Biographical Summary and the letter of support from General Vessey be printed in the RECORD.

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

BIOGRAPHICAL SUMMARY FOR GENERAL JOHN W. VESSEY

General John W. Vessey began his 46 years of military service in 1939 as a private in the Minnesota National Guard; he ended it in 1985 in his second term as the Chairman of the Joint Chief of Staff of the United States.

He fought in North Africa and Italy in World War II and was commissioned a 2nd Lieutenant on the battlefield at the Anzio Beachhead in May 1944. President Reagan appointed him the tenth Chairman of the Joint Chiefs in 1982.

He had a long association with our North Atlantic Treaty Forces, serving a total of nine years in combat divisions in Germany, commanding a NATO-committed mechanized division stationed in the United States, and serving three years on the NATO Military Committee. He also had extensive experience

in East Asia with combat service in Vietnam and Laos, and additional service in Thailand, the Philippines, and Korea where his last service was as Commander of the United Nations Command, Commander U.S. Forces Korea, and the first Commander of the Republic of Korea/United States Combined Forces Command.

His other senior positions included service as the Army's Deputy Chief of Staff for Operations and Plans and as the Vice Chief of Staff of the Army.

His military decorations include the Distinguished Service Cross, the Army, Navy, Air Force, and Defense Distinguished Service Medals, the Purple Heart, and medals from 19 friendly and allied nations. In 1992, he was awarded the Nation's highest civilian award, the Presidential Medal of Freedom, by President Bush. He is an Army Aviator.

He earned a Bachelor of Science Degree from the University of Maryland and a Master of Science Degree from the George Washington University. He is a member of the Honor Society of Phi Kappa Phi.

After retirement from active military service, he served on the Commission on Integrated Long-Term Strategy and the Moscow Assessment Review Panel. He serves on the Defense Science Board and on the Defense Policy Board. In 1987, he was appointed by President Reagan to serve as Presidential Emissary to Hanoi on Prisoner of War/Missing in Action Matters. President Bush renewed his appointment in 1989, and he continues to serve in that post.

He serves on the Board of Directors of several industrial firms and on the boards of the National Flag Day Foundation and Youth Services, USA. He is a member of the Board for Mission Services of the Lutheran Church—Missouri Synod.

Subject: Gen Vessey Statement Regarding Vietnam

1. General Vessey has OK'd the following statement:

In the past six years, Vietnam has made huge leaps in the direction we wanted them to go, many of them moves that we in Washington thought would never be made. Among them:

Agreed to Joint Field Investigations of "discrepancy cases." We are in the sixth year of those investigations.

Agreed to joint live sighting investigations.

Returned several hundred sets of remains of missing Americans.

Got out of Cambodia and supported UN sponsored elections.

Released all re-education camp inmates.

Helped re-unite about 300,000 separated Vietnamese families.

Let us get Amerasian children out of Vietnam.

Let the U.S. set up a POW/MIA office in Hanoi.

Agreed to State Department officers in Hanoi with no reciprocal move.

Accommodated a variety of intrusive requests (such as going through prisons) by the USG and members of Congress.

Have allowed U.S. researchers unlimited access to the Defense Ministry Library.

I cite these Vietnam government steps not to urge rewarding them, but as a reminder that cooperation depends on confidence building steps. Lifting the trade embargo and moving forward in relations is not rewarding a heinous communist regime for past crimes! It is a move that will open Vietnam and move it toward democracy and free enterprise as well as help us reach our goal of fullest possible accounting.

This is the overriding reason for lifting the trade embargo. We now have the best cooperation we've ever had from the Vietnamese Government in searching for evidence about the fates of our people. Maintaining the embargo will not improve that level of cooperation, but rather will probably lessen it. To achieve fullest possible accounting, we will need the help of local authorities, the Vietnamese Veterans, and the Vietnamese people. Let me point out that lifting the trade embargo is not granting a favor to American business at the expense of the families of the missing and the Veterans. It is, rather, the surest way to further the cooperation we need to get fullest accounting.

Mr. KERRY. Mr. President, I want to underscore one of the important ways in which the current system is working and why this cooperative effort is so important. My colleague has consistently raised some question of the sufficiency of digging and how we are going at this and what we do.

A couple years ago some of the most disgruntled people in this effort, either in families or in some of the POW activist groups, were saying we are not getting at these cases. We do not have a way of determining what happened to people. We are not following up on the live-sighting report, and so forth.

We went over and started negotiating that, and we began to try to deal with those concerns. We got helicopters capable of taking us out in the field so we could follow up on a live-sighting report. Lo and behold, after the live-sighting report started to show we could not find Americans or they never have been there or they went there. All of a sudden that process became irrelevant and it was not important. Step by step, every time there have been sort of barriers set up and we have been able to deal with the barrier and remove it. Then there is a new issue. Now the new issue is the Vietnamese are not turning over everything. That is a new issue. Intelligence reports or some old reports taken out of context or something, and people say here is the effort but it is not real evidence.

The truth is we do not know specifically whether they have a document today or do not have a document today. We can surmise. We can think they may. We can conjecture. But we do not know. We will not know ever, unless we get it from the Vietnamese or from someone in this country who happens to truly know about it or be able to show it by virtue of having been there or can take us right to it.

So what we are talking about here, how are we going to prove these cases. Let me give you another example. A few days ago in Military Region 9, the southern portion of Vietnam, an area called Phu Vinh Forest, an area where I was fighting, down in the delta—this forest was particularly an impenetrable forest area. During the time I was there an NVA regiment was working and operating there. We lost some people there.

Recently, the Vietnamese themselves came up with nine people that they presented to us who had been in this Phu Vinh Forest area during the war at the very time we had lost these people. And these were people who were part of the cadre there who said, oh yes, we remember that incident. They were buried. This is the kind of place where they are buried and we will take you there.

So, a bunch of people came down. They went in. They searched around. They found three sites that they think may be the sites. They also learned that a doctor had treated one of these people and apparently this doctor is in Cambodia, so they are now helping us find the doctor in Cambodia.

Now, hopefully that effort is going to produce results. I cannot tell you it will today. Nobody can. It is in the past. The Vietnamese have returned more than 600 remains; 269 of those remains have been confirmed as United States remains, United States soldiers, and another 100 are determined that they could be United States, we do not know for certain yet. Now, we hopefully will discover these other people.

But the point I make, Mr. President, is very simple. If the Vietnamese did not find nine people, if they did not cooperate in finding the doctor, if they were not part of this process, we would not be able to get answers. And that is true of every aspect of this.

My colleague complains that we are having to pay a lot of money for this. We are paying a lot of money. But I am not too sure what people expect. Do they expect us to make the demand that we have to go in there for the most expensive and extensive effort to find answers in history and the Vietnamese are going to pay for it?

It seems to me the key question before us is whether or not we have the ability to get ultimately the fullest accounting process possible, recognizing what Senator CHAFEE said, that his friend from World War II who died while he was at Guadalcanal was only found a year and a half ago, 50 years later.

I am confident that we are going to be struggling with aspects of this issue years from now. My prayer and hope is that we will have kept faith with veterans, with families, and that we will have done what is necessary to find the answers, not to shut the door in our own faces.

I will have more to say on that tomorrow morning.

Mr. President, I am prepared to yield back the remainder of our time and I believe we will abide by the previous order.

Mr. LEAHY. Mr. President, it has been more than 30 years since the first American soldier arrived in Vietnam, and almost two decades since the last American soldier came home. Over 43 million Americans, and over half the population of Vietnam, were not yet born when the war ended.

The Vietnam war was a monumental tragedy for both our countries. More bombs were dropped on Vietnam than in World War II and the Korean war combined. Over 58,000 American soldiers, and over 2 million Vietnamese, so many of them civilians, died. For Vietnam, the American war was only the last chapter in a long history of violent conflict, beginning with the Chinese, the Japanese, and the French. Today, Vietnam remains among the poorest countries in the world, with an average per capita income of a few hundred dollars a year.

We went to Vietnam believing we were invincible, only to see our country torn apart over the war. We came home stunned that our enormous firepower could not defeat such a tiny foe. Yet, despite that experience, we are today the world's only superpower.

In the 18 years since the Vietnam war, each of us who was alive then has dealt with the legacy of Vietnam in our own way. When I came to the Senate in 1974, I promised myself that I would do everything possible to prevent our country from making such a terrible mistake again. I became the only Vermonter serving in the Congress to vote to end the war.

I have also found ways to help our Vietnam veterans, for whom I have the greatest respect, and I have supported efforts to locate the remains of our POW/MIA's. For example, we provide assistance through the foreign aid bill to help locate remains of POW/MIA's.

I started a fund in the foreign aid program that has been used to aid Vietnamese who were disabled from war injuries. Those funds have been used to make artificial limbs for some of the more than 60,000 amputees in Vietnam, regardless of which side they supported in the war. We have also given aid to orphans in Vietnam.

Throughout this period, United States-Vietnamese relations have stayed essentially in limbo. Diplomatic relations have remained severed. The United States has kept its trade embargo against Vietnam, and Vietnamese assets are still frozen. In a very real sense, although the last shot was fired long ago, the Vietnam war has not yet ended.

This is so despite the end of the cold war which got us into Vietnam in the first place, the disintegration of the Soviet Union, and even as we give billions of dollars in aid to Russia and most-favored-nation status for China.

Mr. President, I support this amendment. The embargo is an anachronism, and it is self-defeating. It has been maintained primarily because of the POW/MIA issue, but I am convinced that by maintaining the embargo we only prolong the ordeal of finding out what happened to our remaining POW/MIA's.

We also impede many other United States interests in Vietman—interests in the stability of Southeast Asia, in promoting democracy and human rights, and in expanding economic markets for American business.

In a world dramatically different from when we left Vietnam, our challenge today is to devise a policy toward Vietnam that has the best chance of furthering these interests, and to finally put the tragedy of the war behind us.

None of us will be completely satisfied until every thread of evidence that might contain a clue about what happened to our POW/MIA's has been pursued. There is no doubt that the Vietnamese Government has not always been forthcoming or consistent about the information in its possession about our POW/MIA's. It has withheld information in an effort to gain advantage or to obtain concessions from us.

But this thorny issue is not black and white. Only this year did our Government turn over several million pages of United States-held documents that will help the Vietnamese solve some of their own 300,000 MIA cases.

After 18 years, are continued diplomatic isolation and economic sanctions likely to cause Vietnam to do what it has not done during all that time? Or is the Vietnamese Government more likely to change through greater political, diplomatic, economic, and social contacts with the United States?

The truth is that the past policy of denying Vietnam the benefits of diplomatic relations and trade produced little results. Yet in the past 2 years, progress on the POW/MIA issue has been dramatic. Why? Because of the efforts by President Bush, General Vessey, and President Clinton to encourage cooperation.

We now have a permanent POW/MIA office in Hanoi. Our people have access to all military museums, and have been to the prisons. They have looked into every live sighting report. Americans are working closely with Vietnamese to resolve remaining questions about these cases. Our people are in the jungles of Vietnam today searching for remains. Over the past year, 60 sets of remains have been repatriated. We have received thousands of documents and artifacts, and the number of discrepancy cases has been reduced from 196 to 80. Those remaining 80 cases are being investigated.

All of this has happened in the past 2 years, because we gave the Vietnamese incentives to cooperate. According to the deputy commander of the United States task force in Hanoi, "When we started there was suspicion and mistrust. We've worked long and hard to develop a sense of mutual trust * * *. It's mind-boggling how much cooperation we now have * * * [The Vietnamese] are doing their best to cooperate with us."

Mr. President, we cannot keep punishing Vietnam forever. We will only jeopardize the very process we want to encourage as we continue to inflict hardship on a society that has suffered terribly for generations.

There is much that needs to change in Vietnam. Gross human rights abuses, including arrests of political dissidents, arbitrary detention, unfair political trials, torture and abuse of prisoners in forced labor camps continue. Until there is substantial improvement in human rights, relations between our countries will suffer.

There is abundant evidence that Vietnam is involved in the thriving Asian black-market trade in endangered species. Vietnam is a wholesale supplier for tigers, leopards, and other rare species. Many of these animals are protected under Vietnamese law and international treaty, but enforcement is almost nonexistent.

But I believe that even in human rights and other areas in which we differ, Vietnam will change more through increased contact with the west than from further isolation. If the Vietnamese Government wants the benefits of trade, it will have to accept the influx of foreign business and all the changes it inevitably brings. The Vietnamese Government cannot on the one hand participate in the global economy, and at the same time censor every conversation, magazine, or radio broadcast it disagrees with.

If Vietnam wants to be treated as an equal, it cannot continue to engage in activities that are abhorrent to the international community.

Mr. President, during the Vietnam war America's leaders said time and again that we were fighting to protect democracy, but our actions often belied those words, and in the end we failed. When the fighting stopped, Vietnam was no closer to being a democracy.

Today, as we strive to make democracy and human rights a central goal of our foreign policy, we need to recognize that the policy of isolating and punishing Vietnam has failed. But just as on the POW/MIA issue, we can make progress in other areas by giving Vietnam incentives to change. Lifting the embargo is one incentive. Diplomatic recognition is another. We have many ways of using leverage through our foreign aid program, and our position in the multilateral development banks.

So, Mr. President, there are many ways that we can encourage Vietnam to deal with the POW/MIA issue and many other differences. But the embargo is a vestige of a war that should never have happened, and of a policy based on ignorance, lies, confusion, and weakness. We owe it to ourselves, and to the Vietnamese people who never wanted a war with us, to finally show that for us, like them, the war is finally over.

MORNING BUSINESS

Mr. KERRY. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

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

COMMUNITY POLICING

Mr. DOLE. Mr. President, no one can dispute the need to put more police officers on the street. More police usually means more security.

Nevertheless, an article appearing in today's New York Times demonstrates that the concept of community policing, which is the centerpiece of the Clinton administration's anticrime efforts, may sound good in theory, but in practice it is far from perfect.

According to the article, thousands of New York City police officers who are engaged in community policing do not work during those time periods when crime is most prevalent—on weekends and late at night. The article also cites high turnover rates, poor training, and the lack of coordination among community police officers and the other agencies within the New York City police department.

Those who beat the community-policing drum should read this article. As the New York City experience demonstrates, community policing certainly has its strong points, but the jury is still out on its effectiveness in fighting crime.

Mr. President, I ask unanimous consent that the New York Times article be inserted in the RECORD immediately after my remarks.

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

COMMUNITY POLICE OFFICERS CITED ON HOURS AND TRAINING

(By Alan Finder)

The thousands of New York City officers working in community policing do not work enough weekends or late at night and are not coordinating well with other police units and other city agencies, according to nearly two dozen internal police reports that analyze the program.

The 22 reports, prepared from November 1992 to August 1993, do not represent a wholesale indictment of the Police Department's major tactical shift to community policing, which was introduced by Dinkins administration three years ago. The reports, in fact, seldom draw broad conclusions.

But in small, often mundane ways, the reports outline significant problems with the long-term effort to make the 30,000-officer department more responsive to community concerns and more attuned to preventing crime than just responding to it.

The internal reports, which were made public earlier this week after an article about them appeared in The Daily News, were prepared by former Assistant Chief Aaron H. Rosenthal. He was assigned in November 1992 by Raymond W. Kelly, who was then the Police Commissioner, to critique how well the Police Department was adjusting to community policing. Both Mr. Rosenthal and Mr. Kelly have now left the department, Mr. Kelly earlier this month and Mr. Rosenthal last summer.

"I wanted the unvarnished truth," Mr. Kelly said in a interview on Monday, explaining why he had asked for the reports. "We recognize that everything in community policing is not going to work." Last February, in fact, Mr. Kelly and Mr. Rosenthal said publicly that the transformation to community policing has been hampered by a lack of follow-up training. They said they expected to identify other problems in the transition and intended to make adjustments.

These are among the major findings in Mr. Rosenthal's reports:

WEEKENDS

Not enough of the more than 3,000 officers who are specifically assigned to walk a neighborhood beat are working on weekends, several of the reports say. Community policing gives individual officers considerable flexibility in determining their schedules; they are supposed to work shifts that best enable them to confront the problems of the people on their beats.

The problem, Mr. Rosenthal wrote, was that many of the most pressing criminal and quality-of-life problems highlighted for attention by the community police officers themselves in their internal reports did not take the weekend off, and neither should many of the officers.

"One issue that still needs to be addressed is the sparse coverage that continues to exist on the weekends," he wrote in a report last May. He repeated the criticism in a report last July.

In the study last May, Mr. Rosenthal examined the records of five officers and a supervisor in each of nine precincts during the first three months of 1993. He found that 78 percent of the officers were off routinely on Sunday and 61 percent were off on Saturday.

In a related finding, Mr. Rosenthal said that narcotics officers did not work on Sunday and that they made few arrests after 6 P.M. These hours do not reflect the concerns of the neighborhood about drug activity at nights and on weekends. Senior police officials said that undercover narcotics officers can work more safely during daylight, because backup officers can see them better, Mr. Rosenthal wrote.

TRAINING

In-service training of community police officers at the city's 75 precincts "has been a dismal failure, primarily due to an overall blasé attitude on the part of management which has filtered down to the attendees," according to a report written on Jan. 19, 1993.

Mr. Rosenthal did not say in that report how or why he came to the conclusion, but he did recommend that the Police Academy train precinct supervisors and then monitor the in-service training at each precinct.

In two reports the next month, Mr. Rosenthal described visits to four precincts that were made by members of his staff. In three of the four instances, Mr. Rosenthal's staff found appropriate training taking place. The officers conducting the sessions were well prepared and informative, he wrote.

But at one precinct, the Seventh, in Manhattan, no training was taking place at the designated hour. It began only after Mr. Rosenthal's staff member raised questions, and the officer running the session was ill prepared and the session was disjointed, Mr. Rosenthal wrote.

In another report, this one last June, he examined the records of in-service training sessions at 15 precincts selected at random. Mr. Rosenthal concluded that the record-keeping was inadequate, with the result that some officers were exposed repeatedly to the same topics and not exposed to other subjects.

TURNOVER

Turnover of officers assigned to community policing appears to be high, and Mr. Rosenthal suggests in one report that it may be tied to a lack of incentives to remain in the new units.

In an analysis last February of community police officers in seven precincts, Mr. Rosenthal determined that between October 1990 and February 1993 a total of 32 sergeants and 326 officers were newly assigned to community policing units.

In the same period, 13 of the 32 sergeants, or 40 percent, and 119 of the 326 officers, or 38 percent, left for other police assignments.

Mr. Rosenthal does not say directly why he thinks so many officers are leaving community policing. He does say, without elaborating, that the department needs a rewards system to keep officers walking their beats. In another report, in April 1993, he reports on a survey of 15 precinct commanders, who were asked what problems they had encountered with community policing. Eight of the 15 said the top problem was a "lack of incentives to retain qualified community police supervisors and officers."

More traditional forms of policing, including riding in a patrol car, apparently leads to more arrests and to traditional kinds of advancement in the department.

COORDINATION

Mr. Rosenthal concluded that community police officers often did not coordinate well with other police units, including detectives, narcotics officers and auxiliary police officers, or with some other city agencies. In a report last August, he said that six precincts identified traffic congestion, and particularly illegal parking, as a local problem, but then did not consult with city traffic agents about solutions.

In a report last April, he cited precincts that had identified prostitution as among their communities' biggest problems. But community police officers often did not work late at night, when prostitutes were most evident on the street, and they did not make many of the prostitution arrests made within their precincts, Mr. Rosenthal wrote. Often uniformed officers and officers from the public morals division made most of the arrests, he contended.

HONORING ROBERT E. MATTESON

Mr. DURENBERGER. Mr. President, I rise today to pay tribute to Robert Matteson, a truly distinguished statesman and public servant who died at his home in St. Paul last Monday, after a battle with Parkinson's disease.

Throughout the 79 years of his life, Bob Matteson was a man who used every ounce of his potential to contribute to the public good. His career was as long as it was distinguished. Most notably, Bob served as director of the White House disarmament staff under President Eisenhower, and as Chief of Staff for the Foreign Operations Administration—which was directed by former Minnesota Gov. Harold Stassen.

It was Bob who suggested the creation of a permanent disarmament agency to President Eisenhower, and he was instrumental in the disarmament policy of the Kennedy administration.

But the wonderful example of Bob Matteson's life is about a lot more than his national security and Government career. Bob was also an avid outdoorsman, making canoe trips on Lake Superior, down the Mississippi River, and across Canada all the way to the Bering Sea.

He founded the Sigurd Olson Environmental Institute at Northland College in Ashland, WI, and was a board member of the Minnesota Historical Society and Science Museum of Minnesota.

Bob helped found the Harold Stassen Center for World Peace at the University of Minnesota in 1981. And in 1985, after several trips to Cuba, he started a Minnesota-Cuba cultural exchange program.

Mr. President, in last night's State of the Union address, President Clinton focused a great deal on the problems of crime, violence, and drugs in America. He painted a pretty grim picture of our society.

Bob Matteson's life stands out in stark contrast to that picture. Indeed, it stands as a beacon of hope for those of us who are trying to make that picture a brighter one. In the most difficult days of the cold war, Bob Matteson showed what a dedicated person could accomplish if motivated by a love of service, a sense of responsibility, and the thrill of taking on challenges.

We would all do well to follow his example.

Thank you, Mr. President.

OUTSTANDING DISTRICT OF NEW MEXICO MARSHALS SERVICE

Mr. BINGAMAN. Mr. President, I would like to call the attention of my colleagues to a distinguished award that was recently presented to the New Mexico District of the U.S. Marshals Service. The New Mexico District Office was selected as the Outstanding Medium-Sized District for 1993, from among 94 districts. I believe this is a great honor for the hard-working employees who staff the New Mexico District, and indeed, all the citizens of New Mexico.

The U.S. Marshals Service is the Nation's oldest Federal law enforcement agency, serving the American people since 1789. U.S. marshals and their staffs perform tasks that are essential to the operation of virtually every aspect of the Federal justice system. We often associate the marshals with apprehending Federal fugitives, or protecting important Federal witnesses, but their responsibilities extend far beyond these high-profile cases. The Marshals Service provides support and protection for over 700 judicial facilities and 2,000 judges and magistrates nationwide. This includes maintaining custody of and transporting Federal prisoners, executing court orders and arrest warrants, and assisting the Justice Department's Seizure and Forfeiture Program. They are also trained and available to respond in emergency or crises situations.

The District of New Mexico has developed into one of the best equipped and well-managed units in the U.S. Marshals Service. In 1993, they accomplished their work in all major mission areas, having the highest rate of prisoner production and the lowest average cost per production for any medium-sized district. This has been accomplished under the masterful leadership of U.S. Marshal Michael Lehmann. In a country besieged by crime, this type of effective and efficient law enforcement is to be commended.

Mr. President, I hope you and the rest of the Senate will join me in congratulating the District of New Mexico Marshal Service and Marshal Lehmann for their outstanding success.

EDUCATION DAY IN RHODE ISLAND

Mr. PELL. Mr. President, on Monday of this week I had the opportunity to join Deputy Education Secretary Madeline Kunin and members of the Rhode Island congressional delegation in a most exciting and worthwhile education day in my home State. I call it an education day not simply because of the education events that took place but because of the immense amount of education each of us received that day.

We began with a visit to the Grove Elementary School in East Providence. That school is literally in love with learning, and it is a love that extends to and involves everyone—administrators, teachers, parents, and students. Parents are very involved in the education of their children at Grove Elementary. They are an integral part of the very management of the school and the educational programs it offers. Administrators and teachers are enthusiastic, not only about their jobs but also about having a strong working relationship with parents and a close involvement in the teaching of the children who attend Grove Elementary.

From East Providence we went to Hope High School in Providence. This is a school that has faced extremely difficult problems in the past, a place where learning was difficult, where the safety of students and teachers was at question, where the community saw the school as a threat, and where the atmosphere of learning was literally under siege.

To say that the situation has changed is an understatement. Under the leadership of a team of extremely talented and devoted teachers and administrators, the school is literally being turned around. Parents are involved in the education of their children. The community around the school is being brought into the school and the school is reaching out to the community to forge a spirit of respect and cooperation.

Today, an atmosphere of learning has returned to Hope High School. Students show up on time and stay in school because they want to learn. Dignity and respect are becoming the hallmarks of education at Hope High, something that extends not just to the physical facilities but most important, to teachers, administrators, and students.

At a working luncheon with teachers from NEA/Rhode Island and the Rhode Island Teacher Federation, we had a frank discussion of the problems that teachers face and the concerns they have about building a strong system of education throughout Rhode Island. That discussion reinforced what we had already learned at Grove Elementary and Hope High, namely that teachers need resources if they are to succeed. This means instructional materials and facilities. It means the opportunity for continued professional development. And, it means giving the teacher the time to focus on what and how they will teach.

That evening, educational leaders from throughout Rhode Island came to Johnson and Wales University to meet and hear from Deputy Secretary Kunin. There were college presidents, school teachers, and administrators, business leaders, school committee members, college professors, and State legislators. What they heard from Deputy Secretary Kunin was a moving and compelling call to action, and an eloquent reinforcement that the future strength and health of our Nation depends upon the education and character of our people.

Mr. President, we will soon undertake consideration of the Goals 2000 legislation. When we move to debate that bill, I will have the memories of last Monday fresh in my mind. I know, however, that I am not alone. The exciting reform efforts occurring in my home State of Rhode Island are being duplicated in schools and communities throughout America. What we can and should do by enacting the Goals bill is spur education reform so that changes like the exciting things I saw occurring in Grove Elementary and Hope High will be brought to every school not only in Rhode Island but throughout America.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Edwin R. Thomas, 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 two treaties which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE REPUBLIC OF BULGARIA—MESSAGE FROM THE PRESIDENT—PM 78

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

On June 3, 1993, I determined and reported to the Congress that Bulgaria is in full compliance with the freedom of emigration criteria of sections 402 and 409 of the Trade Act of 1974. This determination allowed for the continuation of most-favored-nation (MFN) status and certain U.S. Government financial programs for Bulgaria without the requirement of a waiver.

As required by law, I am submitting an updated Report to Congress concerning emigration laws and policies of the Republic of Bulgaria. You will find that the report indicates continued Bulgarian compliance with U.S. and international standards in the areas of emigration and human rights policy.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 26, 1994.*

REPORT TO CONGRESS CONCERNING EMIGRATION LAWS AND POLICIES OF THE REPUBLIC OF BULGARIA

This report on the emigration laws and practices of the Republic of Bulgaria constitutes the periodic report required by subsections 402(b) and 409(b) of the Trade Act of 1974, as amended ("the Act"), as a consequence of Presidential Determination 93-26 of June 3, 1993 that Bulgaria is not in violation of paragraphs (1), (2), or (3) of subsections 402(a) and 409(a) of the Act.

All current information indicates that the emigration laws and practices of the Republic of Bulgaria satisfy the criteria laid out in subsections 402(a) and 409(a) of the Act in respect of all matters covered in those subsections.

Freedom of movement within Bulgaria and the right to leave it are enshrined in the 1991 constitution and are not limited in practice. No exit visa is required to leave Bulgaria, and no more than nominal fees must be paid by potential emigres. Thousands of Bulgarians left during 1992 and 1993 in search of economic opportunities in the West. Every citizen has the right to return to Bulgaria, may not be forcibly expatriated, and may not be deprived of citizenship acquired by birth. A number of former political emigrants were granted passports and have returned to visit or live in Bulgaria.

There are no outstanding emigration cases involving the United States and no divided family cases in Bulgaria.

In addition to its exemplary emigration practices, Bulgaria respects fundamental human rights and is working to further develop a democratic, free market society and to establish closer relations with the United States.

REPORT ON THE AGREEMENT BETWEEN THE UNITED STATES AND GREECE ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT—PM 79

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95-216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement between the United States and Greece on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement. The Agreement was signed at Athens on June 22, 1993.

The United States-Greece agreement contains all provisions mandated by section 233 and other provisions which I deem appropriate to carry out the provisions of section 233, pursuant to section 233(c)(4). It is similar in objective to the social security agreements already in force with Austria, Belgium, Canada, Finland, France, Germany, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the loss of benefit protection that can occur when workers divide their careers between two countries.

I also transmit for the information of the Congress a report prepared by the Department of Health and Human Services explaining the key points of the Agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the related administrative arrangement. Annexed to this report is the report required by section 233(e)(1) of the Social Security Act on the effect of the Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Agreement. The Department of State and the Department of Health and Human Services have recommended the Agreement and related documents to me.

I commend the United States-Greece Social Security Agreement and related documents.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 26, 1994.*

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-2016. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the former Yugoslav Republic of Macedonia; to the Committee on Foreign Relations.

EC-2017. A communication from the President of the United States, transmitting, pursuant to law, notice relative to the maximum budget deficit amount; referred jointly, pursuant to the order of August 4, 1977, to the Committee on the Budget, and to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-332. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania; to the Committee on Appropriations.

"HOUSE RESOLUTION NO. 166

"Whereas, The Low-Income Home Energy Assistance Program served over 500,000 households in this Commonwealth for the 1992-1993 program year; and

"Whereas, This program helps people in rural and urban areas alike; and

"Whereas, This program helps senior citizens and families with small children; and

"Whereas, This is one of the few programs available to the working poor; and

"Whereas, Weatherization-efforts funding through this program has helped to reduce energy bills for low-income customers and has also helped to conserve energy; and

"Whereas, Federal funding for this program has been steadily decreasing since 1985; and

"Whereas, The demand for this program, however, has been steadily increasing; therefore be it

"*Resolved*, That the House of Representatives of the Commonwealth of Pennsylvania memorialize Congress and the President to fund the Low-Income Home Energy Assistance Program at a level greater than the funding level for the 1992-1993 program year; and be it further

"*Resolved*, That the House of Representatives memorialize Congress and the President to further maintain or increase funding for weatherization programs which help to conserve energy and decrease energy bills of low-income customers; and be it further

"*Resolved*, That copies of this resolution be transmitted to the President and presiding officers of each house of Congress and to each member of Congress from Pennsylvania as an indication of the settlement of this legislative body for Congress to reject all proposals to cut funding for the Low-Income Home Energy Assistance Program."

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. LOTT:

S. 1799. A bill for the relief of Joe W. Floyd; to the Committee on Armed Services.

By Mr. GRAMM (for himself, Mr. HELMS, Mr. SMITH, and Mr. BURNS):

S. 1800. A bill to protect the personal security of Americans by ensuring the imprisonment of violent criminals; to the Committee on the Judiciary.

By Mr. RIEGLE (for himself and Mr. D'AMATO):

S. 1801. A bill to apply certain minimum standards to the conversion of savings associations and savings banks from the mutual form to the stock form, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HOLLINGS:

S. 1802. A bill for the relief of Johnson Chesnut Whittaker; to the Committee on Armed Services.

By Mr. DOLE (for himself, Mr. PRESSLER, Mr. DOMENICI, Mr. NICKLES, Mr. COCHRAN, Mr. HELMS, Mr. SIMPSON, Mr. D'AMATO, Mr. COVERDELL, Mr. GREGG, Mr. GORTON, Mr. THURMOND, and Mr. KEMPTHORNE):

S. 1803. A bill to amend the United Nations Participation Act of 1945 to facilitate coordination between the executive and legislative branches of Government regarding United States participation in, or the use of United States funds for, United Nations peacekeeping activities; to the Committee on Foreign Relations.

By Mr. WARNER:

S. 1804. A bill to amend title 10, United States Code, to eliminate the disparity between civilian and military retiree cost-of-living adjustments caused by the Omnibus Budget Reconciliation Act of 1993; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GREGG:

S. Con. Res. 58. A concurrent resolution expressing the sense of the Congress that any government mandated health care reform should be included on budget and should be subject to the same budget rules as other tax and spending measures; to the Committee on the Budget.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAMM (for himself, Mr. HELMS, Mr. SMITH and Mr. BURNS):

S. 1800. A bill to protect the personal security of Americans by ensuring the imprisonment of violent criminals; to the Committee on the Judiciary.

THE PREDATOR CRIMINAL IMPRISONMENT ACT OF 1994

Mr. GRAMM. Mr. President, today I am going to introduce a bill entitled "The Predator Criminal Imprisonment Act of 1994."

This bill contains the toughest provisions from the anticrime bill which we adopted in the Senate last year and which I believe contained the nucleus of an effective program to grab violent criminals by the throat and not let them go to get a better grip.

I want to explain to my colleagues and to the American people why I am introducing this bill and what my plans are in regard to it.

We have not passed comprehensive and effective anticrime legislation in the U.S. Congress in 9 years. For 9 years we have passed strong provisions in the Senate. Sometimes we have passed strong provisions in the House. But what has happened is that when those bills have gone to conference, passing through that bottleneck where decisions are made by a small number of people who hold views on crime quite different from the views held by the average American, where the conference seems to blame society and not the criminal for crime, what has happened is that those tough provisions have ended up being stripped out of the bills.

A perfect example was in the last Congress. We passed a provision in the Senate that allowed us to strengthen law enforcement and to make it possible for us to carry out tough sentences, the most important of which was the death penalty, the so-called habeas corpus reforms. That provision was adopted in the Senate. We went to conference with the House on that crime bill, and not only did the members of that conference committee in a dark room somewhere in this great old Capitol strip out the get-tough provision of the Senate bill, but they substituted a provision that would have actually weakened law enforcement.

All of us last night listened to the President endorse the three-time-loser provision. I have personally offered that provision on the floor of the Senate a number of times. It has been offered by others. And I have obviously supported it when I offered it, and I supported it when they offered it. And I am delighted that the President has endorsed that provision.

But I am concerned about two things. First of all, I am concerned that last year in his first address to the Nation in a Joint Session of Congress, the President talked about getting tough on crime. But later when we got his budget he cut prison construction by $580 million. The President and the Attorney General have spent the entire last year trying to repeal mandatory minimum sentencing. Now the President has done a 180, and he says he is for the three-time-loser provision.

I want the President to support the Senate crime bill. We passed a tough crime bill. The House has not yet dealt with that legislation. But I have not heard the President say that he supports the funding mechanism that would cut existing programs to build prisons, to institute a truth-in-sentencing provision, to have 10 years in prison without parole for possessing a firearm during the commission of a violent crime or a drug felony, 20 years for discharging it, life imprisonment for killing somebody, the death penalty in aggravated cases, to have 10 years in prison for selling drugs to a child no matter who your daddy is or how you think society has done you wrong, get-tough provisions that the American people want.

So I have offered this bill today because I am afraid that the House is not going to adopt our funding mechanism, that we are not going to build the prisons, that our get-tough minimum mandatory sentences will not become the law of the land, that our partnership with the States to build regional prisons and to incarcerate repeat offenders will not be put into effect.

So today, I wanted to put the Senate on notice that I am offering a bill that has the get-tough provisions of the Senate bill in it. If by May 1 the House has not passed a crime bill, if by May 1 we have not taken action to give the American people something they desperately want but have been denied for 9 years in a row in getting, I am going to begin in the month of May offering these get-tough provisions as an amendment to the bills under consideration in the Senate.

It would not be my objective to tie up the Senate. I do not think we would need a lengthy debate. We have already voted by large margins for the provisions of this bill.

The provisions of the bill include: Mandatory minimum sentences for gun offenses, the death penalty in aggravated cases for murder with a gun, mandatory minimum sentencing for selling drugs to a child, life imprisonment on a second offense, imprisonment for individuals who commit violent crimes and drug felonies and on the third offense put them in prison for life and keep them there and do not engage in plea bargaining on that third offense and direct prosecutors to go for life in prison.

Basically, these are get-tough provisions that build prisons; that enter into a partnership with the States; that guarantee that when somebody is put in prison for 10 years for a violent crime, they serve almost every single day in prison of those 10 years; that use existing prison space by setting a higher standard on the Federal courts because today 43 of our States are limited by the Federal courts in terms of their ability to keep violent predator criminals off the streets, even though many of these criminals are committing 100 violent crimes a year.

Mr. President, our bleeding Nation demands that we act. For 9 years we have not acted. The President, last night, got on America's team on this issue. I urge him to do several things: Endorse the Senate bill. If there are areas of the Senate bill the President cannot support, tell us what they are, give us an opportunity to sit down and work out a viable compromise. Urge those in the House who still blame so-

ciety for crime to recognize that the American people, this year, will not be denied. The purpose of this legislation is to guarantee that we are not denied. I will introduce this bill today.

I ask unanimous consent that this two-page outline be printed in the RECORD.

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

THE PREDATOR CRIMINAL IMPRISONMENT ACT OF 1994

TITLE 1. FINDINGS

The Congress makes the following findings:

(1) The most important domestic function of the Federal government is the protection of the personal security of individual Americans through the enactment and enforcement of laws against criminal behavior.

(2) The criminal justice system in America is failing to achieve its basic objective of protecting the innocent and punishing the guilty.

(3) In America today, there exists crime without punishment. Failure to remedy this imperils the public safety, disrupts domestic tranquility, and threatens the rule of law.

TITLE 2. EFFECTIVE MANDATORY MINIMUM PRISON SENTENCES

A. Provide for a mandatory term in prison of at least 10 years for any individual who possesses a firearm while committing a crime of violence or drug felony, not less than 20 years in prison if the weapon is discharged and either life imprisonment or the penalty of death in aggravated circumstances if the gun is used to kill a person during the commission of such a crime.

B. Provide for a mandatory, minimum term in prison of 10 years for any adult who sells drugs to a minor or who involves a minor in drug trafficking operations; provide for not less than life imprisonment upon conviction for a second such offense.

C. Provide for not less than life imprisonment for any individual who commits a serious drug felony or violent crime after two prior convictions for such offenses.

The Senate agreed by voice vote to include these penalties in H.R. 3355, the 1993 Senate passed anti-crime bill after voting 58–42 to modify the Gramm amendment with the D'Amato proposal to apply the gun penalties to State as well as Federal offenses.

TITLE 3. CONSTRUCTION OF REGIONAL PRISONS FOR VIOLENT CRIMINALS

A. Authorize the construction of at least 10 regional prisons with each housing at least 2500 inmates. Such regional prisons would house violent criminals convicted in either state or federal court. In order to be eligible to use the regional prisons, each participating state must insure that violent criminals serve at least 85% of their sentence; must adopt pre-trial detention policies similar to those in the Federal system; must adopt sentences for firearms offenders that are at least as long as those imposed under Federal law; and must allow recognition of the rights of victims of crime. The Senate voted to include such provisions in H.R. 3355 when it voted 94–4 in November 1993 and passed the Byrd amendment.

TITLE 4. INCREASED USE OF EXISTING PRISON SPACE

A. Currently, too many violent criminals serve too little of their sentences because the Federal courts have placed population limits or "caps" on prisons to remedy a variety of prison conditions deemed unsuitable by the court. Title 4 would limit such "cap" orders to those circumstances where an individual plaintiff inmate has proven that crowded conditions have violated the Constitution.

Thus, court ordered limits on prison inmate population levels would be used only to remedy Constitutional violations created by overcrowding. In addition, other remedies, such as improved health care, would have to be exhausted prior to the imposition of a prison population cap.

The Senate voted 68–31 to include this Helms-Gramm-Mack-Graham language as Section 5139 in H.R. 3355, the Senate passed anti-crime bill.

TITLE 5. ESTABLISHMENT OF "VIOLENT CRIME REDUCTION TRUST FUND"

A. The Senate voted 94–4 to adopt the Byrd amendment which would establish a new "Violent Crime Reduction Trust Fund". The $22 billion fund would be created by reducing over a period of 5 years the level of federal employment by 252,000. The reduction in federal personnel levels was recommended by Vice-President Gore in the Report of the National Performance Review. During consideration of the 1993 Unemployment Compensation bill the Senate had voted 82–14 in favor of such a personnel reduction as proposed in the Gramm amendment; the House had approved the proposal 275–146.

Mr. RIEGLE (for himself and Mr. D'AMATO):

S. 1801. A bill to apply certain minimum standards to the conversion of savings associations and savings banks from the mutual form to the stock form, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MUTUAL DEPOSITORY INSTITUTION CONVERSION PROTECTION ACT OF 1994

• Mr. RIEGLE. Mr. President, today I am introducing the Mutual Depository Institution Conversion Protection Act of 1994. I am pleased that Senator D'AMATO is joining me as an original cosponsor. This important legislation is designed to address problems that have arisen as mutually held depository institutions have converted to stock ownership form.

While mutual to stock conversions are not a new phenomenon, they have become the subject of outrageous insider abuse. Conversions have historically been an effective means for ailing mutuals to raise capital. More recently, however, management and insiders at well capitalized institutions have used the conversion process to unfairly profit by obtaining stock and options, and by generally underpricing the institutions themselves. Where Federal regulations governing conversions have proven too effective in limiting abuse, the institutions have switched to State charters in order to take advantage of more lenient State regulations.

By way of example, I am including with my statement an article from the American Banker describing a conversion recently proposed by an institution that had switched from a Federal to a State charter. In this case, management and insiders would obtain all the shares offered in the conversion. The depositors, who theoretically own the institution, would receive nothing. To make matters worse, the institution would end up with less capital as a result of the transaction because the proceeds of the proposed conversion would be less than the cost of the deal. In the end, the depositors/owners would have a smaller stake in a more poorly capitalized institution.

The conversion games have clearly gotten out of hand. A recent issue of Money Magazine urged readers to open deposit accounts in mutuals in order to cash in on future conversions, stating, "Just $500 in an account at the right institution will buy you your very own place at the trough. You won't be able to scarf up as much as the insiders, but you'll do okay."

This self-dealing should stop, and stop now. These outrageous conversions are not victimless crimes. To the extent that management and insiders are skimming off the net worth of the institution through a conversion, they are doing so at the expense of the institution and its account holders. Significantly, such transactions also siphon capital that ultimately protects the deposit insurance system.

The legislation that I introduce today will ensure that management and trustees fulfill their obligations to act in the interest of the institution. My intention is not to abolish conversions, but to ensure that proper incentives drive these transactions.

First, the bill eliminates the incentives for institutions to switch to State charters by establishing the Federal regulations as the starting point for all conversions. The Office of Thrift Supervision would enforce the Federal regulations for all depository institutions, but the States would retain authority to impose more stringent protections against abuse. The Federal regulations would simply serve as a floor.

Second, the bill forbids management and insiders from receiving benefits through the transaction except in their role as depositors. If they are depositors, they may receive the same preferential terms that all depositors are offered and no more—no free stock, no preferential purchase rights. Otherwise, management and insiders are treated as the general public is treated. Further, the Director of the Office of Thrift Supervision is required to set both a percentage and dollar cap on the ownership stake acquired by insiders.

Third, incentive compensation such as stock options cannot be conferred during the first year following the conversion. Decisions concerning such incentive programs are better made by established stockholders who can evaluate the costs and benefits of such a program, rather than mutual depositors contemplating a conversion proposal.

Finally, the bill mandates a study of the conversion process by the Secretary of the Treasury. This study will determine the adequacy of existing Federal law and regulations in ensuring an equitable conversion process, the accuracy of the stock appraisals employed in conversions, and the adequacy of disclosure to the depositors and the public required in conversions. The Secretary will report his findings to the Congress within 1 year.

Mutual to stock conversions are complex transactions in which the problems are far easier to identify than the solutions. It is essential, however, that we stop insiders from putting their own best interest ahead of their depositors, and this bill will do so. I look forward to working with Senator D'AMATO and the rest of the Banking Committee to improve the bill as we move through the legislative process.

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

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

AN INSIDERS-ONLY IPO WOULD LOWER NET WORTH OF A MILWAUKEE MUTUAL

(By Robyn Meredith)

WASHINGTON.—In a new twist on the controversial trend of mutual thrifts selling stock for the first time, Wisconsin's largest mutual plans a deal that for the first time ever would leave a thrift with lower net worth after it issues stock.

Milwaukee's Mutual Savings Bank would still have capital equal to about 9.5% of assets, high by industry standards.

But Mutual's offerings is also unusual in that no depositors will be allowed to buy the stock, which is being reserved solely for company insiders.

CONGRESS HEARING THE CRITICS

Mutual's plans to sell stock for the first time come as Congress is holding hearings on conversions.

Key members of the House Banking committee, including Chairman Henry B. Gonzalez, D-Tex., have introduced legislation that would require federal regulators to tighten state laws that permit large blocks of the new thrift stock to be given or sold to insiders.

With the transaction, Mutual plans to keep the majority of the company depositor-owned while selling a minority share of stock. It will do so by forming a mutual holding company.

PREFERRED STOCK

The $1.24 billion-asset thrift would form a holding company-owned by the thrift's depositors—which in turn will be the parent of the savings bank.

The savings bank will issue stock, at least 80% of which will be held by the mutual holding company. The minority share—a preferred stock class paying a 6% annual dividend—will be given and solid to the thrifts' executives and employees.

President and chief executive Michael T. Crowley Jr. defended the deal, saying the thrift needs a holding company to acquire other institutions in the future.

He said the shares were offered only to insiders because a traditional stock offering, in which roughly $129 million in stock would have been sold to the public, would have raised too much capital for the thrift to safely deploy.

Mr. Crowley said that although the depositors who own the thrift can't buy stock in the deal he is protecting their interests. By granting employees and managers large blocks of stock and stock options, he is giving them incentives to boost the thrift's performance, he said.

All the officers are 60 years old or less including Mr. Crowley, 51, who is also a director. One of the other six directors is below retirement age. Chairman Michael T. Crowley Sr. is 80.

INCENTIVES CALLED APPROPRIATE

The thrift president said paying the directors performance incentives is appropriate. "They are certainly going to be staying with the company as long as they are functioning and contributing to the company," Mr. Crowley said. "I don't think that I would categorize any of the directors as old."

By creating a holding company that can make acquisitions, "We are creating more value for the depositors, not less," by protecting depositors' ability to buy stock should the thrift later go fully public, he added.

In standard stock conversions, insiders often wind up with large blocks of the new stock—up to 25%, according to Mr. Crowley. By doing a mutual holding company conversion, "We are preserving 80%" for depositors, Mr. Crowley said.

'NOTHING IS BEING TAKEN AWAY'

Depositors "will own the institution when it is done and they will own the institution in the same proportion as if we had done a stock offering," he said. "Nothing is being taken away from them at all."

As a result of Mutual's stock issuance, its capital will decline from $129 million, or 10.4% of assets, to $117 million, or 9.5%. The stake going to insiders amounts to 1,787,000 shares valued at about $15 each.

If the stock were sold at $15 a share, Mutual would raise its capital by roughly $26.8 million.

FREE STOCK, PLUS BONUSES

The deal will produce just $2.34 million in income—the amount sold to the 10 directors and officers—while costing Mutual roughly $17.8 million.

In addition to the stock they purchase. Mutual executives will share $2.34 million in free stock, along with $1.8 million in cash bonuses to offset taxes they would otherwise face.

In addition, $8.3 million of the stock will go to a tax-qualified employee stock ownership plan. Mr. Crowley's supplemental pension plan will be funded through $341,000 in the stock.

And 900,000 shares in stock options valued at roughly $4.5 million will be issued. Fees for the transaction will be $432,000.

Kip A. Weissman, a partner who specializes in thrift stock conversions at the Washington-based law firm Silver, Freedman & Taff, said, "As currently structured, the cost of the stock programs appears to offset the amount of capital raised in the private placement."

The deal could raise hackles in Congress, which held hearings Thursday in North Carolina to consider depositors' complaints about such deals. A second hearing will be held Wednesday on Capitol Hill. "If the transaction does result in a capital drain, I would think it could be subjected to criticism on Capitol Hill," Mr. Weissman said.

Reid Nagle, president of Charlottesville, Va.-based SNL Securities, said Mutual's deal, "obviously benefits insiders, and exclusively insiders."

If executives were solely interested in enriching themselves, "They probably could have done equally well in a standard conversion, but in a mutual holding company conversion, they retain control," he said.

Because the depositor-owned holding company would control at least 80% of the company, outside stockholders could not unseat the board. "They have the comfort of going home at night knowing that they can remain as directors and officers as long as they choose," Mr. Nagle said. "This is self-enrichment without loss of control."

The deal would not be allowed under Office of Thrift Supervision rules, which govern stock conversions for all savings and loans and for federally chartered savings banks. In 1992, Mutual changed its charter from an OTS-regulated, state-chartered savings and loan to a state-chartered savings bank.

The differences are important because the proposed legislation would force Mutual's deal to follow standards similar to those imposed by the OTS.

STATE APPROVAL NEEDED

Mutual filed its conversion plan Jan. 4 with its state regulator, which must approve the deal. Although the deal would result in a lower net worth, Mutual said in the documents that it planned to use the proceeds from the transaction "to increase its regulatory capital and for general corporate purposes."

Harold N. Lee Jr., the Wisconsin savings and loan commissioner, refused to comment on the deal. Mr. Lee last year was chairman of the American Council of State Savings Supervisors, the trade group that represents regulators.

In the past, he supported deals that have awarded thrift executives large blocks of free and low-priced stock. He has said executives deserve to be rewarded for successfully steering thrifts through the S&L crisis.

Asked why he would pursue a deal that would lower net worth, Mr. Crowley Jr. said that Mutual is already overcapitalized.

"I guess if we were at 4%, we would be more concerned about it," he said. "I don't know that 9½% is a bad number—last time I looked," that was a very good capital ratio to have, he said. "It makes a lot more sense not to force a glut of capital into a very highly capitalized institution.

"If we wanted to just increase our salaries over the next 10 years or five years, it wouldn't be an issue—It wouldn't be news," Mr. Crowley said. This way, employees will own a stake in the company as well. Selling stock will "start to create a change in our corporate culture, which has been a mutual for 101 years," he said.●

● Mr. D'AMATO. Mr. President, I am pleased to cosponsor S. 1801, legislation designed to regulate mutual to stock conversions of savings associations.

This is an issue that causes me great concern. It represents nothing less than the plunder of our Nation's depositors by some unscrupulous managers and officers of mutual savings institutions.

In our depository system, there are two types of savings institutions. Stock savings banks are incorporated institutions owned by their shareholders, and managed by an elected board of directors. Mutual savings banks have no shareholders. These institutions are owned by the depositors, and

managed by a board of trustees, acting in a fiduciary capacity, who often nominate and elect themselves to these positions.

Recently, some of these mutual savings banks have discovered a quick way to enrich their own officers and managers at the expense of depositors. While there are excellent reasons for conversions—to raise capital, for example—the conversion process has been misused, and depositor funds misappropriated, by sharp operators. In too many instances, insiders simply convert the mutual to a stock institution, providing themselves with lucrative stock options, or even outright grants of stock, in the new institution. The depositors, the actual owners, get disproportionately little of the benefits of the conversion, while the insiders get rich.

One glaring example of this attempted abuse occurred in my own State of New York. The trustees of the Green Point Savings Bank wanted to convert the institution to a stock savings bank, and in the process would have given themselves stock worth an estimated $85 million, money that rightly belongs to the institution's depositors.

Fortunately, the New York State Banking Department, under able leadership of Superintendent Derrick Cephas, stepped in and prevented this deal from going forward under the original egregious terms. On Monday, Mr. Cephas issued an order requiring Green Point to cancel all stock grants to insiders, eliminate other personal benefits for the trustees, and appoint three new independent outside directors who will report directly to the banking department.

However, this problem is far from solved. While Mr. Cephas has taken forceful and decisive action in New York, conversions of this nature are going on across the Nation. Only yesterday I was advised that Wisconsin's largest mutual savings bank is planning to convert to stock form, without allowing any depositors to purchase stock in the new bank. Worse yet, the conversion would actually lower the capital of the institution.

Mr. President, this abuse of depositors must stop. It is clear to me that many of these transactions are nothing less than bank robbery. Federal legislation is needed to correct these abuses now and on a nationwide basis, as well as to tighten up existing Federal regulation of the conversion process. That is why I am joining with Senator RIEGLE in introducing legislation to set basic depositor protection standards for mutual to stock conversions. These new Federal standards will set a floor, not a ceiling. State regulators will be free to provide additional protection. But if the States do not act, or do not provide sufficient protection on their own, our legislation will establish fundamental depositor rights needed to protect our citizens from this type of financial abuse.

Mr. President, I hope that the Banking Committee will be able to consider this proposal as soon as possible, and that Senate passage of this important consumer protection measure will occur soon thereafter.●

By Mr. DOLE (for himself, Mr. PRESSLER, Mr. DOMENICI, Mr. NICKLES, Mr. COCHRAN, Mr. HELMS, Mr. SIMPSON, Mr. D'AMATO, Mr. COVERDELL, Mr. GREGG, Mr. GORTON, Mr. THURMOND, and Mr. KEMPTHORNE):

S. 1803. A bill to amend the United Nations Participation Act of 1945 to facilitate coordination between the executive and legislative branches of Government regarding U.S. participation in, or the use of U.S. funds for, United Nations peacekeeping activities; to the Committee on Foreign Relations.

PEACE POWERS ACT OF 1994

Mr. DOLE. Mr. President, last year's congressional uproar over United States blunders in Somalia, Bosnia, and Haiti, has prompted some to call for a review of the War Powers Act. However, in my view, at the root of Congress' balking about these foreign policy flops and flip-flops is not the relationship between the Congress and the Executive, but the relationship between the United States and the United Nations—and the lack of a statutory congressional role in that relationship.

The problem in Somalia, Bosnia, and Haiti was not the unilateral pursuit of United States national interests. Each of these foreign blunders was the result of the administration deferring to or depending on the United Nations to define U.S. policy. Our policy in Somalia went awry when the mission changed from carrying out humanitarian aid deliveries to carrying out the U.N.'s vendetta against General Aideed, and when feeding people turned into nation-building.

Instead of supporting Bosnia's right to self-defense under article 51 of the U.N. charter, at the urging of fellow members of the U.N. Security Council the administration tentatively pledged 25,000 troops to implement a U.N.-mediated plan which would reward aggression and dismember Bosnia-Hercegovina, a U.N. member state. In the case of Haiti, only a mob scene prevented the commitment of United States troops to a U.N.-commanded deployment with a murky mission and inadequate security.

The administration has reviewed or altered these ill-conceived, U.N.-driven policies as a result of congressional pressure—not as a result of congressional oversight or authority. The reality is that Congress plays no formal role in U.N. peacekeeping decisions and so, the usual checks and balances do not exist. In contrast to the foreign aid process—where Congress must be notified of minor dollar changes in assistance programs—hundreds of millions of dollars are committed for U.N. peacekeeping without the Congress ever receiving even copies of the relevant U.N. Security Council resolutions or reports. The Congress is expected to pay the bills, no questions asked, and after the fact.

The process by which U.N. peacekeeping missions are recommended and decided upon are shrouded in secrecy, and appear based on inconsistent criteria. Nevertheless, once the U.N. Security Council votes to approve a peacekeeping operation, the United States is automatically obligated to pay nearly one-third of every operation. By the end of this fiscal year, the United States will owe roughly $1 billion beyond the $401 million already appropriated for U.N. peacekeeping—and this does not count hundreds of millions spent in support of U.N. peacekeeping objectives.

At a time when the American people are calling for budgetary restraint at home, U.N. peacekeeping has become an exploding international entitlement program—with some 20 operations currently underway. On September 27, 1993, when President Clinton laid out criteria for U.N. peacekeeping operations, he also said the United Nations "must know when to say no" to peacekeeping. Yet, since late September, the Security Council—with the United States casting "yes" votes—has begun, continued, or modified peacekeeping operations in Mozambique, the Iraq/Kuwait border, Somalia, El Salvador, Cyprus, Lebanon, Georgia, Haiti, Rwanda, the former Yugoslavia, and Liberia—and is considering new operations in Angola, Tajikistan and other hot spots in the former Soviet Union. Yet, the Security Council has only said "no" to peacekeeping in Burundi.

Meanwhile, there has been minimal consultation with Congress on peacekeeping matters, despite serious funding shortfalls and congressional concerns about administration policy in this regard. With peacekeeping costs and deployments mushrooming, peacekeeping environments increasingly dangerous and hostile, and this administration's increasing reliance on the United Nations for policy direction, the Congress is compelled to take action.

Therefore, together with Senators PRESSLER, DOMENICI, NICKLES, COCHRAN, HELMS, SIMPSON, D'AMATO, COVERDELL, GREGG, GORTON, THURMOND, and KEMPTHORNE, I am introducing the Peace Powers Act of 1994, to bring U.S. interests, as well as greater openness and accountability, into the peacekeeping decisionmaking process.

The United Nations Participation Act was passed in 1945 and has only been amended twice—the last time nearly 30 years ago. Traditionally, Congress has paid little attention to U.N.

peacekeeping activities because they were low-cost and low-risk. In recent years, however, as U.N. peacekeeping activities proliferated and as U.S. commitments to these operations increased, Congress has taken a closer look, and thanks to the leadership of some of my Republican colleagues, Congress has begun to impose some limits on U.N. peacekeeping.

The Peace Powers Act of 1994 is largely the product of those earlier legislative efforts to get a handle on U.N. activities. This legislation was intended as an umbrella—to cover the concepts and ideas of many Senators. My distinguished colleagues, Senators DOMENICI, PRESSLER, NICKLES and COCHRAN deserve special mention for their efforts. Numerous provisions they have sponsored in other bills are included in this legislation.

Senator PRESSLER has a long and distinguished track record in pressing for U.N. reform. In the Senate Foreign Relations Committee, he offered four provisions on notifications, reporting, and reimbursement which were incorporated into S. 1281, the State Department authorization bill, which the Senate will begin to consider today. All four provisions are included in this legislation. Senator PRESSLER also will offer an amendment on an inspector general at the U.N., and that concept is also included in the Peace Powers Act.

Senator DOMENICI has authored provisions on accountability, buy America, and cost savings in his work on the Appropriations Committee—all of which are reflected in the Peace Powers Act. And, Senators NICKLES and COCHRAN raised the issue of foreign command of U.S. forces last fall during debate on the Defense Appropriations bill; this critical issue is also addressed in this legislation in a manner which should meet the key concerns raised about the Nickles/Cochran amendment last year. I appreciate all of my colleagues efforts and their cosponsorship of this legislation.

Let me just highlight some of the key provisions of the Peace Powers Act of 1994:

First, no U.S. troops under foreign command for United Nations peacekeeping activities. American troops should not be placed under foreign command in U.N. operations. When I went to war, it was for the stars and stripes not for the blue banner of the United Nations. Our military personnel should only be asked to risk their lives in support of U.S. interests in operations led by U.S. commanders. The tragedy in Somalia illustrates the unacceptable danger to United States military personnel of serving with multinational units with different equipment and levels of expertise, under untested command structures. The Peace Powers Act does, however, address some of the criticisms leveled against the Nickles-Cochran amendment. The restriction on foreign command only applies to U.N. peacekeeping activities—not to all actions taken under NATO or the U.N. charter—so Desert Storm-type scenarios would not be affected. Furthermore, the bill allows the President to place American troops under foreign command if he determines it is in the U.S. national security interest and is constitutional.

Second, no U.S. forces for a U.N. army without congressional approval. The men and women in the United States Armed Forces voluntarily enlist to protect and defend United States interests, and should not be turned over to a U.N. standing army at the beck and call of the U.N. Secretary General—who is an unelected international bureaucrat ill-prepared to run military operations as is so painfully evident in the former Yugoslavia. The Peace Powers Act clarifies that any article 43 agreement for a standing U.N. army must be subject to congressional approval.

Third, put Congress in the loop. Congress needs to be in the loop before the U.S. casts its vote on peacekeeping activities in the Security Council. Rarely are these emergency decisions, and they always lead to a pledge of U.S. funds or U.S. military personnel. The distinguished Senator from Nebraska, Senator KERREY, stated in a New York Times op-ed last fall that, "every decision to participate in a U.N. peacekeeping operation should be subject to congressional approval." While I would not go so far—nor does this legislation—we must insure that the Congress is consulted and informed prior to Security Council action on peacekeeping matters. Relevant U.N. documents must be provided in a timely fashion so that the Congress can offer input before a decision is made and before we receive the bill. Right now the Congress relies on the good will of the administration or the United Nations to get Security Council resolutions, cost information, or answers to other questions our constitutents ask.

Fourth, truth in budgeting for U.N. peacekeeping. At present, U.S. funding for peacekeeping comes from a number of sources, and increasingly from the Department of Defense. Continued raids on the U.S. defense budget to finance U.N. peacekeeping will guarantee a return to the hollow forces of the late 1970s. Instead, the administration should submit a complete funding request for peacekeeping with the rest of the fiscal year budget request, and request supplemental funding for new operations, if necessary. Furthermore, the United Nations should be put on notice that the United States will not continue to pay an ever-escalating assessed contribution for U.N. peacekeeping—already at 31.7 percent—without congressional input. It is high time to cut off the U.N.'s unlimited credit line.

Fifth, bring accountability to the U.N. process. There is no independent inspection capability at the United Nations and U.S. efforts to establish an inspector general are being essentially ignored by the entrenched, highly paid, bloated U.N. bureaucracy. I am not talking about adding another bureaucrat with a fancy title who answers to Boutros Boutros-Ghali—that's just window-dressing; I am talking about an independent inspector general who can provide a thorough accounting of U.N. operations to those who pay the bills. It's time for us to use our financial leverage as the U.N's largest donor to achieve fundamental reform.

Finally, give full credit where credit is due. The U.N. must give full and prompt credit for U.S. non-cash or in-kind contributions such as personnel, transport, and equipment. While the United States has spent roughly $1.5 billion in Somalia, the U.N. will give us a bill for an additional $500 million for U.N. peacekeeping in Somalia. The U.S. taxpayer can no longer afford this kind of warped U.N. accounting which does not reflect the totality of what we provide.

The Peace Powers Act of 1994 includes limitations on intelligence-sharing with the United Nations; I think that most of my colleagues would agree that providing intelligence to the U.N. is like giving it directly to the news media. Our intelligence committee needs to be brought into the U.N. intelligence loop, as well.

This bill requires steps to ensure the safety of Americans captured during U.N. peacekeeping operations. In addition, it requires access for American companies to U.N. peacekeeping contracts—to prevent what happened in Cambodia, where American car makers were shut out.

The Peace Powers Act of 1994 will not solve all the problems associated with U.S. involvement in U.N. peacekeeping activities, but it should help increase accountability, control costs and start bringing U.S. interests into the decisionmaking equation.

Some may argue that the Peace Powers Act is congressional intrusion into the executive's power—that it places undue limits on the President's powers as Commander in Chief. My response is simple: the Peace Powers Act only places limits on our participation in some United Nations activities. It has no impact on decisions involving American forces acting in support of American interests—whether unilaterally or in a coalition under the U.N. charter or the NATO treaty.

I would like to quote from an article written by the distinguished President pro tempore for the New York Times last summer, "Congress' ability to support or deny financing is critical to insuring its voice in policy making. Until a clear consensus is reached regarding the U.S. role in all peacekeeping matters, Congress should not hand off its constitutional responsibility."

Let me make it clear: this act would not limit Presidential power to act under article 43 of article 51 of the U.N. charter in defense of American interests—in Somalia, in Bosnia, in Haiti or anywhere else—unless the President chooses to involve U.S. forces in a U.N. peacekeeping operation.

Mr. President, the American people rallied in support of the President during Desert Storm; they knew that U.S. interests were at stake and that U.S. forces were defending these interests under the command of the President, our Commander in Chief. However, the American people are tired of spending money—and risking lives—for operations conceived by and run from U.N. headquarters in New York.

Because I believe we cannot afford to wait on this matter, I intend to offer this legislation as an amendment to S. 1281, the State Department authorization bill.

I ask unanimous consent that a section-by-section analysis of this legislation, as well as the articles by the distinguished President pro tempore and Senator KERREY which support many principles included in this bill, be printed in the RECORD.

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

PEACE POWERS ACT OF 1994—SECTION-BY-SECTION ANALYSIS

SECTION 1: SHORT TITLE

Section 1 states the short title for this legislation is the "Peace Powers Act of 1994."

SECTION 2: STATEMENT OF PURPOSES

Section 2 states five purposes for the Act:

(1) To maintain and ensure primacy of U.S. national security interests.

(2) To strengthen Congressional ability to oversee peacekeeping and other U.N. activities.

(3) To provide for Congress to be notified in advance regarding anticipated U.N. peacekeeping activities.

(4) To ensure U.N. peacekeeping assessments made to the United States are fair and equitable.

(5) To facilitate coordination between legislative and executive branches regarding U.S. participation in U.N. peacekeeping.

SECTION 3: DEFINITIONS

Section 3(a) amends the U.N. Participation Act of 1945 (UNPA) by adding a new section 10 with definitions.

Section 10(1) defines "appropriate congressional committees" as the Committees on Appropriations, Armed Services, Foreign Relations of the Senate, and Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives.

Section 10(2) defines "Permanent Representative" means the Permanent Representative of the United States to the United Nations.

Section 10(3) defines "United Nations peacekeeping activities" to mean any international peacekeeping, peacemaking, peaceenforcing, or similar activity involving the use of nationals from member countries authorized under chapter VI or VII of the United Nations Charter.

Section 3(b) applies the definitions in subsection (a) to provisions in the Peace Powers Act which do not amend the U.N. Participation Act.

SECTION 4: LIMITATION ON PLACEMENT OF U.S. ARMED FORCES UNDER FOREIGN CONTROL FOR U.N. PEACEKEEPING ACTIVITIES

Section 4 amends Section 6 of U.N. Participation Act of 1945 as follows:

Section 6(a) requires approval by Congress of any special agreement or agreements negotiated by the President with the U.N. Security Council under Article 43 of the U.N. Charter, providing for the numbers and types of U.S. forces, their degree of readiness and general locations, or nature of facilities and assistance, including rights of passage.

Section 6(b) provides that the President may not place U.S. armed forces under the command or operation control of foreign nationals in United Nations peacekeeping activities unless:

(1) The President satisfies requirements of subsection (c); or

(2) Congress enacts an Act or a joint resolution specifically authorizing such subordination.

Section 6(c)(1) requires the President to submit to the appropriate congressional committees the following documents:

(A) A determination that:

(i) The proposed subordination of U.S. armed forces under foreign command is in the national security interest of the United States;

(ii) U.S. unit commanders proposed for subordination to the command of foreign nationals will at all times retain the ability to report independently to higher U.S. military authorities;

(iii) The United States retains the authority to withdraw U.S. armed forces from the operation at any time and to take such actions as it deems necessary to protect the forces if they are endangered; and

(iv) U.S. armed forces subordinated to foreign command will at all times remain under U.S. administrative command for such purpose as discipline and evaluation.

(B) The justification for the determination pursuant to paragraph (A)(i).

(C) A memorandum of legal points and authorities explaining why the proposed foreign command arrangement does not violate the U.S. Constitution.

Section 6(c)(2) requires the documents described in section 6(c)(1) to be submitted to the appropriate congressional committees 15 days in advance of any subordination to foreign command, unless the President determines an emergency exists which prevents 15 day notice, in which case the documents must be submitted no later than 48 hours after such subordination.

Section 6(d) provides that, except as authorized by Section 7 of the UNPA, nothing contained in the act shall be construed as an authorization to the President, by the Congress to make available to the U.N. Security Council U.S. armed forces, facilities, or assistance.

SECTION 5: NOTICE TO CONGRESS OF PROPOSED U.N. PEACEKEEPING ACTIVITIES

Section 5 amends section 4 of the U.N. Participation Act of 1945, by adding a new section 4(b), and makes technical and conforming changes.

Section 4(b)(1) provides that, except as provided in paragraph 2, 15 days before a U.N. Security Council vote to authorize a peacekeeping activity (including extension, modification, suspension, or termination of previously authorized peacekeeping activities) which would involve the use of U.S. Armed Forces or the expenditure of U.S. funds, the President shall modify the appropriate congressional committee. The notification shall include a cost assessment of the participation (including total estimated costs and the U.S. share), mission and objectives, duration, estimated termination date and the source of funding for the U.S. share of costs (whether in an annual budget request, reprogramming notification, a budget amendment, or a supplemental budget request).

Section 4(b)(2) provides that if the President determines an emergency exists which prevents submission of the 15-day advance notification and that the proposed action is in the national security interests of the United States, the President may provide the notification in a timely manner, but not less than 48 hours after the vote.

SECTION 6: TRANSMITTAL TO CONGRESS OF U.N. RESOLUTIONS AND REPORTS

Section 6 amends Section 4 of the U.N. Participation Act of 1945 by adding a new section 4(c).

Section 4(c)(1) requires the Permanent Representative to transmit the text of a resolution authorizing international peacekeeping activities or other actions under the U.N. Charter and any supporting documentation to appropriate congressional committees not later than 24 hours after its adoption.

Section 4(c)(2) requires the Permanent Representative to promptly transmit to the appropriate congressional committees any report prepared by the United Nations on proposed, ongoing or concluded peacekeeping activity.

SECTION 7: NOTICE TO CONGRESS REGARDING CONTRIBUTIONS FOR U.N. PEACEKEEPING ACTIVITIES

Section 7 amends Section 4 of the U.N. Participation Act by adding a new section 4(d).

Section 4(d)(1) requires the President to notify appropriate Congressional committees not later than 15 days after the United Nations submits billing requesting payment by the United States for any contributions for U.N. peacekeeping activities.

Section 4(d)(2) requires the President to notify the appropriate congressional committee 15 days before the United States obligates funds for U.N. peacekeeping activities, unless the President determines an emergency exists and a contribution is in the national security interests of the United States, in which case the notification must be provided within 48 hours after the obligation.

SECTION 8: NOTICE TO CONGRESS REGARDING U.S. ASSISTANCE FOR U.N. PEACEKEEPING ACTIVITIES

Section 8 amends Section 7 of the U.N. Participation Act by adding a new section 7(e).

Section 7(e)(1) requires the President to notify the appropriate congressional committees at least 15 days before any agency or entity of the U.S. government makes available assistance to the United Nations for U.N. peacekeeping activities.

Section 7(e)(2) provides that if that President determines there is an emergency that prevents compliance with section 7(e)(1) and that he determines such assistance is in the national security interests of the United States, notification shall be provided in a timely manner but not after than 48 hours after such assistance is made available.

Section 7(e)(3) defines assistance for the purposes of this section to mean assistance of any kind, including logistical support, supplies, goods, services (including command, control, intelligence assistance and

training) and the grant of rights of passage, and assistance provided through in-kind contributions or through the provision of goods and services on any basis, including grant, lease or reimbursable basis but does not include the payment of voluntary or assessed contributions.

SECTION 9: U.S. CONTRIBUTIONS FOR U.N. PEACEKEEPING ACTIVITIES

Section 9 amends Section 4 of the U.N. Participation Act by adding a new section 4(e).

Section 4(e)(1) provides that the President shall, at the time of the annual budget submission, submit a report to Congress, on the anticipated budget for U.S. participation in U.N. peacekeeping activities for the fiscal year.

Section 4(e)(2) requires the report to contain the aggregate amount of funds available to the United Nations for that fiscal year which may be made available to U.N. peacekeeping activities, including assessed and voluntary contributions, and the aggregate amount of funds (from all accounts) and the aggregate costs of in-kind contributions that the United States proposes to make available to the United Nations for that fiscal year for U.N. peacekeeping activities.

Section 4(e)(3) requires the President to include in his budget submission for FY 1996 a projection of all U.S. costs for international peacekeeping activities for fiscal years 1996, 1997 and 1998.

SECTION 10: ANNUAL REPORT

Section 10 creates an annual reporting requirement by adding a new section 4(f) of the U.N. Participation Act.

Section 4(f)(1) requires the Secretary of State, after consultation with the heads of other relevant Federal agencies including the Secretary of Defense, not later than 90 days after enactment of this section and at the time of the President's annual budget submission thereafter to submit a report to the appropriate congressional committees on U.S. contributions to U.N. peacekeeping activities.

Section 4(f)(2) requires each report to include the following information:

(A) The number and nature of ongoing U.N. peacekeeping activities.

(B) The priority accorded to ongoing peacekeeping operations and their anticipated duration.

(C) An assessment of the effectiveness of each operation, its relation to U.S. national security interests, the efforts of the United Nations to resolve the relevant armed conflicts, and projected termination date for each activity.

(D) The total costs of each U.N. peacekeeping activity, both ongoing and concluded, and the total cost of all such activities.

(E) The amount of U.S. assessed and voluntary contributions to each activity, and the total of such contributions.

(F) The incremental costs incurred by the Department of Defense for each such activity, and for all such activities.

(G) Any other assistance (as defined in this Act) made available by the United States to the United Nations, specifying assistance provided on a reimbursable and non-reimbursable basis.

(H) An assessment of the U.N.'s management and support for peacekeeping activities, including all recommendations for improvements made by the United States and any action to implement such recommendations by the United Nations.

(I) A detailed description of efforts by the United States to seek and receive credit towards the U.S. assessment for all assistance provided in support of U.N. peacekeeping objectives.

SECTION 11: REIMBURSEMENT TO THE UNITED STATES FOR IN-KIND CONTRIBUTIONS TO U.N. PEACEKEEPING ACTIVITIES

Section 11 amends Section 7 of the U.N. Participation Act, by adding new sections 7(e) and 7(f).

Section 7(b) is amended to provide that the Secretary of Defense may waive reimbursement for goods and services provided to the United Nations if, after consultation with the Secretary of State and the Director of the Office of Management and Budget, he determines an emergency exists which justifies the waiver. Any waiver shall be submitted to the appropriate congressional committees 15 days before it takes effect unless the President determines an emergency exists which prevents compliance with the 15 advance notice and that the nonreimbursable provision is in the national security interests of the United States, in which case notification shall be provided not later than 48 hours after the waiver takes effect.

Section 7(e) provides that no funds may be used during any fiscal year for any U.S. contribution for U.N. peacekeeping activities until the Secretary of Defense certifies to Congress that, for the preceding fiscal year, the United Nations has reimbursed the Defense Department directly for goods and services provided to the United Nations on a reimbursable basis.

Section 7(f)(1) requires the Secretary of State to ensure that goods and services provided to the United Nations are reimbursed at the appropriate value as determined by the Department of Defense.

Section 7(f)(2) requires the Permanent Representative to submit a report not later than one year after enactment of this subsection to the appropriate congressional committees on actions taken by the U.S. mission to the United Nations to achieve the objectives of section 7(f)(1).

SECTION 12: LIMITATION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR U.N. PEACEKEEPING ACTIVITIES

Section 12 provides that, beginning October 1, 1995, funds made available to the Department of Defense (including funds for "Operations and Maintenance") shall not be available for U.S. contributions for U.N. peacekeeping activities or for the incremental costs of U.S. Armed Forces in U.N. peacekeeping activities unless Congress has by law specifically made those funds available for such purposes.

SECTION 13: ASSESSED CONTRIBUTIONS FOR U.N. PEACEKEEPING ACTIVITIES

Section 13(a) provides that the Permanent Representative should make every effort to ensure that the United Nations completes an overall review and reassessment of each nation's assessed contribution for U.N. peacekeeping activities. As part of this review, the Permanent Representative should make every effort to advance the concept that host governments and other governments in the region where a U.N. peacekeeping activity is carried out should bear a greater burden of its financial cost.

Section 13(b)(1) provides that the Permanent Representative should make every effort to obtain agreement by the United Nations to a U.S. assessed contribution for U.N. peacekeeping activity that is no greater a percentage than the U.S. share of assessed contributions for other U.N. activities.

Section 13(b)(2) states that Congress declares that, effective for fiscal year 1996, it does not intend to make available funds for payment of U.S. contributions for U.N. peacekeeping activities that exceed 25% of the total amount assessed for such activities.

Section 13(b)(3) requires the Permanent Representative to inform the Secretary General of the intent expressed in section 13(b)(2).

SECTION 14: "BUY AMERICA" REQUIREMENT

Section 14 provides that no funds may be obligated or expended to pay the U.S. share of U.N. peacekeeping unless the Secretary of State determines and certifies to appropriate congressional committees that U.S. manufactures and suppliers are being given the same opportunities to provide equipment, services, and material as foreign manufactures and suppliers.

SECTION 15: UNITED STATES PERSONNEL TAKEN PRISONER WHILE SERVING IN MULTILATERAL PEACEKEEPING FORCES

Section 15(a) contains findings on U.S. personnel serving in multilateral peacekeeping forces.

Section 15(b) expresses the Sense of Congress that the President should take immediate steps, unilaterally and in appropriate international bodies, to assure that U.S. personnel serving as part of a multilateral force when captured are accorded the protection accorded to prisoners of war, and that the President should take all necessary steps to bring to justice all individuals responsible for mistreatment, torture or death of U.S. military personnel who are captured during such service.

Section 15(c) provides that, as part of the report required by section 4(e) of the U.N. Participation Act of 1945 (as added by this act), the President shall include a separate section setting forth:

(1) the status under international law of members of multilateral peacekeeping forces, including the legal status of such persons if captured, missing or detained;

(2) the extent of the risk for captured U.S. personnel in multinational forces where their captors fail to respect the 1949 Geneva Conventions and other international agreements intended to protect prisoners of war; and

(3) the specific steps taken to protect U.S. military personnel, together (if necessary) with any recommendations for enactment of legislation to achieve that objective.

SECTION 16: PROVISION OF INTELLIGENCE TO THE UNITED NATIONS

Section 16 places limits on the provision of U.S. intelligence to the United Nations.

Section 16(a) states that the United States may provide intelligence to the United Nations only pursuant to a written agreement between the President and the Secretary General of the United Nations specifying the type of intelligence to be provided, the circumstances under which the intelligence is to be provided, the procedures of the United Nations concerning access to and protection of the intelligence. Section 17(a) further provides that any such agreement shall be effective for a period not to exceed one year.

Section 16(b) states that the agreement shall be effective only if the President has transmitted the agreement to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives not less than 30 days before it enters into force.

Section 16(c) states that the President may delegate the authority to enter into an intelligence agreement with the United Nations only to the Secretary of Defense or the Director of Central Intelligence.

Section 16(d) states that section 17(a) shall not apply to the provision of intelligence only to and for the use of intelligence by U.S. Government personnel serving with the United Nations, or essential for the protection of nationals of the United States including military personnel and civilian personnel of the U.S. Government.

Section 16(e) states that the provisions of section 17 do not impair or affect the authority of the Director of Intelligence to protect intelligence sources and methods from unauthorized disclosure and do not supersede or affect Title V of the National Security Act of 1947 or section 112B of title 1 of the United States Code.

Section 16(f) makes the provisions of this section effective 60 days after enactment.

SECTION 17: U.N. PEACEKEEPING BUDGETARY AND MANAGEMENT REFORM

Section 17(a) requires the withholding of 50% of the amount made available for U.S. assessed contributions for U.N. peacekeeping activities and prohibits payment of any voluntary contributions unless a certification has been made under section 17(b).

Section 17(b) provides that the certification referred to in section 17(a) is a certification by the President to the Congress that:

(1) The United Nations has established an independent Office of Inspector General to conduct audits, inspections and investigations relating to U.N. peacekeeping activities;

(2) the Secretary General has appointed an I.G., with the consent of the General Assembly, solely on the basis of integrity and ability;

(3) the U.N. Office of Inspector General: is authorized to investigate and report on administration of U.N. peacekeeping activities; has access to relevant records and documents; and has direct access to relevant officials of the United Nations;

(4) the U.N. Office of Inspector General is keeping the Secretary General and the Security Council fully informed of problems and the need for corrective action;

(5) the United Nations has established measures to protect the identities and prevent reprisals against staff members who cooperate with the I.G.; and

(6) the United Nations has enacted procedures to ensure compliance with I.G. recommendations.

[From the New York Times, Aug. 19, 1993]

THE PERILS OF PEACEKEEPING

(By Robert C. Byrd)

The news that the Clinton Administration is considering an expanded role in United Nations peacekeeping operations is cause for concern. The plan would allow American soldiers to serve under foreign commanders on a regular basis. Before adopting any directive embracing this policy, the Administration should allow Congress to debate it thoroughly.

If the plan is carried out, we would face more than the dubious prospect of sending U.S. troops into battle under foreign command. We might also become militarily involved in operations that the American people don't properly understand or support.

Unless there is a national consensus in favor of U.S. involvement, any such military endeavors could be disastrous.

U.N. intervention in Somalia is a case in point. The operation was initially commendable. Its goal was to see that humanitarian aid was delivered to needy Somalis, and U.S. troops performed admirably. But now, with the humanitarian mission successfully completed, the U.N. is trying to rebuild the nation's political structure. This risky experiment could include thousands of U.S. troops.

The deaths of four American soldiers in Mogadishu this month and the overt hostility of Somalis toward U.N. troops show that the operation is quickly crumbling. It is not worth American lives lost and injuries sustained.

Congress has never approved, or even considered, U.S. participation in forcing a political reconciliation in Somalia. And there is certainly not a consensus among Americans that such an effort is worth any price in our soldiers' blood. Without a consensus, the likely result of such an operation could be a cut-and-run failure similar to the Beirut disaster of 1982 to 1984.

Lacking Congressional and popular support, U.S. combat forces in Somalia should be removed as soon as possible.

Dedication to U.N. Security Council resolutions and peacekeeping missions should not be used by any Administration to escape the hard job of consensus-building in Washington. Despite a Security Council resolution authorizing member nations to do battle against the marauding Iraqi Army in Kuwait in 1990, the Bush Administration sensibly sought Congressional approval before committing American forces.

The humanitarian mission in Somalia has now been totally eclipsed by a gang war in which the U.S. is taking sides under the U.N. umbrella. In October, the U.N.'s initial six-month mandate there expires. If the mission is extended, additional money will be required.

The U.S. is expected to pay about 30 percent of the U.N.'s peacekeeping bill. The U.N. intervention in Somalia and Bosnia is far more expensive than more traditional peacekeeping and humanitarian relief operations. Congress is already being asked to provide billions of dollars to support the mushrooming ambitions of the U.N. in peacekeeping operations around the world.

On Capitol Hill there is a growing reluctance to write such large checks. Congress has even been reluctant to pay our currently overdue peacekeeping bill. This shows that the Administration will have a tough time in gaining support for more money. Where will these funds come from? We certainly should not cut spending on domestic needs to pay for foreign adventures.

Yet the White House has requested almost $1 billion for U.N. obligations in fiscal 1994. By setting aside this huge sum, the Administration could avoid having to come to Congress to get approval for every peacekeeping endeavor it wants to get involved in.

Congress's ability to support or deny financing is critical to insuring its voice in policy making. Until a clear consensus is reached regarding the U.S. role in all peacekeeping matters, Congress should not hand off its constitutional responsibility.

[From the New York Times, Oct. 7, 1993]

NOT SO FAST ON SOMALIA

(By Bob Kerrey)

WASHINGTON.—The horror of American bodies being dragged through the streets of Somalia and the shock of Army Rangers being ambushed have left Americans furious and numb. The disaster has brought an understandable instant response: get our troops out now. However, as President Clinton said yesterday, before a hurried pullout, we must think hard about the meaning of what we're doing in Somalia.

Nobody argues we should stay in Somalia any longer than minimally necessary. But the way we leave is crucial.

We will not leave Mogadishu until we get our hostages back and every American serviceman is accounted for. Beyond that, the Somalis don't have any thing we want. Apart from the humanitarian problem that brought us there, Somalia isn't a security concern. But it does matter that the world learn how to act when countries or regions fall apart.

Countries participating in United Nations operations must persevere in them. America's example has the most to do with whether such operations succeed.

We want the operation in Haiti to succeed because failure could send us another flood of impoverished immigrants. I call that defense of the United States. We want the operation in Bosinia to succeed because we don't want the European countries and Russian and Turkey coming to blows. I call that defense of the United States.

For the U.N. to succeed in these operations, other countries need confidence, training and leadership. That's where we come in. If the U.N. can learn from our military how to do things right, we won't have to go to every fire. Other countries will pull their full load and won't look for the U.S. to lead every operation. But we are still providing leadership by example so that others will commit themselves and U.N. peacekeeping and peacemaking will succeed.

If we left Somalia prematurely, that example, which our military has burnished for months by its conduct under pressure would be tarnished—and with it the idea of a collective response to regional problems. A retreat by any name is still a retreat.

But we need to lay down some guidelines for U.S. participation in all U.N. operations. First, the U.S. should be called upon for its unique strengths—intelligence collection, logistics, medical support, communications—but not for infantry units, which many countries have available. Our superpower status and the reputation of our combat units give thugs like Gen. Mohammed Farah Aidid a target to us use to build prestige.

Second, we should insure that U.S. forces are always under U.S. command and have sufficient U.S. back up for protection. The need to call on foreign armored units to help rescue our Rangers was shameful.

Third, our participation should be proportional. I object to sending thousands of U.S. combat troops to Bosnia when wealthy, well-armed European countries can do more in a cause whose failure will have more immediate consequences for them than is.

Fourth, every decision to participate in a U.N. peacekeeping operation should be subject to Congressional approval.

Because our departure from Somalia will affect future U.N. operations, we should leave with dignity and only when properly relieved. As Nebraska's senior Senator, J. James Exon a Democrat said in the Senate yesterday, America might well regret a precipitous decision taken at this time of stress.

In the meantime, we should have no illusions that we, or anyone, will ever create a democratic government there. The military in Somalia should lower its profile. The diplomats should get the Somali factions together, declare a Somalia government and pronounce the U.N operation over. And soon.

By Mr. WARNER:

S. 1804. A bill to amend title X, United States Code, to eliminate the disparity between civilian and military retiree cost-of-living adjustments caused by the Omnibus Budget Reconciliation Act of 1993; to the Committee on Armed Services.

COST-OF-LIVING ADJUSTMENTS ACT OF 1994

• Mr. WARNER. Mr. President, I introduce legislation to correct an inequity that occurred in the budget process last year. While Congress has historically treated Federal civilian and military retirees equally under the law, the Omnibus Budget Reconciliation Act of 1993 that was recently signed into law contains a disparity in the schedule of future cost of living adjustments [COLA's] for civil service and military retirees.

The problem of military retiree pay inequity arose out of decisions made in the budget process last year to reduce COLA's for both retired military and retired Federal employees. Instead of reducing COLA's, a decision was made to continue with full COLA's but delay the effective dates of the COLA's each year to achieve the directed reductions over 5 years.

Funds were available in civilian accounts to alleviate the impact on civilian retirees but no additional funds were available in the military retiree accounts. As a result, Federal civilian retirees will have their COLA's delayed until April for the next 3 years. Military retirees, on the other hand, will have their COLA's delayed until April 1994, but in 1995–98, their COLA's will be delayed until October.

In total, Federal civilian retirees will have their COLA's delayed for 9 months while military retirees will have their COLA's delayed for 39 months.

Mr. President, this is clearly an unfair situation. We have an obligation to ensure that military retirees are treated equitably with their civilian counterparts. Therefore, I am introducing legislation that will restore equity by placing military retiree COLA's on the same schedule as those for Federal civilian retirees. Inflation does not discriminate between military and civilian Federal retirees and neither should we.

I recognize that funds will have to be identified to pay for this change in the schedule for military retirees. It is not my intent that all of these funds should come from the defense budget. I do intend to work with the leadership of the Budget Committee, the Appropriations Committee, and the Governmental Affairs Committee to find suitable offsets and reach a satisfactory solution to this problem.

I urge my colleagues to join me in this legislation to provide fair and equitable treatment for all our Federal employees, both military and civilian.•

ADDITIONAL COSPONSORS

S. 55

At the request of Mr. METZENBAUM, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 55, a bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

S. 67

At the request of Mrs. KASSEBAUM, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 67, a bill to regulate interstate commerce by providing for uniform standards of liability for harm arising out of general aviation accidents.

S. 359

At the request of Mr. DECONCINI, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 359, a bill to require the Secretary of Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 774

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 774, a bill to authorize appropriations for the Martin Luther King, Jr. Federal Holiday Commission, extend such Commission, establish a national Service Day to promote community service, and for other purposes.

S. 818

At the request of Mr. HATFIELD, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 818, a bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, and to provide resources for State pollution prevention and recycling programs, and for other purposes.

S. 1020

At the request of Mr. WOFFORD, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 1020, a bill to promote economic growth and job creation in the United States by facilitating worker involvement in the development and implementation of advanced workplace technologies and advanced workplace practices and by identifying and disseminating information on best workplace practices.

S. 1096

At the request of Mr. BINGAMAN, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 1096, a bill to amend the Foreign Assistance Act of 1961 to establish and strengthen policies and programs for the early stabilization of world population through the global expansion of reproductive choice, and for other purposes.

S. 1171

At the request of Mr. BREAUX, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1171, a bill to amend the Internal Revenue Code of 1986 with respect to the taxation of certain sponsorship payments to tax-exempt organizations and certain amounts received by Olympic organizations.

S. 1180

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1180, a bill to amend the Internal Revenue Code of 1986 to encourage the production and use of wind energy.

S. 1288

At the request of Mr. AKAKA, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1288, a bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture commercialization research program, and for other purposes.

S. 1329

At the request of Mr. D'AMATO, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 1329, a bill to provide for an investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1944.

S. 1354

At the request of Mrs. KASSEBAUM, the names of the Senator from Utah [Mr. BENNETT], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of S. 1354, a bill to amend the Fair Labor Standards Act of 1938 relating to the minimum wage and overtime exemption for employees subject to certain leave policies, and for other purposes.

S. 1361

At the request of Mr. SIMON, the names of the Senator from Missouri [Mr. BOND], the Senator from Michigan [Mr. LEVIN], and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of S. 1361, a bill to establish a national framework for the development of School-to-Work Opportunities systems in all States, and for other purposes.

S. 1504

At the request of Mr. HATFIELD, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1504, a bill to amend the Job Training Partnership Act to establish an Environmental Employment Transition Assistance Program [EETAP], and for other purposes.

S. 1505

At the request of Mr. HATFIELD, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1505, a bill to amend the Federal Land Policy and Management Act of 1976 to enhance the management of Federal lands, and for other purposes.

S. 1527

At the request of Mr. RIEGLE, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1527, a bill to provide for fair trade in financial services.

S. 1651

At the request of Mr. D'AMATO, the names of the Senator from Mississippi

[Mr. LOTT], the Senator from Mississippi [Mr. COCHRAN], the Senator from Michigan [Mr. LEVIN], and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 1651, a bill to authorize the minting of coins to commemorate the 200th anniversary of the founding of the United States Military Academy at West Point, NY.

S. 1669

At the request of Mr. HUTCHINSON, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN] and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 1669, a bill to amend the Internal Revenue Code of 1986 to allow homemakers to get a full IRA deduction.

S. 1698

At the request of Mr. WALLOP, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1698, a bill to reduce the paperwork burden on certain rural regulated financial institutions, and for other purposes.

S. 1715

At the request of Mrs. HUTCHISON, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Pennsylvania [Mr. SPECTER], the Senator from South Carolina [Mr. THURMOND], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Alabama [Mr. HEFLIN], the Senator from Maine [Mr. COHEN], the Senator from Kansas [Mr. DOLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from New Hampshire [Mr. GREGG], the Senator from Vermont [Mr. JEFFORDS], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Maine [Mr. MITCHELL], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Nebraska [Mr. KERREY], the Senator from Maryland [Ms. MIKULSKI], the Senator from Georgia [Mr. NUNN], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 1715, a bill to provide for the equitable disposition of distributions that are held by a bank or other intermediary as to which the beneficial owners are unknown or whose addresses are unknown, and for other purposes.

SENATE JOINT RESOLUTION 9

At the request of Mr. THURMOND, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S.J. Res. 9, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

SENATE JOINT RESOLUTION 41

At the request of Mr. SIMON, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S.J. Res. 41, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

SENATE JOINT RESOLUTION 90

At the request of Mr. ROBB, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S.J. Res. 90, a joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy.

SENATE JOINT RESOLUTION 107

At the request of Mr. BINGAMAN, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S.J. Res. 107, a joint resolution to designate the first Monday in October of each year as "Child Health Day."

AMENDMENT NO. 1246

At the request of Mr. DORGAN, his name was added as a cosponsor of Amendment No. 1246 proposed to S. 1281, an original bill to authorize appropriations for the fiscal years 1994 and 1995 for the Department of State, the U.S. Information Agency, and related agencies, to provide for the consolidation of international broadcasting activities, and for other purposes.

SENATE CONCURRENT RESOLUTION 58—RELATIVE TO HEALTH CARE REFORM

Mr. GREGG submitted the following concurrent resolution; which was referred to the Committee on the Budget:

S. CON. RES. 58

Whereas the Administration's proposed health care reform plan would constitute the largest expansion of Federal entitlements in history;

Whereas the proposed health care premiums would be mandatory taxes;

Whereas the Administration's proposed health care reform plan would constitute a massive tax increase;

Whereas the costs of any health care reform plan that is kept off budget would be difficult to control and account for;

Whereas placing health care reform off budget means that it would be exempt from annual budget reviews and would have no meaningful restraints on growth;

Whereas the Office of Management and Budget's own risk tables, and past and present entitlement growth trends show that the Administration's proposed health care reform plan could increase Federal budget deficits by up to $800 billion by the year 2000;

Whereas the Federal Government has already run up massive unfunded liabilities outside the budget process; and

Whereas the attempt to place the health care reform plan off budget is a move to hide the true cost of the plan from the American public: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that any government mandated health care reform should be included on budget and should be subject to the same budget rules as other tax and spending measures.

AMENDMENTS SUBMITTED

FOREIGN RELATIONS AUTHORIZATION ACT OF 1994

PRESSLER (AND OTHERS) AMENDMENT NO. 1253

Mr. PRESSLER (for himself, Mr. BYRD, Mr. HELMS, Mr. CONRAD, Mr. BURNS, Mr. DOLE, Mr. STEVENS, Mr. LOTT, Mr. DORGAN, and Mr. DOMENICI) proposed an amendment to the bill (S. 1281) to authorize appropriations for the fiscal years 1994 and 1995 for the Department of State, the U.S. Information Agency, and related agencies, to provide for the consolidation of international broadcasting activities, and for other purposes; as follows:

Beginning on page 72, strike out line 1 and all that follows through line 5 on page 74 and insert in lieu thereof the following:

SEC. 170B. UNITED NATIONS BUDGETARY AND MANAGEMENT REFORM.

(a) WITHHOLDING OF ASSESSED NONPEACEKEEPING CONTRIBUTIONS TO THE UNITED NATIONS.—(1) In fiscal year 1994, 10 percent of the amount of funds authorized to be appropriated for that fiscal year for United States assessed contributions to the United Nations and its specialized agencies shall be withheld from obligation and expenditure until a certification is made under subsection (b).

(2) Beginning with fiscal year 1995 and at the beginning of each fiscal year thereafter, 50 percent of the amount of funds authorized to be appropriated for each fiscal year for United States assessed contributions (other than for peacekeeping activities) to the United Nations and its specialized agencies shall be withheld from obligation and expenditure until a certification is made under subsection (b).

(b) CERTIFICATION.—The certification referred to in subsection (a) is a certification by the President to the Congress that—

(1) the United Nations has established an independent and objective Office of Inspector General to conduct and supervise audits, inspections, and investigations relating to the programs and operations of the United Nations and each of the specialized agencies of the United Nations;

(2) the Secretary General of the United Nations has appointed an Inspector General, with the consent of the General Assembly, solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations;

(3) the United Nations Office of Inspector General is authorized to—

(A) make investigations and reports relating to the administration of the programs and operations of the United Nations and its specialized agencies;

(B) have access to all records and documents or other material available which relate to those programs and operations; and

(C) have direct and prompt access to any official of the United Nations or of any of its specialized agencies, including any head of a specialized agency or official of the United Nations Secretariat;

(4) the United Nations Office of Inspector General is keeping the head of each specialized agency, the Secretary General, the members of the Security Council, and the members of the General Assembly fully in-

formed about problems, deficiencies, and the necessity for, and progress of, corrective action;

(5) the United Nations has established measures to protect the identity of, and to prevent reprisals against, any staff member making a complaint or disclosing information to, or cooperating in any investigation or inspection by the Office of the Inspector General; and

(6) the United Nations has enacted procedures to ensure compliance with the recommendations of the Inspector General.

(c) DEFINITION.—For purposes of this section, the term "United Nations operations" includes any program, project or activity conducted or supported, in whole or in part, by the United Nations or any of its specialized agencies.

HELMS AMENDMENT NO. 1254

Mr. HELMS proposed an amendment to the bill S. 1281, supra; as follows:

At the appropriate place, strike Section 170A in its entirety.

PRESSLER (AND OTHERS) AMENDMENT NO. 1255

Mr. PRESSLER (for himself, Mr. HELMS, Mr. D'AMATO, and Mr. KERRY) proposed an amendment to the bill S. 1281, supra; as follows:

On page 179, after line 6, add the following:

SEC. 714. CONTROL OF REEXPORTS TO TERRORIST COUNTRIES.

Section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) is amended by adding at the end the following new paragraphs:

"(5) Upon the request of the chairman or ranking minority member of the Committee on Foreign Relations or the Committee on Banking, Housing and Urban Affairs of the Senate or the Committee on Foreign Affairs or the Committee on Banking, Finance and Urban Affairs of the House of Representatives, the President shall include in the notification required by paragraph (2)—

"(A) a detailed description of the goods or services to be offered, including a brief description of the capabilities of any article for which a license to export is sought;

"(B) an evaluation, prepared by the Director of the Arms Control and Disarmament Agency, in consultation with the Secretary of State and the Secretary of Defense, of the manner, if any, in which the proposed export would—

"(i) contribute to an arms race;

"(ii) support international terrorism;

"(iii) increase the possibility of an outbreak or escalation of conflict;

"(iv) prejudice the negotiation of any arms controls; or

"(v) adversely affect the arms control policy of the United States;

"(C) the reasons why the foreign country or international organization to which the export or transfer is proposed to be made needs the goods or services which are the subject of such export or transfer and a description of the manner in which such country or organization intends to use such articles, services, or design and construction services;

"(D) the reasons why the proposed export or transfer is in the national interest of the United States;

"(E) an analysis by the President of the impact of the proposed export or transfer on the military capabilities of the foreign country or international organization to which such export or transfer would be made;

"(F) an analysis by the President of the manner in which the proposed export would affect the relative military strengths of countries in the region to which the goods or services which are the subject of such export would be delivered and whether other countries in the region have comparable kinds and amounts of articles, services, or design and construction services;

"(G) an analysis of the impact of the proposed export or transfer on the United States relations with the countries in the region to which the goods or services which are the subject of such export would be delivered;

"(H) the projected delivery dates of the goods or services to be offered; and

"(I) a detailed description of weapons and levels of munitions that may be required as support for the proposed export.

"(6) If the Congress within 30 calendar days after receiving a notification under paragraph (2) enacts a joint resolution prohibiting the proposed export, then no license may be issued, unless the President states in his notification that an emergency exists which requires such export in the national security interest of the United States. If the President so states that an emergency exists, he shall set forth in the notification a detailed justification for his determination, including a description of the emergency circumstances which necessitate the immediate issuance of the license and a discussion of the national security interest involved.

"(7)(A) Any joint resolution under this subsection 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.

"(B) 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.

"(8) For purposes of this section, the terms 'export' and 'transfer' shall include any reexport, third party transfer or other consignment of United States-origin goods or services.".

FEINGOLD AMENDMENT NO. 1256

Mr. FEINGOLD proposed an amendment to the bill S. 1281, supra; as follows:

At the appropriate place in the bill, insert the following new sections:

SEC. . REPORTS UNDER THE ARMS EXPORT CONTROL ACT.

(a) QUARTERLY REPORTS.—Section 36(a) of the Arms Export Control Act (22 U.S.C. 2776(a)) is amended—

(1) by striking "and" at the end of paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(12) a listing of all offset agreements proposed to be entered into in connection with the sale of any defense article or defense service.".

(b) NUMBERED CERTIFICATIONS WITH RESPECT TO GOVERNMENT-TO-GOVERNMENT SALES.—Section 36(b)(1) of the Arms Export Control Act (22 U.S.C. 2776(b)(1)) is amended after the second sentence by inserting the following new sentence: "Each such numbered certification shall contain a description of any offset agreement proposed to be entered into in connection with such letter of offer to sell.".

(c) NUMBERED CERTIFICATIONS WITH RESPECT TO COMMERCIAL EXPORTS.—Section 36(c)(1) of the Arms Export Control Act (22 U.S.C. 2776(c)(1)) is amended after the first sentence by inserting the following new sentence: "Each such numbered certification shall also contain a description of any offset agreement proposed to be entered into in connection with such export.".

(d) DEFINITIONS.—Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended by adding at the end the following:

"(e) For purposes of this section—

"(1) the term 'offset agreement' means an agreement, arrangement, or understanding between a United States supplier of defense articles or defense services and a foreign country under which the supplier agrees to purchase or acquire, or to promote the purchase or acquisition by other United States persons of, goods or services produced, manufactured, grown, or extracted, in whole or in part, in that foreign country in consideration for the purchase by the foreign country of defense articles or defense service from the supplier; and

"(2) the term 'United States person' means—

"(A) an individual who is a national or permanent resident alien of the United States;

"(B) any corporation, business association, partnership, trust, or other juridical entity—

"(i) organized under the laws of the United States or any State, district, territory, or possession thereof; or

"(ii) owned or controlled in fact by individuals described in subparagraph (A); and

"(C) the United States Government or any agency or instrumentality thereof.".

SEC. . PROHIBITION ON THIRD PARTY INCENTIVE PAYMENTS UNDER THE ARMS EXPORT CONTROL ACT.

Section 39 of the Arms Export Control Act (22 U.S.C. 2779) is amended by adding at the end the following new subsection:

"(e)(1) No sale may be made, no credits may be extended, no guarantees may be issued, and no licenses may be approved under this Act with respect to the sale of any defense article or defense service to a foreign country unless the United States supplier of such articles or services first certifies that neither the supplier nor any employee, agent, or subcontractor thereof will make any third-party incentive payments for the purpose of satisfying, in whole or in part, any offset agreement with that country.

"(2) For purposes of this subsection—

"(A) the term 'offset agreement' means an agreement, arrangement, or understanding between a United States supplier of defense articles or defense services and a foreign country under which the supplier agrees to purchase or acquire, or to promote the purchase or acquisition by other United States persons of, goods or services produced, manufactured, grown, or extracted, in whole or in part, in that foreign country in consideration for the purchase by the foreign country of defense articles or defense services from the supplier;

"(B) the term 'third-party incentive payments' means such incentives, fees, or compensation of any kind made by a United States supplier of defense articles or defense services or by any employee, agent, or subcontractor thereof to any other United States persons to induce that United States person to purchase or acquire goods or services produced, manufactured, grown, or extracted, in whole or in part, in the foreign

country which is purchasing those defense articles or services; and

"(C) the term 'United States person' means—

"(i) an individual who is a national or permanent resident alien of the United States;

"(ii) any corporation, business association, partnership, trust, or other juridical entity—

"(I) organized under the laws of the United States or any State, district, territory, or possession thereof; or

"(II) owned or controlled in fact by individuals described in subparagraph (A); and

"(iii) the United States Government or any agency or instrumentality thereof.".

PRESSLER AMENDMENT NO. 1257

Mr. PRESSLER proposed an amendment to the bill S. 1281, supra; as follows:

On page 179, below line 6, add the following new section:

SEC. 714. SENSE OF SENATE ON UNITED STATES POLICY ON NUCLEAR WEAPONS PROLIFERATION BY NORTH KOREA.

(a) FINDINGS.—The Senate makes the following findings:

(1) North Korea is a signatory to the Treaty on the Non-Proliferation of Nuclear Weapons.

(2) The International Atomic Energy Agency is charged with ensuring that signatories to that treaty meet their obligations under the treaty.

(3) The agency fulfills that mission principally by inspections of nuclear facilities and by other legitimate means necessary to ensure that signatories are in compliance with the terms and obligations of the treaty.

(4) North Korea is the location of seven declared nuclear sites whose inspection is provided for under the terms of the treaty.

(5) The International Atomic Energy Agency suspects that North Korea is also the site of at least two additional undeclared nuclear sites at which liquid and solid nuclear waste is being stored.

(6) Inspection of the undeclared nuclear sites is necessary to ensure the compliance of North Korea with the terms of the treaty.

(7) The Government of North Korea is attempting to place significant restrictions on inspections of its declared nuclear sites and is refusing any inspections of its undeclared nuclear sites.

(8) The national security interests of the United States require that curtailment of the proliferation of weapons of mass destruction, particularly nuclear weapons.

(9) To ensure advancement of the goal of nuclear nonproliferation, a signatory to the Treaty on the Non-Proliferation of Nuclear Weapons must permit inspections of its facilities and comply with any other legitimate requests of the International Atomic Energy Agency that are necessary to ensure that the country is in compliance with the terms and obligations of the treaty.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the President should not engage in negotiations connected with normalization of relations with the Government of North Korea until that government meets its full obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, including any inspection of nuclear sites located in North Korea sufficient to ensure the full compliance by the Government of North Korea with the terms and obligations of the treaty; and

(2) the President undertake such diplomatic activity with respect to the People's Republic of China as is appropriate to enlist the assistance of that country in gaining the compliance of the Government of North Korea with its obligations under the treaty.

(c) DEFINITION.—In this section, the term "normalization of relations" means the following:

(1) Disbanding the United Nations Forces Command and withdrawing United States troops from the Republic of Korea.

(2) Lifting restrictions on trade with and investment in North Korea that are imposed pursuant to United States law on trade with hostile states.

(3) Expanding economic cooperation with North Korea.

(4) Assisting the entry of the North Korea Government into international organizations relating to economic activity.

(5) Granting the diplomatic recognition of the United States to the Government of North Korea.

HELMS AMENDMENT NO. 1258

Mr. HELMS proposed an amendment to the bill S. 1281, supra; as follows:

At the appropriate place, add the following:

SEC. . The United States Senate will not consent to the ratification of a Treaty providing for United States participation in an international criminal court with jurisdiction over crimes of an international nature which permits representatives of any terrorist organization, including but not limited to the Palestine Liberation Organization, or citizens, nationals or residents of any country listed by the Secretary of State under Section 6(j) of the Export Administration Act of 1979 as having repeatedly provided support for acts of international terrorism, to sit in judgement on American citizens.

DODD (AND COVERDELL) AMENDMENT NO. 1259

Mr. DODD (for himself and Mr. COVERDELL) proposed an amendment to the bill S. 1281, supra; as follows:

On page 164, line 8, strike "$219,745,000" the second time it appears and insert in lieu thereof "$234,745,000".

DODD AMENDMENT NO. 1260

Mr. DODD proposed an amendment to the bill S. 1281, supra; as follows:

At the appropriate place in the bill add the following new section:

SEC. . VALUE OF CONTRACTED GOODS AND SERVICES.

(1) The United Nations is increasingly contracting out to the private sector various aspects of its peacekeeping operations. The Permanent Representative of the United States to the United Nations should make every effort to ensure that United States contractors are awarded an appropriate portion of these contracts commensurate with the over all contribution of the United States to U.N. peacekeeping.

(2) The Permanent Representative shall report to the Congress in writing annually setting forth the dollar value and percentage of total peacekeeping contracts that have been awarded to U.S. contractors during the previous year, beginning twelve months after the date of enactment of this Act.

PRESSLER AMENDMENT NO. 1261

Mr. PRESSLER proposed an amendment to the bill S. 1281, supra; as follows:

On page 179, after line 6, insert the following new section:

SEC. . MISSILE TECHNOLOGY EXPORTS TO CERTAIN MIDDLE EASTERN AND ASIAN COUNTRIES.

(a) EXPORTS BY UNITED STATES PERSONS.—Section 72 of the Arms Export Control Act (22 U.S.C. 2797a) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

"(c) PRESUMPTION.—In determining whether to apply sanctions under subsection (a) to a United States person involved in the export, transfer, or trade of an item on the MTCR Annex, it shall be a rebuttable presumption that such item is designed for use in a missile listed under the MTCR Annex if the President determines that the likely final destination of the item is Iran, Iraq, Syria, Libya, India, Pakistan, or North Korea.".

(b) EXPORTS BY FOREIGN PERSONS.—Section 73 of the Arms Export Control Act (22 U.S.C. 2797b) is amended—

(1) by redesignating subsection (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

"(f) PRESUMPTION.—In determining whether to apply sanctions under subsection (a) to a foreign person involved in the export, transfer, or trade of an item on the MTCR Annex, it shall be a rebuttable presumption that such item is designed for use in a missile listed under the MTCR Annex if the President determines that the likely final destination of the item is Iran, Iraq, Syria, Libya, India, Pakistan, or North Korea.".

MCCAIN AMENDMENT NO. 1262

Mr. MCCAIN proposed an amendment to the bill S. 1281, supra; as follows:

At the appropriate place in the bill, add the following new section:

SENSE OF THE SENATE.—It is the Sense of the Senate that—

(1) The government of the United States is committed to seeking the fullest possible accounting of American servicemen unaccounted for during the war in Vietnam;

(2) Cooperation by the Government of Vietnam on resolving the fate of those American servicemen unaccounted for has increased significantly over the last three years and is essential to the resolution of outstanding POW/MIA cases;

(3) Substantial and tangible progress has been made in the POW/MIA accounting process;

(4) Cooperative efforts between the U.S. and Vietnam should continue in order to resolve all outstanding questions concerning the fate of Americans missing-in-action;

(5) U.S. senior military commanders and U.S. personnel working in the field to account for U.S. POW/MIAs in Vietnam believe that lifting the U.S. trade embargo against Vietnam will facilitate and accelerate the accounting efforts; and,

(6) Therefore, in order to maintain and expand further U.S. and Vietnamese efforts to obtain the fullest possible accounting, the President should lift the U.S. trade embargo against Vietnam immediately.

KERRY (AND OTHERS) AMENDMENT NO. 1263

Mr. KERRY (for himself, Mr. MCCAIN, Mr. ROBB, Mr. MURKOWSKI, Mr. KERREY, Mr. SIMPSON, Mr. JOHNSTON,

Mr. PRESSLER, Mr. WARNER, Mr. INOUYE, Mr. CHAFEE, Mr. PELL, Mrs. KASSEBAUM, Mr. MATHEWS, Mr. BENNETT, Mr. AKAKA, and Mr. MCCONNELL) proposed an amendment to amendment No. 1262 proposed by Mr. MCCAIN to the bill S. 1281, supra; as follows:

Strike all after the first word in the pending amendment and insert the following:

OF THE SENATE.—It is the Sense of the Senate that—

(1) The government of the United States is committed to seeking the fullest possible accounting of American servicemen unaccounted for during the war in Vietnam;

(2) Cooperation by the Government of Vietnam on resolving the fate of those American servicemen unaccounted for has increased significantly over the last three years and is essential to the resolution of outstanding POW/MIA cases;

(3) Substantial and tangible progress has been made in the POW/MIA accounting process;

(4) Cooperative efforts between the U.S. and Vietnam should continue in order to resolve all outstanding questions concerning the fate of Americans missing-in-action;

(5) U.S. senior military commanders and U.S. personnel working in the field to account for U.S. POW/MIAs in Vietnam believe that lifting the U.S. trade embargo against Vietnam will facilitate and accelerate the accounting efforts;

(6) Therefore, in order to maintain and expand further U.S. and Vietnamese efforts to obtain the fullest possible accounting, the President should lift the U.S. trade embargo against Vietnam expeditiously; and

(7) Moreover, as the U.S. and Vietnam move toward normalization of relations, the Government of Vietnam should demonstrate further improvements in meeting internationally recognized standards of human rights.

SPECTER AMENDMENT NO. 1264

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 1281, supra; as follows:

On page 179, after line 6, insert the following new section:

SEC. 714. BILATERAL ASSISTANCE AND INTERNATIONAL LENDING REQUIRED TO BE SECURED BY CERTAIN ROYALTIES OR OTHER REVENUES.

(a) UNITED STATES ACTION.—(1) Immediately upon enactment of this Act, to the greatest extent possible, all bilateral loans or credits extended by the United States to government and nongovernment entities of the independent states of the former Soviet Union must be secured by royalties or other revenues, if any, earned by the states from the sale of petroleum products, minerals, or other commodities.

(2) Not later than 60 days after the date of enactment of this Act, with respect to 1994, and not later than January 1 of each calendar year thereafter, the President of the United States shall certify to Congress that, with respect to all bilateral loans or credits extended to the independent states of the former Soviet Union, all opportunities to secure such loans or credits have been considered and that, in the case of such loans which are not secured, such states are adhering to the debt repayment schedules stipulated by the terms of such loans or credits.

(3) If the President cannot certify that the conditions contained in paragraph (2) have been met, then no further bilateral loans or credits to the independent states of the former Soviet Union shall be extended in that calendar year.

(b) MULTILATERAL ACTIONS.—Not later than 60 days after the date of enactment of this Act, and not later than January 1 of each calendar year thereafter, the Secretary of the Treasury shall—

(1) certify that each independent state of the former Soviet Union is adhering to the debt repayment schedules stipulated by multilateral lending institutions; or

(2) with respect to any such state that is not adhering to such schedules, direct the Secretary of the Treasury to instruct the United States executive directors to the International Bank for Reconstruction and Development and to the European Bank for Reconstruction and Development to propose that such institutions establish policies in opposition to the extension of any credit, or the issuance of any guarantee with respect to any credit, in that calendar year, for the purpose of assisting such state unless such credits or guarantees are secured by the royalties or other revenues, if any, earned by the state from the sale of petroleum products, minerals, or other commodities.

(c) DEFINITIONS.—As used in this section—

(1) the term "independent states of the former Soviet Union" has the same meaning given to that term by section 3 of the FREEDOM Support Act (22 U.S.C. 5801); and

(2) the term "petroleum product" means crude oil, residual fuel oil, or any refined petroleum product (including any natural liquid and any natural gas liquid product).

SIMON AMENDMENT NO. 1265

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill S. 1281, supra; as follows:

AMENDMENT NO. 1265

On page 65, after line 12, insert the following new section:

SEC. 155. ASSIGNMENT OF FOREIGN SERVICE OFFICERS WITH ADVANCED PROFICIENCY IN FOREIGN LANGUAGES.

(a) PURPOSE.—It is the purpose of this section to encourage the assignment of Foreign Service personnel with language proficiency at the S4/R4 level (full professional proficiency, as tested by the Foreign Service Institute) to posts or positions in which their language capabilities are effectively utilized.

(b) FINDINGS.—The Congress finds that—

(1) the Department of State's Office of the Inspector General noted, in its July 1993 report, that existing foreign language proficiency among members of the Foreign Service is not adequately weighed in the assignments process, and that existing skills are not adequately utilized, and

(2) the Department of State's Office of the Inspector General urged that the Department has legitimate requirements at overseas posts that can only be satisfied through S4/R4 level skills, and recommended that certain overseas positions be designated at the S4/R4 competence level.

(c) PROGRAM.—(1) Pursuant to section 702 of the Foreign Service Act of 1980 (22 U.S.C. 4022), the Secretary of State shall direct the establishment and apportionment of a certain number of overseas positions, at the S4/R4 level, in each of a majority of overseas missions, as follows:

(A) For missions using world languages with more than nine Foreign Service Officer positions assigned by the Department of State, 12 percent of positions and not less than one position will be established at the S4/R4 level.

(B) For posts using hard or incentive languages, with more than nine Foreign Service Officer positions assigned by the Department of State, the number of S4/R4-designated positions shall be at least six percent of positions, and not less than one position.

(2) Overseas posts and the Department of State shall retain flexibility to apportion S4/R4 language-designated positions within respective overseas posts.

(3) Assignment of personnel with full professional proficiency shall be completed not later than September 30, 1995.

(d) REPORT TO THE CONGRESS.—The Secretary of State shall report to the Congress not later than September 30, 1994, describing the progress made toward implementation of this section.

SMITH (AND OTHERS) AMENDMENT NO. 1266

Mr. SMITH (for himself, Mr. DOLE, Mr. GRASSLEY, Mr. HELMS, Mr. D'AMATO and Mr. CAMPBELL) proposed an amendment to the bill S. 1281, supra; as follows:

On page 179, after line 6, insert the following new section:

SEC. 714. LIFTING OF SANCTIONS ON SOCIALIST REPUBLIC OF VIETNAM CONTINENT UPON POW/MIA PROGRESS.

(a) LIFTING OF SANCTIONS.—The prohibitions, restrictions, conditions, and limitations on transactions involving commercial sale of any good or technology to the Socialist Republic of Vietnam, or involving the importation into the United States of goods or services of Vietnamese origin, in effect as of January 25, 1994 under the Act of October 6, 1917 (40 Stat. 411 et seq.) as amended shall remain in effect until thirty days after the President determines and reports in writing to the Senate and the House of Representatives that the Socialist Republic of Vietnam has provided the United States with the fullest possible unilateral resolution of all cases or reports of unaccounted for U.S. personnel lost or captured in Vietnam, Laos, or Cambodia for which officials of the Socialist Republic of Vietnam can be reasonably expected to have in their possession additional information or remains that could lead to the fullest possible accounting of said U.S. personnel based on U.S. intelligence and investigative reports, analyses, and assessments obtained or conducted prior to January 26, 1994;

(b) CONSULTATION.—It is the sense of the Senate that the President should consult with Congress, POW/MIA family representatives and national veterans organizations to the maximum extent possible prior to making determinations under subsection (a).

(c) NONDELEGATION.—The authority of the President to make the determinations and report to which subsection (a) refers may not be delegated.

(d) DEFINITIONS.—For purposes of subsection (a)—

(1) the phrase "cases of unaccounted for U.S. personnel" means cases involving United States personnel originally listed by the United States as prisoners of war, missing in action, or killed in action/body not recovered following their wartime loss incidents in Vietnam, Laos, or Cambodia; and

(2) the phrase "accounting" means the return of unaccounted for U.S. personnel alive, repatriation of their remains, or convincing evidence as to why neither is possible."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. KERRY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, January 26, 1994, at 10 a.m. to hold nomination hearings on the following nominees:

Ms. Alice Marie Dear, of New York, to be U.S. Director of the African Development Bank for a term of 5 years. (New Position)

Ms. Jill B. Buckley, of Washington, to be an Assistant Administrator for Legislation and Public Affairs of the Agency for International Development.

Mr. Thomas A. Dine, of Ohio, to be an Assistant Administrator for Europe and the New Independent States of the Agency for International Development.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. KERRY. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on the Health Security Act: Training of Health Personnel, during the session of the Senate on January 26, 1994, at 10 a.m.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. KERRY. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the nomination of R. John Vogel to be Under Secretary for Benefits at the Department of Veterans Affairs. The hearing will be held in room 418 of the Russell Senate Office Building at 10 a.m. on Wednesday, January 26, 1994.

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

SUBCOMMITTEE ON COALITION DEFENSE AND REINFORCING FORCES

Mr. KERRY. Mr. President, I ask unanimous consent that the Subcommittee on Coalition Defense and Reinforcing Forces of the Committee on Armed Services be authorized to meet with the North Atlantic Assembly on Wednesday, January 26, 1994, at 2 p.m. in executive session, to discuss European security issues.

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

ADDITIONAL STATEMENTS

LET'S REBUILD OUR FLOOD PROTECTION

• Mr. SIMON. Mr. President, our colleague, Senator CHRISTOPHER "KIT" BOND, had an op-ed piece in the St. Louis Post-Dispatch about the Federal Government and levees, as they apply to Missouri.

The reality is the same kind of article could be written about Illinois, Iowa and, to a lesser extent, other States.

My colleagues may recall that I offered an amendment which Senator BOND, among others, cosponsored to have the Federal Government move expeditiously on the matter of levees.

Too often, the word expeditious is not in the lexicon of the Federal Government, and we have not had as rapid or as full a response as we should have had.

Unquestionably, this spring there will be floods and greater damage than there should be because of the Federal Government's failure to respond.

I ask to insert the Kit Bond article into the RECORD at this point.

The statement follows:

LET'S REBUILD OUR FLOOD PROTECTION

(By Christopher S. "Kit" Bond)

Months after the national spotlight focused somewhere else, a battle is still raging over the damage caused by the summer flooding. For the Missourians who lost the most from the floods, it's a fight for their homes, communities and lands. For taxpayers, it's wasted tax dollars on a haphazard policy. For all Americans, it's a troubling assault on our basic rights of self-determination and private property.

There is a disturbing temptation in Washington to make decisions about how people should live their lives. It's an elitist temptation to say subtly, and sometimes not so subtly, that we in Washington know what's best for you. While Mother Nature was the Midwest's foe in the disaster, that elite Washington attitude is our foe during the recovery.

I believe the strongest element of our federal relief effort has been to let the communities and the people who have suffered through this tragedy make the choices about the recovery—choices about whether people should repair their levees, turn their lands into new wetlands, sell their lands to the government or move back into the homes belonging to the families and communities that have suffered. I do not believe I should make that decision for them, nor do I believe that some bureaucrat, environmentalist or committee chairman should make it either.

However, some in Washington disagree with me. Beginning in late August, the Clinton administration began a retreat from helping people rebuild damaged levees along the Missouri and Mississippi rivers. Under pressure from Washington professional environmentalists, the White House directed the Army Corps of Engineers to consider new alternatives, like wetlands, to repairing our current flood-protection system.

After assuring many flood-ravaged Missouri communities that it would assist them with levee rebuilding, the corps did a complete reversal on Sept. 28. Under orders from Washington, the corps refused to help communities that it had earlier pledged to assist. Small towns on the river like Orrick and Hardin that had been devastated by flooding have been left with nowhere to turn for help. If their levees remain unrepaired, they will be unprotected from flood waters this spring.

My solution to this crisis is straightforward. I want the corps to allow levees that are sponsored by communities and other public organizations the option of entering the federal levee program and getting assistance in rebuilding their levees to preflood conditions. The public sponsors of levees entering the federal program would be required to meet the corps' high standards for levees and abide fully by the program's requirements. Only publicly sponsored levees, not private levees, could participate and get federal rebuilding assistance under my approach.

The environmental activists and their allies want to deny this assistance to flood-ravaged communities. They know these towns and families are financially wiped out from the flooding. By depriving them of any assistance, and thus their choices, they hope to drive people from their homes. They even go as far as claiming that rebuilding these publicly sponsored levees amounts to "flood pork." Frankly, that's an argument only people sitting high and dry in Washington or behind 30-foot-high, multimillion-dollar levees would make so cavalierly.

No Missouri flood victim would profit from "flood pork." Forty-seven people lost their lives, and the homes of 55,000 families were damaged. All told, our state suffered nearly $15 billion in economic losses. Federal assistance will not come close to compensating flood victims for their actual damages, let alone their suffering. People who call this humanitarian aid "pork" should be ashamed.

Most Missourians agree that Washington should not try to prevent flood victims from returning to their homes and communities. But as taxpayers, as people may question whether this is the wisest use of their tax dollars. Let me briefly outline the three federal alternatives: doing nothing, creating a new flood-protection system like a floodway or rebuilding damaged levees.

First, if the federal government does nothing to help repair these levees, then people in the Midwest will continue to suffer flood damages, costing the government more in lost tax revenue, economic damages and disaster assistance until they are protected. It would also waste billions of dollars already invested in these communities and cause untold suffering.

As a result, one of every four damaged levees along the river would be left without federal assistance for repairs. This haphazard approach would hold the river back as well as a bucket full of holes holds water. When the river breaches damaged levees, it will roll behind the protection system, flooding everything in its path, including towns like Orrick and Hardin.

Next, if the federal government were to create a new flood protection system, it would easily cost billions of tax dollars. We would need to buy out miles and miles of land, including entire communities along the river, and pay people a fair price. That's unless the government just seizes people's land or pays them next to nothing for it. Then a new system of levees and wetlands would have to be constructed from scratch. That's by far the most costly approach, and the one favored by some environmental activists.

Finally, simple common sense and hard budget figures dictate that repairing our damaged levees is the most cost-effective way to protect people from flooding. Using information from the corps, I estimate that up to 482 publicly sponsored levees would enter the federal program under my proposal at an average cost of $218,000 a levee. The total federal cost could come to $105 million.

So, the options are: invest some tax dollars now in repairing our current levee system; spend a lot of tax dollars now to experiment with a new flood system, or shell out a bunch of money down the road as the price of doing

little or nothing to repair these levees. As taxpayers, you should be appalled to know that your federal government threatens to impose the most expensive and cold-hearted levee option on people along the river—doing nothing.

There is no single answer or approach that is right for everyone along the river. Each family and community has its own unique situation and must make its own choices about its future. The simple fact is that the federal government cannot afford to buy out all the land in the flood plain or create new wetlands. Yet we also cannot afford to sit and just watch while Missouri families are wiped out again this spring when the normal spring rains come and which public airports, roads, bridges and water treatment facilities we just paid to repair are once again destroyed by flood waters. Lets put people first so that we can rebuild our flood protection before it's too late.•

HONORING TOM MULLON

• Mr. DURENBERGER. Mr. President, I rise today to pay tribute to Tom Mullon, the Director of Minnesota's VA Medical Center, who recently retired after 34 years of service to the U.S. Department of Veterans Health Administration.

Adlai Stevenson once said that "men who have offered their lives for their country know that patriotism is not fear of something; it is the love of something." A Minnesota veteran used these very words to describe Tom Mullon's service to the veterans of this country—and never more appropriately have those words been used.

In the last 10 years of duty, Tom has nurtured the Minneapolis VA Medical Center into the very best in the United States. Along the way, he has gained experience at VA Medical Centers throughout the country, and he has worked on a wide variety of health care projects,

Tom's personal crusade was to ensure that VA Medical Centers provide top quality health care that is able to compete with care given at any private hospital. Over the years he implemented this philosophy in New Hampshire, California, Washington, New York, Indiana, and Nebraska, as well as St. Cloud and Minneapolis in Minnesota.

While serving as associate director of the St. Cloud VA Medical Facility, near my home, Tom made service to the wider community a keystone of his work. According to Al Loehr, former St. Cloud mayor and Minnesota Veterans Affairs Commissioner, Tom had the hospital involved in the United Way—and, in turn, the community became involved in hospital volunteer work. This tradition continues in St. Cloud today, with a force of 450 volunteers.

As a VA hospital director in Omaha, NE, Tom pushed for outreach care for veterans in remote rural communities. He eventually became a regional director for 14 states.

In the early 1980s, he provided leadership on a $240 million VA hospital construction project in Minneapolis, MN. The Minneapolis Medical Center came under his direction in 1984—and today, it is a flagship facility.

During his time in Minnesota, Tom Mullon has undertaken an absolutely dizzying array of projects—and succeeded at them. He helped establish the Veterans Counseling Service and the PTSD Center, as well as a Brain Sciences Center. He supported the establishment of transitional housing for homeless veterans in an empty building on the Minneapolis VA campus. He encouraged the growth of the residency and research program, in partnership with the University of Minnesota Hospital and Clinic.

He helped to develop the Twin Ports Outpatient Satellite Clinic in Wisconsin. During Operation Desert Storm, this facility was in a state of readiness to receive casualties—and recently opened one of the few Women Veterans Comprehensive Health Centers in the country.

Tom has also been a very valuable asset in the struggle for health care reform, working on legislation to reform the third-party-payer system and create alternatives in health care delivery. He was first chairman of the Dakotas/Minnesota Network Council to coordinate care of veterans in the upper midwest.

Time would not permit me to share with you all of the sentiments of gratitude that Minnesota veterans have expressed to Tom Mullon, but here are a few that can stand for many: "This man knew everyone's job * * * he always found a way to care for the veteran * * * outstanding civil servant * * * committed to the betterment and welfare of veterans in all regards * * * understands the importance of veterans organizations in helping to accomplish the goals of the Veterans Administration * * * extraordinary."

It is almost hard to believe that Tom is able to have a life outside of his patients at the VA, but he has in fact shared 31 years with his wife Luella. Their relationship, not surprisingly, grew out of their commitment to our Nation's veterans—the couple met at a VA Medical Center in Montrose, NY, where Tom was a personnel trainee and Luella was a nurse. Luella today continues her nursing career. Together they managed to raise four children—Patricia, Kathy, Mark, and John.

Tom Mullon deserves every award and honor that he has received throughout his long career. He has been a wonderful resource for the veterans of Minnesota, and for the American people. I ask my colleagues to join me in wishing him good health and much happiness in his retirement.•

"A LOUD SILENCE ON RACISM"

• Mr. SIMON. Mr. President, one Friday evening during recess, I had my television set on the news—I believe it was ABC—when I heard Roger Wilkins, a professor of history at George Mason University, who is an articulate spokesperson for justice and opportunity who should be listened to not only by Members of Congress, but also by this administration. He told that meeting and the Nation that we have to pay attention to the problems of the poor in our country, if we really want to do something about crime.

It was one of many instances I have seen, heard, and read where Roger Wilkins calls on this Nation to do better.

I view him as a great national asset.

The next day, I picked up the New York times and read an op-ed piece by Roger Wilkins on racism, this time against Jews, offered by an African-American.

At the end of my remarks, I ask that Roger Wilkins' statement be placed in the RECORD.

Whenever we create barriers to understanding one another, we create future problems for our country.

That is true when we ignore the problems of the poor. That is true when we fail to reach out to one another across the barriers of race, religion, and ethnic background.

This Nation is fortunate to have Roger Wilkins in our midst. We should be listening to him more often.

The statement follows:

[From the New York Times, Jan. 8, 1994]

A LOUD SILENCE ON RACISM

(By Roger Wilkins)

WASHINGTON.—Khalid Abdul Muhammad of the Nation of Islam, speaking at Kean College in Union, N.J., on Nov. 29, talked of "Columbia Jew-niversity" and "Jew York City" and suggested that German Jews brought the Holocaust upon themselves. He also took aim at whites generally, the Pope, homosexual and the blind and disabled.

No blacks on the faculty and staff condemned the contents of the speech, according to news reports. One faculty member sidestepped issues raised by the talk and lashed out at racism on the campus, to which he believed Jewish faculty members had contributed.

In avoiding swift and forceful condemnation of Mr. Muhammad's bilious diatribe, the black faculty members failed their students, failed their obligations as members of a civilized community and failed to uphold the best traditions of the black struggle.

While I have never been to Kean College, I have no reason to doubt allegations that black adults on the campus have encountered racial problems. Despite splendid efforts on many campuses to change behavior, populations and curriculums, racism remains alive and extremely hurtful in academia. But this is exactly why black staff and faculty members must display exemplary moral behavior. It is not just the black adults on campus who are harmed by racism; it is, primarily and most distressingly, the students—students of all colors and backgrounds. The black adults have important lessons to teach all students, in the classrooms and outside.

Most white, Hispanic, Asian and American Indian students get their first sustained exposure to a black adult when they come into

our classroom. No matter what subject we teach, our personas can be powerful countervailing lessons to the racist notions that nonblack students bring from their neighborhoods and homes.

Black students have come already hurt by a disdainful culture into an academic atmosphere of profound ambivalence. Despite the strongest efforts of the best-intentioned institutions, the atmosphere at predominantly white colleges and universities shrieks, "This is a white space that you occupy only at our sufferance!" Not too long ago, a black student in Oklahoma told me, "White people give me looks that say, 'What are you doing here?'" I asked him when that happened. "Every time I walk into a room," he replied.

One of our most important jobs as black staff and faculty is to help these young people, whose sense of themselves is precarious, learn that though it will be psychically and often economically difficult, they can become strong, effective and fulfilled citizens as so many of the most honorable African-Americans have been over the centuries.

Harriet Tubman, Frederick Douglass, Sojourner Truth, Mary McLeod Bethune, W.E.B. DuBois, Fannie Lou Hamer, Martin Luther King Jr. and Thurgood Marshall were among those who created our best traditions. Their lives teach us that we blacks are much more than simply the sum of our injuries and grievances.

One of the first tasks black faculty members have in passing on those lessons is to separate, to the greatest degree possible, our teaching from the anger and pain our own institutional struggles have inflicted on us. We have to be able to manage our anger and pain and to use them constructively in order to teach our students how to do it after we are gone.

Our heroes did that. Though some of them worked during slavery and others during deepest segregation, they were not whiners or scapegoaters. Some of the most courageous and effective allies many had were Jews. They had other white allies as well—some of them Catholic, blind, lesbian or gay. Our great leaders were not immune to pain or anger, but they were not racists.

It is not weakness to control your justifiable rage, to resist scapegoating, to deal with people as individuals and to use humane values to advance our cause. On the contrary, it is weak to be vile and stupid and anti-Semitic and homophobic and racist. Sometimes it takes strength for teachers to say such things to students when a truly wicked and destructive message has just pandered to their deepest injuries and insecurities.●

AN UPGRADE FOR AMTRAK

● Mr. SIMON. Mr. President, while driving back from our home in southern Illinois to Washington, DC, my wife and I stayed overnight in West Virginia and picked up the Herald-Dispatch of Huntington, WV on Monday, January 3, 1994. In it was an editorial on Amtrak that makes so much sense, I thought my colleagues in the House and Senate should have the opportunity to see it.

It points out, among other things, that in 1981, passenger fares of Amtrak covered only 48 percent of their operating costs, and today it is 80 percent.

Amtrak is a huge success.

It should be continued, invested in, and further developed.

At this point, I ask to insert into the RECORD the editorial from the Herald-Dispatch:

[From the Huntington Herald-Dispatch, Jan. 3, 1994]

AN UPGRADE FOR AMTRAK

"The operation was a success—but the patient died." That old line comes to mind in reviewing the latest financial statement from Amtrak, the government-owned rail passenger system.

Amtrak has increased its passenger load and cut its operating costs. As a result, there's been a steady decrease in the subsidy it must ask from Congress each year. In 1981, passenger fares covered only 48 percent of Amtrak's operating costs. Now that figure is 80 percent. Amtrak officials say the day is not far off when it can operate self-sufficiently.

But there's a big "if" in that forecast.

Despite its improving revenue picture, Amtrak needs a massive infusion of money to replace its aging equipment. More than half its passenger cars are more than 40 years old. Keeping them in repair and in service is a constant, costly headache. Its stations and repair yards also need modernized.

Amtrak President Thomas Downs puts the case bluntly: "You have to invest in the capital plant, or this railroad will simply die as we know it."

Last year, Amtrak trains—including The Cardinal, which links Chicago and Washington, D.C., via Huntington—carried 21 million passengers. That's a heckuva lot of folks to leave standing at the station. Uncle Sam clearly needs to modernize Amtrak's fleet.●

"SENTENCING OPINION" BY HON. ROBERT W. SWEET

● Mr. SIMON. Mr. President, we make grand speeches about mandatory minimums, and it sounds like we're being tough on crime.

We not only need to be tough on crime, we need to be smart on crime, and we are not being smart on crime.

Federal judges are virtually unanimous in opposing the mandatory minimums that are now a part of the Federal statutes.

The statistics certainly ought to indicate to us that we would be wise to leave these decisions in the hands of the Federal judiciary rather than imposing sentences when we do not know the circumstances.

I recently received a letter from Judge Robert W. Sweet, District Judge of the United States District Court in New York City.

He comments on a case before him. It is his sentencing opinion and does not go into detail, and I do not know the detail, but someone was sentenced to life in prison because of the importation and distribution of more than one kilogram of heroin in the United States.

I ask to insert Judge Sweet's thoughtful comments into the RECORD at this point.

SENTENCING OPINION

(By Robert W. Sweet)

On November 30, 1993, the defendant Kwok Ching Yu does not face me for sentence but rather the unseen Members of Congress. This sentence raises serious ethical problems for the sentencing judge, and in my view for Congress, and our society. Under the mandated sentence imposed by Congress by the passage of 21 U.S.C. §848, this first offender, 42 years old, must be sentenced—as a matter of law—to life imprisonment. This is a decree imposed arbitrarily without any knowledge about Kwok Ching Yu or any consideration of his circumstances other than the commission of the acts which Congress has defined as violations of the drug laws resulting from the importation of heroin into the United States.

The rigidity of arbitrary mandatory minimum sentencing laws, in which the sentencing judge has no authority, has caused at least one judge, the Honorable J. Lawrence Irving of the United States District Court of the Southern District of California, to resign his commission. See "Criticizing Sentencing Rules, U.S. Judge Resigns," N.Y. Times, September 30, 1990, at 22; Gary T. Lowenthal, "Mandatory Sentencing Laws: Undermining the Effectiveness of Determinate Sentencing Reform," 81 Calif. L. Rev. 61, 73 n.51 (1993). Perhaps he considered, as I now do, the applicability of the Nuremberg principles of personal responsibility to this arbitrary and ministerial act dictated by Congress.

The Supreme Court has held this procedure and such sentences constitutional, see, e.g., *Harmelin* v. *Michigan*, 111 S. Ct. 2680 (1991), and I am bound by my oath to comply with that holding. Were it otherwise, I would conclude that the imposition of a life sentence without the consideration of the individual does not constitute due process.

My only options in the face of the statute and the present state of the law are to follow Judge Irving's example and to resign to protest a process which I believe to be fundamentally flawed, or to execute a Congressional mandate without further consideration or authority. With serious misgivings but because the issue of the propriety of mandatory minimum sentences is now pending before Congress, I shall sentence the defendant to life imprisonment and forward these sentencing minutes and his probation report to the members of the Judiciary Committees of the House and Senate.

Having presided over the first trial in which the jurors could not reach a unanimous verdict and the second trial in which his guilt was established to the jury's satisfaction, and having read the complete and thorough probation report, I have knowledge about the history and offense of Kwok Ching Yu that I may not employ in connection with his sentence. That is not to say that I would necessarily impose a different sentence, but it is evident that this sentence is harsh for a first offender.

Congress has stripped me and my brothers and sisters of any power to act in this situation, and 92% of us have urged the reconsideration of the mandatory nature of these sentences. See "Judges Oppose Mandatory Minimums," The Third Branch, Nov. 11, 1993, at 1 (reporting results of survey of federal judges conducted by Representative Don Edwards of California). Notwithstanding, Congress has to date concluded that arbitrary sentences, which they require to be imposed without consideration of the individual, best serve justice and society.

This situation brings to mind the observation of de Tocqueville, quoted by W.H. Auden & Louis Kronenberger in The Viking Book of Aphorisms, 209 (1962):

"A revolt of the judiciary is more dangerous to a government than any other, even

a military revolt. Now and then it uses the military to suppress disorder, but it defends itself every day by means of the courts. To render a people obedient and keep them so, savage laws inefficiently enforced are less effective than mild laws, enforced by an efficient administration regularly, automatically, as it were, every day and on all alike."

While it will not serve this defendant, it is my profound plea which echoes that of the Federal Judges' Association that these provisions governing mandatory minimum sentences be amended to permit some consideration of individual defendants, a consideration to which I believe every defendant is entitled.[1]

Because Kwok Ching Yu was found guilty upon a retrial of Counts One, Two, Five, Six, Seven, Eight and Nine of conspiracy to import into the United States and to distribute more than one kilogram of heroin in violation of 21 U.S.C. §§846 and 963 (Counts One and Two); of being a principal administrator of a continuing criminal enterprise in violation of 21 U.S.C. §§848 (a) & (b) (Count Five); of importing heroin into the United States in violation of 21 U.S.C. §§812, 952, 960(a)(1), 960(b)(1)(A) and 18 U.S.C. §2 (Counts Six and Eight); and of possession of heroin with intent to distribute in violation of 21 U.S.C. §§812, 841(a)(1), 841(b)(1)(A) and 18 U.S.C. §2; and because the conspiracy of which he was convicted involved 231 kilograms of heroin, a sentence of life imprisonment must be imposed, together with 5 years' supervised release. No fine will be imposed, but pursuant to 18 U.S.C. §3013 a special assessment of $350.00 is mandatory.

The Presentence Report and Addendum prepared by the U.S. Probation Office graded his offense conduct under the United States Sentencing Guidelines (the "Guidelines") at a total offense level of 46 and assigned him a Guidelines criminal history category of I. The Guidelines Range for this offense level is also life imprisonment. The defendant objects to the Probation Department's augmentation of his offense level by two points for obstruction of justice. Without this augmentation, however, his offense level is 44, and the Guidelines Range for an offense level of 44 and a criminal history category of I is also life. I conclude, however, that the letters at issue do not constitute an obstruction of justice though that determination does not affect the result here.

Through counsel I have been asked to consider the effect of *United States* v. *Ward*, 814 F. Supp. 23 (E.D. Va. 1993) in determining his sentence. In *Ward*, although the defendant's total offense level of 45 mandated a life sentence, the court departed downward because the defendant was 49 years old with no juvenile or adult criminal convictions. However, the drug offenses committed by the defendant in *Ward*, involving the distribution of "crack" cocaine and cocaine, did not carry a statutory minimum of life imprisonment. I therefore have no authority to follow *Ward*.

Despite my concerns regarding the efficacy, justice, and constitutionality of mandatory minimum sentences, I am bound to impose the sentence that Congress has imposed and that I have just described.●

[1] While not relevant to ethical concerns, it is worth noting that Kwok Ching Yu's probation report indicates that the most recent advisory from the Administrative Office of the U.S. Courts suggests that the monthly costs of Mr. Yu's imprisonment will be $1,492.00. Since Mr. Yu has a life expectancy of 32.7 years, see 1993 World Almanac at 940, the cost to the taxpayers of this sentence will be in excess of $585,460.00.

VIOLENCE IN AMERICA

● Mr. SIMON. Mr. President, last fall, Rabbi Herbert Bronstein gave a sermon at the North Shore Congregation Israel on the problem of violence in our country.

First, he properly went after the proliferation of weapons in our country and said we have to do something about it.

I applaud his emphasis.

Then he took on the question of television violence.

At one point in his speech he says:

I have never been able to understand how the television business can deny that violent television influences behavior and then turn around and charge millions of dollars for a minute of commercial time with the equal argument that television will influence the behavior of masses of viewers.

He also adds these words of wisdom:

Sometimes television can be a tremendously positive force in our society. But during one week last year in which tremendously significant events were taking place in the world, on television three events dominated: One, the retirement of Mike Ditka as the Bear's coach; two, the tremendously earth-shaking news of the issuance of the Elvis Presley stamp; but more than any other the Amy Fisher story. Most disturbing was that this empty, shallow, good-for-nothing who had allegedly engaged in an extramarital affair with a Long Island auto mechanic and had murderously assaulted his wife with a gun was, with tremendous ballyhoo and hype transformed by all three major networks into a national figure in three full-length Amy Fisher stories, two of them at the same time. Psychologists all over the country began to criticize the networks for getting a twisted message across to teenagers all over the country as to what kind of person is important and can be made into a star and for the appeal to the most prurient instincts of people and lowering of the public taste.

And then reporters went after the television producers. The most revealing comments were made by the senior vice president of NBC in charge of programming, Ruth Slawson. Surprisingly, she lamented the whole matter. She said that she had serious reservations about the process and how Amy Fisher's story became the hottest thing on American television: "All of us perpetuated this," Ms. Slawson, said. "It became a media phenomenon. Overall, I'm not happy about the state of the movies on television. It's crazy" she said. "It's self-perpetuating."

That made me wonder. She was the vice president in charge of programming. Then why does she do it? She goes on to say: "We all don't want to keep on doing these true-crime movies but then these numbers—the ratings come in and what choice do we have? (New York Times, January 3, 1993).

Numbers, ratings, of course, means money. No matter what other issues are involved, it is as if this is the ultimate justification for everything: The money, the ratings come in and then you have no choice. But if the numbers, the "ratings" are the ultimate justification, the Mafia too can say exactly the same thing: "We don't like selling drugs, prostitution, pornography, putting corpses into trunks but the ratings come in, what choice do we have?" "What choice do we have?", the drug gangs can say that shoot up people including innocent children. "What choice do we have?" say the people who market guns for profit. "What choice do we have?" the congressmen can say, "The lobby comes in and what choice do we have?" And the people who make the violent films which affect the mentality of millions of children can say "the ratings come in and what choice do we have?"

I wrote to that vice president of programming and said: "You do have a choice. You may not make as much money as you now do, but you do have a choice. And worse, you are choosing for us. You are choosing the destruction of the public sense of the sanctity of life."

I am grateful to Rabbi Bronstein, and I ask that these remarks be entered into the RECORD at this point.

The remarks follow:

VIOLENCE IN AMERICA

(By Rabbi Herbert Bronstein)

The violent death of Michael Jordan's father struck a nerve in the American psyche. While he was only one of many thousands of victims of murder in America this year, his prominence made him a symbol of random violence in the United States.

But there is a far more excruciating symbol of violence in our society, a bell of mourning and warning that tolls ominously for all of us. It is the radical rise in the number of violent deaths of children in our society:

At play in the public streets, in parks, on their porches, in their homes, at birthday parties, as innocent bystanders of gang wars or petty teenage scuffles once settled with fists and now with guns more easily obtainable by many of our children than books, or in drive by shootings that have replaced (as a pastime among teenagers) the innocent automobile cruising of the 1950's, or in accidents with guns that are to be found in the households of half of the American public. Only decades ago any of these deaths would have been considered a bizarre anomaly evoking astonished horror. They are now as common-place and routine on the daily news, day in, day out, as the daily morning and evening weather reports.

Over the summer I read with sad irony that yet another scholar[1] has agreed that the story of the binding of Isaac was, in the first instance, intended as a strong protest against human violence, a marked step toward the rejection of general human aggression which in ancient days took the form of the ritual murder of children. Abraham, with whom the Divine voice pleads, "Lay not your hand upon the child" represents a new emerging consciousness moving beyond violence.

But how much more than in ancient days do we need a Divine voice pleading with us to make our stand, each of us in some way, against the violence with which our society has become more heavily saturated than the fields and towns of the flood-engulfed Midwest; and whose ghoulish sign is the murder of children. As the Tribune of January 3, 1993 put it: the tale of the violent deaths of children every year in Chicago alone is a tale of epic proportions, the tale of a society that is unable to perform its fundamental duty, the protection of its most vulnerable members; and which has yielded its claim to the term "civilization".

And children are a tragic symbol of violence in yet another way because of the radical rise in numbers of children who, in our society, become killers. The annual rate of

[1] Bergmann, Martin, *In the Shadow of Moloch*.

arrest for youths under twenty years of age in Chicago has risen between 1965 and 1990 by three hundred and thirty-two percent. Between fifty and sixty percent of violent crimes, usually with firearms, are committed by young people, many as young as ten years of age.

In many a perfectly maintained working class upright section of our country "the boy and his gun" as Time Magazine has put it has replaced "the boy and his dog". With shotguns available for twenty-five dollars, sawed off and turned it into automatic weapons, teenagers now repay their petty vengeances by shooting up cars as entertainment or the homes or front porches of people they do not like. A young woman whose lifelong ambition was to teach kindergarten (only one of thousands of such stories) is shot while playing softball, by a teenager from a passing elevated train. Why? "like he saw in the movies". About a month ago in El Monte, California, two young men riding a bicycle, one on the handlebars, shot two people dead and wounded a third. In Kansas City, a few weeks ago, a fifteen year old pulled out a gun in the movie house and shot his mother to death. Two girls, of what is for us Bat Mitzvah age were apprehended in a serious plot to murder their teacher. One man in Washington, D.C. recently shot five people because someone had bumped into him on the dance floor. In the same area a young man pulls up to another car, shoots the person in the driver's seat because he did not like the music. Friends, this reveals an abnormal pathology written large in our society.

In Washington, D.C. a survey of first and second graders in all schools has revealed that thirty-one percent had witnessed shootings; thirty-nine percent had seen the dead bodies of those murdered.

I want our children to know that these conditions of violence in our society are not natural. It was not always like this; it does not have to be like this. In the depth of the depression, when I was a child, a time of far more economic duress, far more unemployment but infinitely fewer guns or commercialized violence, even for me as a child it was safe to walk or play in parks in the evening. You could welcome, can you imagine, a poor person into your house for a sandwich or a cup of coffee!

Over the summer, in Louisiana, a Japanese youth with poor English comprehension, simply knocking on the door to ask directions is shot and the perpetrator totally exonerated on the grounds that the young man was on his private property! Friends, this is the justice of Sodom! It is the justice of a violence-ridden society in which paranoia has replaced the most elemental civility.

And that is the other great symbol of violence in our society. The loss of civil space. It is no longer that we are not safe in certain parts of the city. We are not safe in parks, on the expressways, in our own driveways, in the malls; we are taught how to get out of our cars, how to enter and leave banks. In the emergency rooms of our hospitals, trauma from gun violence has become a huge financial burden on the American public but emergency rooms themselves have become scenes of violence. And the two places which every society considers its ultimate, absolute places of refuge have also been breached by violence. The first is expressed by a cartoon in which a mother pleads: "I can not let my child go, I am afraid of the guns, the killing, the terror." And a man responds: "Madam, you have to send your child to school." Counselors and therapists are regularly called into schools all over the country to help mourning children deal with the emotional trauma of the violent death of their school mates.

And that other absolute redoubt of law, order and safety, at least until the past decade, the American courtroom? As the New York Times of January 26, 1993, put it: "For two centuries American courtrooms were sanctuaries relying more on calming ritual, even than on guards, to restrain violent outburst." But the spell, criminologists say, snapped in the 1980's when unlicensed guns proliferated and the courts became tinderboxes exploding with violence, with murder. Attorneys-general and judges give testimony to their near escapes. The courts of New York State two years ago installed metal detectors. And, are you ready for this, in one year over one hundred thousand guns and knives were confiscated.

On a scale of one to ten in numbers of violent random murders per capita, the United States, of all advanced societies is just under ten. But on this scale not one other country even reaches the number one! Someone has estimated that you are fifty-five times more likely to suffer from violent assault in the United States than in Great Britain. And at least we should start to listen to what Europeans and Japanese are beginning to say, we do not like it, that America is not a safe place to live. It is, as the American Medical Association has put it, a public health problem of major proportions. Violence in America is a national disaster. Violence is a plague. I am convinced that violence is the number one problem of American life today and that nothing should be higher on the national or local agenda or on the public consciousness and we have not really begun to address this issue as a nation.

Obviously, the causes of such a calamity are complex: the break down of the justice system, jails so over crowded that they are mere non-rehabilitative holding pens with revolving doors, a lack of seriousness about punishment of crimes with guns; a society willing to fork-over an average eighty thousand dollars a year it costs to incarcerate a criminal but unwilling to pay the eight thousand per person per year to prevent someone from becoming a criminal; all the decades of the neglect of the social infra-structure.

But two factors are so gross, so glaring that we ignore them at our peril and they are the very factors about which each and every one of us can do something.

First and foremost, the insane, virtually unlimited, avalanche of guns of all kinds in our society. Every other industrial nation strictly limits gun sales. Every other advanced industrial nation has a virtual ban on handguns. But here any criminal, the mentally ill, right-wing fanatics, cults which build huge armaments, anti-semitic, anti-black, the white Aryan nation armed to the teeth, anyone, can get almost any gun at will from the deadly handgun to semi-automatic assault weapons used previously by terrorists and in war, now the favorite weapons of choice by criminals: Two hundred million guns of all kinds flooding this society, manufactured and distributed every week by the tens of thousands as compared with the exactly thirty-three hand guns legally licensed and registered to the public in all of Japan. Police departments are out-gunned everywhere by the criminals.

Put this together with the tinder-box conditions of unsolved problems in our society, the abnormal family life, poor education, and you have a society which in its gun policy could be certified as deliberately suicidal! Every couple of years in this country more people are killed in random violence than all the soldiers killed in all of the Vietnam War years. Over twenty-three thousand Americans murdered by handguns alone last year. A new handgun is produced for sale in America every twenty seconds and every two and a half minutes someone is shot. More than one hundred thirty-five thousand students, it is estimated, carry handguns to school every day. One lone gunman took an AK-47, bought without any background check or waiting period, to a Stockton, California elementary school and gunned down thirty-four children and one teacher in less than two minutes.

It is clear that a majority of Americans, and virtually all law enforcement agencies, want strong steps taken to limit the flow of guns in this country. So what is stopping it? The answer is clear.

There are many people in this country for whom money is more important than the lives of children, and than your life or my life. I am not only talking about the mafia, the cocaine and heroin business. I am talking about the gun business in this society that has been brainwashing, hustling, conning the American public for decades against any kind of limitation on gun sales with all kinds of stupid non-sequitur arguments about constitutional rights and freedoms or that we will use gun control to take away guns from hunters, target shooters and collectors. I am talking about the most powerful lobby in the United States, the National Rifle Association with its marble six story palace in Washington, D.C., eighty-nine million dollars annual budget, many lobbyists walking the halls of Congress, a huge campaign treasury before which our congress has for decades cravenly cowered in the dust because, apparently, to many of our august congressmen getting re-elected is also more important than the lives of human beings.

The gun business, through the NRA, has fought every and any kind of limit on guns in this society including the minimal sensible step of the Brady Bill which would impose a five day period on the purchase of guns and without which any mentally ill person or criminal can purchase multiple guns at will. It will not make a big dent but it is a first step. It will raise the black market prices of guns; it will help keep guns out of the hands of teenagers. Since the California fifteen days wait law, roughly six thousand people were turned away from buying guns and possibly we could save thousands of lives in this country. Is it not worth it?

The NRA has fought a ban on mail order machine guns, plastic pistols, police killer bullets specifically designed to pierce bullet-proof vests. They have fought limitations on advertisements in gun magazines, directed particularly at criminals, for guns whose finish is impervious to finger prints. They are battling in the Illinois Legislature against a simple gun safety law which would mandate only the safe storage of guns and make it a crime to leave a gun within the reach of children.

A study by the Federal Bureau of Alcohol, Tobacco and Firearms discovered that one of every four guns in New York City and one of every three guns used in violent crimes in Washington, D.C. had been purchased in the state of Virginia where gun-runners could buy weapons literally by the car load, no questions asked, haul the guns to other cities, including Chicago, and sell them on the streets in the black market for profits of three to four hundred percent. As a result, the Governor of Virginia called for a very

mild law that would limit sales to only one gun per customer per month and the tightening of record keeping on guns. Who fought it? The gun lobby.

And wanting even more to expand their markets, the gun business has begun very successfully marketing expensive guns as stylish accessories for status-conscious women. But unlike most status symbols, guns can kill. Handguns purchased for home protection are forty-three times more likely to kill the owner, or a family member, or a friend than to be used successfully in self-defense.

We have to begin step by step, first with the cornerstone, the Brady Bill, to roll back the number of guns in this society, get guns out of the hands of children, ban hand guns and assault weapons, eliminate multiple purchases of guns and institute much stricter legal procedures against anyone, including teenagers,involved with violent crimes and crack down on the black market in guns with harsh punishment for drive-by shootings. We have to begin a national educational program in our schools, and in the media, about violence and guns.

We need a national program on violence. It is seemingly overwhelming because we have let things go so far in this society. But it has to be done and technically it can be done. We just blew away many billions of dollars on the failed expedition to take pictures of Mars: But this is here on earth, our life's blood.

And we have to let Congress know that there should be no shilly-shalling when it comes to violence in our society, that the limit on the manufacture, sale and distribution of guns in this society is a high priority for us. We have to let the Congress know that in the conditions of our society those who support the policies of the NRA, kowtow to it, are a national disgrace and should be considered morally and spiritually, if not legally, accomplices to murder.

There is another element glaring and gross in the rise of violence about which we can do something. Once I watched with horror two boys fourteen years of age who were killers. When asked if they felt any remorse or sorrow, they manifested no feeling at all. But this is not surprising in a society whose children are increasingly desensitized to hurt or death of others, to the point that it means nothing. For our society, to the mixture of poverty, a jobless underclass, poor education, gangs, guns, the absence of family life, our society, deliberately, to this devil's brew adds one more element deliberately, repeatedly, forcefully, incessantly: The explosive element of repeated images in all the media of killing, violence, murder to the extent that the taking of life seems normative, normal. Violence is depicted as a means of resolving all disputes. We do it through all the media but, above all, through the daily abomination of television violence which is the most powerful of the media because the most available and continuous, in fact, the most potent ever invented for the transmission of behavior patterns. But in our society people make money on the sale of violence.

Every society that has ever existed has tried to acculturate its children to the values it has chosen by the stories it tells, the scenes it shows. The Jewish tradition has literally tens of thousands of stories which glorify tenderness, compassion, service. But through slick technique, television cultivates a taste for violence and then sells it at huge profits. The result is that we are deliberately inculcating in children pathologically anti-social behavior. According to many studies (these studies run into the thousands), by the age of sixteen our children see two hundred thousand acts of violence and thirty-three thousand murders minimally on television. Roughly, three thousand research projects and scientific studies between 1960 and 1992 have repeatedly confirmed the connection between this diet of violence in entertainment on the one hand and aggressive anti-social behavior on the other. Even the magazine Television Guide has pointed out: "the overwhelming weight of scientific opinion now holds that televised violence is responsible for much of the rise of violence in our society"—according to the American Psychiatric Association, as much as fifty percent of violent crime in society. I have never been able to understand how the television business can deny that violent television influences behavior and then turn around and charge millions of dollars for a minute of commercial time with the equal argument that television will influence the behavior of masses of viewers.

Like guns, television violence is an abomination about which all of us must and can do something.

And this brings me back to the final problem and it is a case of "we have met the enemy, and it is us." At this stage of violence in America, whoever contributes to it, whoever does not react to it, whoever accepts it is also responsible. Do not consume television or media violence yourself! Do not allow your children to do so! If you do, you are supporting violence. There are excellent organizations which work to diminish television violence and for the control of guns in our society. They are effective but need much more support. Let the networks know immediately that you will not watch programs featuring gratuitous violence as an entertainment. Let the makers of the products that advertise through violent programming know your feelings. Do not use their products. Beginning within ourselves, let us begin to develop a zero tolerance towards violence in this society. Let us create, as we did with the environment, an anti-violence consciousness in this society.

I conclude with an incident that sums it up. Sometimes television can be a tremendously positive force in our society. But during one week last year in which tremendously significant events were taking place in the world, on television three events dominated: One, the retirement of Mike Ditka as the Bear's coach; two, the tremendously earth shaking news of the issuance of the Elvis Presley stamp; but more than any other the Amy Fisher story. Most disturbing was that this empty, shallow, good-for-nothing who had allegedly engaged in an extramarital affair with a Long Island auto mechanic and had murderously assaulted his wife with a gun was, with tremendous ballyhoo and hype transformed by all three major networks into a national figure in three full length Amy Fisher stories, two of them at the same time. Psychologists all over the country began to criticize the networks for getting a twisted message across to teenagers all over the country as to what kind of person is important and can be made into a star and for the appeal to the most prurient instincts of people and lowering of the public taste.

And then reporters went after the television producers. The most revealing comments were made by the senior vice president of NBC in charge of programming, Ruth Slawson. Surprisingly, she lamented the whole matter. She said that she had serious reservations about the process and how Amy Fisher's story became the hottest thing on American television: "All of us perpetuated this", Ms. Slawson said. "It became a media phenomenon. Overall I'm not happy about the state of the movies on television. It's crazy" she said. "It's self-perpetuating".

That made me wonder. She was the vice-president in charge of programming. Then why does she do it? She goes on to say: "We all don't want to keep on doing these true-crime movies but then these numbers (the ratings) come in and what choice do we have? (New York Times January 3, 1993)."

Numbers, ratings, of course, means money. No matter what other issues are involved, it is as if this is the ultimate justification for everything: The money, the ratings come in and then you have no choice. But if the numbers, the "ratings" are the ultimate justification, the Mafia too can say exactly the same thing: "We don't like selling drugs, prostitution, pornography, putting corpses into trunks but the ratings come in, what choice do we have?" "What choice do we have?", the drug gangs can say that shoot up people including innocent children. "What choice do we have?" say the people who market guns for profit. "What choice do we have?" the congressmen can say, "The lobby comes in and what choice do we have?" And the people who make the violent films which affect the mentality of millions of children can say "the ratings come in and what choice do we have?"

I wrote to that vice-president of programming and said: "you do have a choice. You may not make as much money as you now do, but you do have a choice. And worse, you are choosing for us. You are choosing deterioration for our society and death for us. You are choosing the destruction of the public sense of the sanctity of life."

On our high holidays we read, "I set before you life and death, the blessing and the cruse! Choose life! Jews have always felt that we have a choice. We are in this room because Jews made a choice to stay Jews despite "the ratings", despite economic pressure, despite the exclusions and persecution. If we want to maintain a fairly liveable society for us, for our children (and it is getting worse for our grandchildren) we have to make choices. Life is enhanced for others, people are healed, people are saved because some people are willing to make choices.

In the face of the plague of violence, we have to make choices. Some of you will not act, you will go away and not do a thing. But you are making a choice. And its not for blessing, not for life. Some of you will work actively for gun control and media free of gratuitous violence. And you are making a choice for blessing and for life. Choose life, that you may live, you and your children.●

TELEVISION VIOLENCE COMMENTARY BY PAUL WEYRICH

● Mr. SIMON. Mr. President, one of the things the media intends to do is to categorize all of us in politics, as liberals, conservatives, moderates, or whatever our category.

One of those who is generally labeled as a conservative, while I am generally labeled as a liberal, is Paul Weyrich, who has been a thoughtful observer of the national scene.

I disagree with Paul on some issues, but I also agree with him on some issues and have always had great respect for this sincerity, as well as his ability.

His motivation is good, and when you start off with that, you start off with a major plus.

Recently, he had a television commentary on the question of television violence, and I ask to insert his thoughtful remarks into the RECORD at this point.

The remarks follow:

The question of curbing media sex and violence is a thorny one to be sure. Any time we speak of curbing someone's right to do what they please, we run up against not only certain Constitutional questions but also against the America of the second half of the 20th century where anything which smacks of even voluntary censorship is subjected to a rigorous political correctness test.

It is, of course, true that parents or guardians should exercise the ultimate responsibility over what their children watch. Moreover, it is not impossible to control the use of television sets in the home, despite all the protests from permissive parents to the contrary.

But the fundamental question boils down to this: those who produce television programming live in society. They must face up to the fact that the way they portray sex and violence on television has societal consequences.

More and more evidence points to this unescapable fact. Television producers have a responsibility to society. They should be expected to be good citizens like everyone else. The same, of course, goes for Hollywood.

Even if a parent exercises sound parental control over what his or her children watches, those children still must live in a society where other children, whose parents don't care enough to exercise parental responsibility, roam the streets.

When it is so clear that the media is adversely influencing the conduct of an increasing number of disconnected young people in our society, then it is time to forget about all the platitudes.

We don't need to hear that the media is just mirroring society. We don't need to hear that our freedoms will be profoundly affected if the media is asked to act responsibly. We don't need to hear that in America everyone should do as he pleases.

What we do need to hear are the voices of the media acknowledging their responsibilities to the society in which they and we live. We need to hear them take responsibility for what they produce and the affect it has on people's lives. We need them, for the common good, to voluntarily change their approach to sex and violence or we will have a governmental solution, and governmental solutions are never as good as private solutions.

Society has the right to protect itself from irresponsibility of any kind. That is the real issue here. That's Direct Line for tonight.

On behalf of producer Ellen Willson, director Chris Topping, and the entire NET staff, I'm Paul Weyrich asking you to join us again tomorrow on Direct Line when we have Bill Kristol, former Chief of Staff for Vice President Quayle, to talk about the future of the Republican party. Have a good evening.•

THE RETIREMENT OF THOMAS P. MULLON

• Mr. WELLSTONE. Mr. President, I rise today to ask my colleagues to pause for a moment and join me in honoring a fine public servant and great advocate for veterans. Thomas P. Mullon retired on January 22, 1994, as the Director of the VA Medical Center in Minneapolis, MN, one of the best VA hospitals in the country.

Let me tell you a little bit about Tom Mullon and why we in Minnesota will especially miss him.

Tom Mullon is a veteran himself. During his long and illustrious career, he never forgot that. Tom's pride in being a veteran has always been evident. As a result he has consistently sought to act in the best interests of the Nation's veterans.

He has been the Director in Minneapolis since 1984 and has held over a dozen other key assignments in the Department, including Regional Director of the VA's Midwest Region.

I would also like to tell you about some of Tom's accomplishments during his tenure in the VA. There are dozens that come to mind. Let me just mention a few of them.

First, he has received numerous awards over the years from the VA as well as other agencies for his strong leadership and tireless efforts to serve veterans and their families. For example, in 1987 he received the Governor's Special Commendation and in 1988 the Presidential Award for Distinguished Executives.

Second, in the mid-1980's he worked arduously to plan, construct, and open the Minneapolis VA Medical Center, from which he has just retired. Due in no small part to Tom's dedicated efforts, this medical facility has become the pride and joy of the U.S. Department of Veterans Affairs and, more important, of veterans throughout the region.

Third, Tom has been instrumental in establishing several innovative and valuable programs within the Minneapolis VAMC, including the Women Veterans Comprehensive Health Care Center, the Brain Sciences Center and endowed chair, and the Transitional Housing for Veterans Program. In 1989, he also played a pivotal role in the opening of the Twin Ports Satellite Clinic in Superior, Wisconsin, to better serve the veterans of northern Minnesota and western Wisconsin.

Finally, Tom deserves special recognition for his exemplary leadership in strengthening VA mental health services, such as expanding treatment options in Minnesota for post-traumatic stress disorder.

With his deep commitment to veterans and their health care, Tom has earned the acclaim of all veterans' organizations, local as well as national.

With over three decades of service to his country, Tom will be missed, but not forgotten. Every time a veteran checks into the VA Medical Center Tom opened or applies to one of the VA programs Tom established, we will be reminded of this remarkable man's efforts and accomplishments. I am confident that Minnesota veterans will join me in expressing deep appreciation for Tom's unstinting efforts on their behalf and in wishing him a happy and productive retirement.

Mr. President, I conclude my remarks by asking my colleagues and the Nation to join me today in thanking Thomas P. Mullon for his commitment, dedication, and service to the Nation and its veterans.•

WHEN CURRENCIES COLLAPSE

• Mr. SIMON. Mr. President, I am not a great fan of Boyden Gray because of a personal reason. Some time ago during the Anita Hill/Clarence Thomas hearings, he told reporters that I was the source of the leak on the Anita Hill matter. While I think the key question is not who leaked the material but who told the truth, the reality is, I don't operate that way, and I was not the source for the leak. My colleagues on the Senate Judiciary Committee know that. And I am pleased to say, when asked, that three of my colleagues who voted for Clarence Thomas said that they did not know who leaked, but they were sure I was not the person.

Just as Boyden Gray can be wrong on some things, he can be right on some things. Recently, he had an op-ed piece in the New York Times, which is absolutely on-target about the currencies of Russia and the Ukraine.

I was the chief sponsor of the bill for aid to Poland after the dramatic changes there. I remember borrowing a typewriter from Ambassador John Davis in Warsaw about midnight and typing up the aid to Poland bill, which was modified only slightly in the process of enactment.

The dramatic changes that have taken place in Poland would not have been possible without a resolve on the part of the Polish Government to have a solid currency. That encouraged investment. They made the zloty a respectable currency. I can remember being in Poland, when at the airport in Warsaw, they would not accept their own currency if you wanted to buy something in the Warsaw airport. I know of at least two major American businesses that would like to invest in Russia today, but are reluctant to do so because of the instability of the currency.

I assume there are many more than the two I know about.

I ask to insert into the RECORD the statement by Boyden Gray. I urge my friends in the State Department and the administration, as well as my colleagues on the Senate Foreign Relations Committee, to encourage the Eastern European countries to do what they can to achieve a stable currency. Without that, frankly, I do not see much hope for things moving in a solid direction.

The statement follows:

[From the New York Times, Dec. 29, 1993]

WHEN CURRENCIES COLLAPSE

(By Boyden Gray)

WASHINGTON.—The big trade agreements of the past few months have prompted rejoicing in the United States, Latin America, Western Europe and Asia. But they will be of little value to the former Soviet republics and Eastern Europe, where the growing economic disparity with the rest of the world will sow the seeds of enormous regional violence if it is not corrected soon.

The key to the economic plight of these nations is all too easy to overlook: the terrible instability of their currencies and the great difficulty of converting them to other currencies. Yet if the U.S. and the rest of the world ignore the currency problems of the old Soviet bloc, we will be repeating the very mistakes that led to World War II—and forgetting the lessons of the 1940's, which not only corrected these mistakes but also laid the basis for a world trading system and for the collapse of the Soviet empire.

What were these mistakes and lessons? Apart from the wrongheaded Smoot-Hawley tariff of 1930, the major mistake was to pull the financial plug on Germany in the 1920's, leaving it unable to establish sound money and trade with its neighbors. And it was the genius of the Marshall Plan to help re-establish all of Western Europe as a economic trading bloc after the war, so that everyone, winners and losers alike, could rebuild and prosper.

The key to the Marshall Plan's success was not foreign aid itself but the establishment of the European Payments Union, which guaranteed that currencies could be freely converted throughout Western Europe so that countries could attract outside private capital and grow through expanded trade with their neighbors.

But today there is no reliable or predictable currency convertibility and therefore no equivalent opportunity for investment, trade and growth in Eastern Europe and the former Soviet Union, no matter how much foreign aid we pump in. This means economic decline and soaring inflation throughout the region—conditions that closely resemble Germany's between the wars.

What can be done? As the Marshall Plan showed us, currency convertibility is essential to outside private investment and expanded trade. It requires special attention because there are so many pressures to look the other way. In the short term, the West lacks the incentive to correct the situation: private financial institutions find it too easy to make short-term currency profits out of the chaos. The countries themselves have no short-term incentives, either: clamping down on inflation means denying them the joys of a discretionary fiscal policy—especially deficit financing (used now primarily to keep the old state-owned enterprises afloat).

Yet without stable currencies throughout Eastern Europe, privatization is certain to be a failure. We in the West take for granted the legal institutions that make privatization possible—the rule of law, the enforceability of contracts and the independence of the judiciary. These are all legal developments that took a thousand years to mature and are essential to the preservation of property values that are in turn essential to a market economy, if not also to democracy itself. They are largely missing in the former Soviet bloc.

Even without them, Eastern Europe could obtain much of their benefit by looking to their currencies as the basis for a stable, transferable and convertible store of property values. The best way to do this—and to emulate the best of the Marshall Plan—is to establish currency boards in every Eastern European country.

A currency board is simply a monetary authority that links the money it issues to a reserve of hard currency, like the U.S. dollar, by means of a fixed exchange rate and 100 percent backing for the notes and coins it issues. (The reserve can be built up in any number of ways, including loans from the International Monetary Fund with natural resources as collateral.) The board earns a profit because its assets (reserves) earn interest and its liabilities (notes and coins) pay none. A currency board system is automatic, like a gold standard. It has no discretionary monetary or fiscal powers, and no power to act as a lender of last resort.

Since the establishment of the first currency board (in Mauritius, in 1849), there have been more than 70 around the world. All have delivered sound money even during civil wars.

The key to their success is their simplicity and foolproof nature. The Marshall Plan's payments union assumed a level of sophistication in currency operations in Western Europe that simply does not exist in the East. So a simpler, more error-proof mechanism is necessary.

John Maynard Keynes established a currency board in northern Russia in 1918, in the middle of World War I and the Russian Revolution. It functioned very well for two years until the Bolsheviks tore it down.

There are, of course, modern examples of currency boards. Hong Kong's is the most famous, and its dollar-backed currency is providing much of the stability behind South China's current economic miracle. Similar growth is happening in Argentina, for similar reasons.

A more pertinent case is Estonia. Like Argentina, it has the substantial equivalent of a currency board; both nations follow closely the advice given by Steve Hanke, the Johns Hopkins University economics professor whose "Monetary Reform in a Free Estonia" and "Central Bank or Currency Board?" were published in Estonian and Spanish, respectively. He has also provided advice on Lithuania, which is seeking I.M.F. and World Bank help to copy the Estonian experience.

What's most urgently needed is for a Western banking consortium to set up currency boards in Ukraine, whose 52 million people are saddled with inflation of almost 100 percent per month, and in other republics of the former Soviet Union. As the recent Russian elections made all too plain, economic instability can lead to political instability. Who would want to promote such a risk in countries that still have nuclear arsenals?•

THE NAVAL MILITIA

• Mr. D'AMATO. Mr. President, yesterday, I submitted for the RECORD the first installment of a two-part series describing the history, function, and advantages of the Naval Militia recently published in the Naval Review Association magazine. I ask that part II be included in the RECORD.

The article follows:

[From the Naval Review Association Magazine, October 1993]

THE NAVAL MILITIA, PART II. MISSION FOR THE NAVAL RESERVE

(By Commander William A. Murphy, USNR/NYNM and Commander Walter Johanson, USNR/NYNM)

Participation in the Naval Militia by Naval and Marine Corps Reservists should be recognized as good public policy. The United States is a maritime nation. It should be a mission of the naval service (including, by definition, the Naval and Marine Corps Reserves) to assure the national consensus that we are a MARITIME nation and therefore ALL have a real interest in the maintenance of an effective naval service.

The greatest modern builders of that consensus were Alfred Thayer Mahan and President Theodore Roosevelt. Their intellectual heirs are found at the US Naval War College in Newport, Rhode Island; ultimately, it is the responsibility of each member of the naval service to understand the mission and help build that consensus in the national interest.

A important and very American national security tradition is to place significant reliance upon the militia—"the Guard and Reserve"—to meet a major national or state emergency. This is not only philosophically sound traditional practice, it is also the cornerstone of the very practical Total Force Policy which worked so well in OPERATION DESERT SHIELD/DESERT STORM in 1990/91. The Naval and Marine Corps Reserves are an important part of this American militia tradition—as demonstrated in the Arabian Gulf—and they can have an even larger functional share of this American militia tradition. It is worthy of note that the origin of the United States Naval and Marine Corps Reserves is to be found not only abstractly in the militia ("citizen-soldier") tradition, but, specifically, in the Naval Militia.

NAVAL/MARINE CORPS RESERVE—CONGRESS' NAVY

The force structure and operational requirements of the Naval and Marine Corps Reserves is principally a function of the will of Congress (which is, at least in part, a reflection of constituent opinion). Congress, for its part, seems to intend that the Guard and Reserve will continue to be funded as a significant part of the over-all defense establishment of the United States.

In order to continue this generally amicable relationship between Congress, on the one hand, and the Naval and Marine Corps Reserves, on the other hand, it is necessary that the Naval and Marine Corps Reserves have a physical presence and a higher profile in each and every State of the Union. There are three aspects to this presence:

Greater community presence;

Maintenance of at least one Naval and Marine Corps Reserve Center (or Naval and Marine Corps permanent presence in an Armed Forces Reserve Center) in each and every state, commonwealth, territory and the District of Columbia;

Increase the functional utility of the Naval and Marine Corps Reserves to the States and to the people.

This last aspect is particularly important to the naval service in that most activity of the US Naval and Marine Corps Reserves (unlike the National Guard) tends to be over the horizon, i.e., out of public view. The individual opinions of Naval and Marine reservists, and the addition of their drill pay to the local economy, while positive factors, are probably not of themselves compelling argu-

ments to Congressional budget committees. By expanding the domestic mission of the Naval and Marine Corps Reserves their value to the body politic might be better appreciated at all levels of government.

The continued existence at an effective force structure level of the United States Navy and Marine Corps, and derivatively, of the United States Naval and Marine Corps Reserves, is dependent upon the will of the American people (expressed through Congress); that is to say that it is not enough to rely upon the fact that an effective naval service (including reserves) is objectively in the national interest. An enhanced general appreciation of the Naval and Marine Corps Reserves, and hence of the entire naval service—and of our maritime national interests (including our merchant marine/sealift capability and the Merchant Marine Reserve component of the US Naval Reserve), is truly in the national interest and ultimately as important to the Regular Navy and Marine Corps as to the Reserves (some Regular inclinations to the contrary notwithstanding).

NAVAL MILITIA

In two States—New York and Alaska—the Naval and marine Corps Reserves have an additional mission, a mission (and raison d'etre which enhances the value of the Naval and marine Corps Reserves to those States, namely, participation in the Naval Militia of the State. (See New York State Military Law, ARTICLE II—THE ORGANIZED MILITIA, Section 43; reference: McKinney's Consolidated Laws. Book 35—Military Law 1990. See also Alaska Statute. Sections 26.05.010, 26.05.030, 26.05.060, 26.05.330, 26.05.340.)

New York has had a Naval Militia since 1891, a Marine Reserve component since 1893. It was a meeting of the Association of the Naval Militias of the United States at the US Naval War College in 1900 which gave a major boost to the idea of a US Naval Reserve.

The Naval Militia, put simply, is an opportunity for any state willing to conform to the standards set forth in statute law (Title 10, USC) to add to the Organized Militia of the State those members of the US Naval and Marine Corps Reserves who are willing to be appointed to/enlisted in the Naval Militia. That is to say that those Naval and Marine Corps Reservists would then be subject to call up to active duty by the governor of the State with full pay and allowances, paid by the State per the USNR/USMCR pay scale. [Pay is 75% reimbursable by the Federal Government after the fact in Federally-declared emergencies (such as Hurricane Andrew in Florida and Louisiana).] Members remain subject to call-up/mobilization by the United States. Thus, the Naval Militia is a no additional cost augment to the existing Organized Militia system of the Army National Guard and Air National Guard (the National Guard is covered in Title 32, USC).

Put another way, the Naval and Marine Corps Reserves are already being paid for by the taxpayer; through the Naval Militia that same taxpayer gets greater return on his investment in that the Naval/Marine Reservist who is also a member of the Naval Militia acquires a dual Federal/State reserve/militia identity, directly accessible for State as well as Federal emergencies. As set forth in Title 10, USC (Chapter 659.—NAVAL MILITIA. Sections 7851 through 7854), Section 7851 establishes that the "Naval Militia" consists of "the Naval Militia of the States, the Territories and the District of Columbia."

Participation in the Naval or Marine Corps Reserve qualifies one for membership in the Naval Militia without any additional training; Title 10 US Code Section 7854 (2) states: "the organization, administration and training of the Naval Militia conform to the standards prescribed by the Secretary [of the Navy]. Aug. 10, 1956, c. 1041, 70A Stat. 486." [See Also Alaska statutes. Section 26.05.030 (1) and (2).]

The advantage to the individual Naval/Marine Reservist is that he suddenly becomes more relevant to his State, its government and its people, and, therefore, to its Representatives in Congress. This enhanced relevance to Congress could benefit the reservist through an increased appreciation of the importance of maintaining Naval/Marine Corps Reserve force structure and institutional support within the State. It benefits the regular United States Navy and Marine Corps by increasing the numbers and the geographic distribution of those persons who have a vested interest in the continued existence of a naval service with sufficient critical mass to accomplish the missions which go with world leadership.

JOINT STATE MILITARY/NAVAL FORCES

The inclusion of the Naval Militia in the Organized Militia of a state provides the opportunity for the creation of a truly Joint Staff under The Adjutant General, as is currently being done in New York State. This, in turn, offers the potential for joint training, planning and operations experience to the Army and Air National Guard as well as to the Naval and Marine Corps Reservists participating in the Naval Militia. Given the joint nature of modern warfare, such joint experience for an organized Militia would pay great dividends in the next mobilization for a national emergency.

The operational cost to the state of a Naval Militia is more than offset by the income tax revenues generated by the drill pay of Naval and Marine Corps Reservists (not to mention the pay of TARs and other full-time support personnel in reserve facilities).[1]

Should future drawdowns of military force totally eliminate the presence of the Naval and Marine Corps Reserve from a State, it is quite possible that returning Navy and Marine Corps veterans might be forced to compete with Army and Air Force veterans for National Guard billets should they wish to continue their service as citizen soldiers. Politics is, ultimately, local; whatever political support such persons might wish to give to the naval service could then be expected to be of a lower priority to their new vested interest in the National Guard, but through participation in the Naval Militia, the solution is in making common cause with the National Guard and other elements of the Organized Militia. For example, in New York State this has been done professionally and politically through the Militia Association of New York, where the Naval and Marine Corps Reserve message (including both the Navy homeport and Marine aviation messages) from New York has been carried to the New York Congressional delegation by officers who in other States might only have been concerned with the (Army/Air) agenda of the National Guard Association.

WIN-WIN SOLUTION

What is proposed is essentially a win-win solution to the problem of expanding the mission (and the support base) of the Naval and Marine Corps Reserves, in this case a domestic mission, without adding to the taxpayer's cost or to the federal budget. Among the potential domestic missions of the militia are responding to public health or public security emergencies which result from strikes, natural, technological, or civil disasters. Port security, coastal defense, public utilities, and pollution control are possible emergency missions. The maritime defense zone mission was a historic Naval Militia and Naval Reserve tasking prior to World War II; the Naval Militia could augment this function, which is primarily a tasking of the Naval Reserve and Coast Guard Reserve at present. The militia is not constrained by the Posse Comitatus Act from playing a role in the war against drugs, as already-demonstrated by the National Guard.

In Alaska, the Naval Militia responded to the Valdez oil spill in 1989; in 1991, the Alaska Naval Militia also wrote most of the master scenario events list (MSEL) items for the Federal Emergency Management Agency (FEMA)/State of Alaska 1992 earthquake exercise SHAKER 3. Members of the New York Naval Militia have been utilized in support of the 1980 Lake Placid Olympics, and for a variety of emergencies.

Participation of Naval and Marine Corps Reservists in the Naval Militia of a State also enhances the support within that State for the United States Navy and Marine Corps, for the "* * * FROM THE SEA" policy, for the naval service generally and for the recognition that the United States is a maritime as well as a continental power. The cost to the State is administrative: minimally, one office, two people and three phone lines to administer the program, a cost offset by the state tax revenues and far outweighed by the benefit to the Organized Militia of the State. The Naval Militia is obviously and very cost-effectively in the national interest.

It is, therefore, proposed that (State) Naval Militias be authorized by, and organized in, each of our 50 States in the District of Columbia, in Puerto Rico and as otherwise already provided for by law in accordance with Title 10, United States Code (Chapter 659—NAVAL MILITIA) Sections 7851 through 7854.

This course of action has already been recommended for the States by the 1993 National Convention of the Marine Corps Reserve Officers Association, and to the National Guard Association by the 1993 Conference of the Militia Association of New York. It was also recommended by the 1992 Annual General Meeting of the Naval Militia Association, Inc.

For the States individually, and for the United States, the Naval Militia helps to provide for the common defense and to promote the general welfare in a very traditional American way.●

[1] In a New York State Division of Military and Naval Affairs annual operating budget in excess of $15 million, less than $100,000 is currently required to administer the Naval Militia.

HENRY CLINTON

● Mr. SIMON. Mr. President, I have introduced a resolution calling for a modified policy on the part of our Government toward the Government of Taiwan.

Recently, The New Republic had an article by James Mann, a reporter for the Los Angeles Times, commenting on the administration's policy toward Taiwan.

It seems to me, the James Mann article makes eminent good sense.

The irony in the present situation is that we recognize the People's Republic of China—I favored that long before we did it—but we fail to recognize the

Government of Taipei, called by them the Republic of China, a government that is clearly giant strides ahead of the People's Republic of China in terms of its human rights policies.

This policy does not make sense economically because of the economic power that Taiwan has, and it does not make sense politically because it knuckles under to pressures from the People's Republic of China. They need to see strength on our part in policy, and our present policy shows weakness.

Before the shift in policy, which took place under the Carter administration, I favored a two-China recognition policy. I still believe that make sense.

That is a policy we followed in Germany. We recognized both West Germany and East Germany, and neither side was particularly happy with our policy on that. But that did not prevent the two Germanys from eventually unifying.

If we were to take some greater steps toward practical recognition of the Government of Taiwan, without formally going through the recognition process yet, I believe it would make sense from every aspect, including sending a much-needed signal to the Government of the People's Republic of China.

I ask that the resolution I have introduced and the article by James Mann titled, "Henry Clinton" be inserted into the RECORD at this point.

The material follows:

S. RES. 148

Whereas the United States has had a long history of friendship with the government of the Republic of China, more widely known as Taiwan;

Whereas Taiwan has the largest foreign reserves of any nation and a strong, vibrant economy, and now has the 20th largest gross national product in the world;

Whereas Taiwan has dramatically improved its record on human rights and now routinely holds free and fair elections in a multiparty political system;

Whereas agencies of the United States Government or the United Nations' working with Taiwan does not prevent or imperil a possible voluntary union between the People's Republic of China and Taiwan any more than recognizing separate governments in the former West Germany and the former East Germany prevented the voluntary reunification of Germany;

Whereas Taiwan has much to contribute to the work and funding of the United Nations;

Whereas governments of other nations that maintain diplomatic relations with People's Republic of China, such as France and Norway, have also had ministerial-level exchanges with Taipei; and

Whereas it is in the interest of the United States and the United Nations to maintain good relations with a government and an economy as significant as that on Taiwan: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President, acting through the United States Permanent Representative to the United Nations, should encourage the United Nations to permit representatives of Taiwan to participate fully in the activities of the United Nations and its specialized agencies; and

(2) Cabinet-level exchanges between Taiwan and the United States should take place in the interests of both nations.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

[From the New Republic, Dec. 27, 1993]

CLINTON'S KISSINGERIAN TAIWAN POLICY: HENRY CLINTON

(By James Mann)

After President Clinton's recent summit meeting in Seattle with Chinese President Jiang Zemin, Chinese officials emerged with smiling, contented looks on their faces. And with good reason. Though they had conducted their usual public quarrel with the United States over human rights, Jiang and his aides had gotten what they wanted on another issue of even greater importance to them: Clinton had reaffirmed the 21-year-old Nixon-Kissinger policy toward Taiwan.

Strange as it may sound, Taiwan is one issue on which the Clinton administration is more conciliatory toward Beijing, more wooden and backward-looking in its China policy, than the Bush administration was. During his final year in office Bush started to shift U.S. policy on Taiwan. Clinton has, in effect, frozen this change and, with the help of some of Henry Kissinger's old foreign policy team, is setting American policy back on the course set in 1972.

The basic American policy on Taiwan was set during President Nixon's 1972 trip, when he signed the Shanghai Communiqué. In it, the United States promised not to contest the idea that Taiwan is part of China. That principle was reaffirmed in a 1978 communiqué, when President Carter established diplomatic relations with Beijing. And in a third communiqué, signed by the Reagan administration in 1982, the United States promised, vaguely, to phase out arms sales to Taiwan by some unspecified future date. These three documents are known as the "three communiqués," and mind-numbing as they sound, they have become as much a part of the parlance of Sino-American diplomacy as, say, the Camp David Accords are to the Middle East.

The problem with the policy is that Taiwan is changing. When the first communiqué was signed, Taiwan was a poor, repressive police state run by Nationalist Chiang Kai-shek, the loser in the Chinese civil war. Now Taiwan, which has more than 20 million people, is so rich that it is America's sixth-largest trading partner and has the world's largest foreign currency reserves. Politically, it is moving—far more rapidly than Japan did—from authoritarian state to controlled one-party democracy to an open multiparty system. Meanwhile, in opinion polls and in official statements, Taiwan has been backing away from the Nationalists' claims, which date back to 1949, that its government is the government for all of China.

The shift in policy toward Taiwan first came to light in the 1992 presidential campaign, when Bush announced that the United States would sell F-16 fighters to the Nationalist government. Bush's action—which reversed more than a decade of American refusal to sell Taiwan the warplanes—was misperceived as a hasty political move to gain votes in Texas. (The F-16s were built by General Dynamics in Fort Worth.)

That interpretation is wrong. Politics may have dictated the timing of Bush's announcement, but the sale was, in fact, the result of a year of ferment in the foreign policy apparatus over whether to loosen Taiwan policy.

The origins of the change date to the summer of 1991, when James Lilley—the one-time CIA official who had just stepped down as Bush's ambassador to Beijing—said in a speech that China's claims over Taiwan were "anachronistic." Lilley asserted that the United States had been "locked for too long into the three communiqués." Though Lilley was out of public office at the time, his comments amounted to a stunning high-level challenge to the basic tenets that had governed America's China-Taiwan policy since the Nixon era.

Beginning in the late fall of 1991, a small group of Bush administration officials began meeting to reevaluate Asia policy, including plans for China and Taiwan. Among them were Douglas Paal, director of Asia policy for the National Security Council, and eventually Lilley, who had rejoined the administration as assistant secretary of defense. They were concerned about China's growing military expenditures, its purchases of advanced Sukhoi-27 warplanes from Russia and its expansive territorial claims in the South China Sea.

The first result of this policy review was the F-16 sale. And the second result, at the end of 1992, was an official trip to Taipei by U.S. Trade Representative Carla Hills, the first Cabinet-level visit to Taiwan since the break-off of diplomatic ties thirteen years earlier. These two moves made the Chinese nervous.

Enter Bill Clinton. During his presidential campaign, Clinton had savaged Bush for "coddling the dictators of Beijing" with regard to human rights. It is now fashionable to say that Clinton has abandoned these promises, and that his China policy is the same as Bush's. But those criticisms focus on rhetoric rather than on policy, and they aren't true, at least not so far: Clinton's human rights policy has been demonstrably tougher than that of the previous administration and is in line with his campaign statements.

Under Bush, the Democratic Congress repeatedly passed legislation that would have made renewal of China's most favored nation trade benefits contingent on human rights improvements. Bush, who favored unconditional MFN benefits, always vetoed the legislation. Two of the architects of Bush's policy of reconciliation with Beijing had been charter members of the old Kissinger crowd: national security adviser Brent Scowcroft and Assistant Secretary of State Lawrence Eagleburger.

Clinton's position on China during the campaign fell far short of the Bush "read my lips, no new taxes" level of specificity. While denouncing dictators, Clinton also added the soothing homily that "we don't want to isolate China." More important, like the Democratic Congress under Bush, he never came out for complete MFN revocation; he only promised to make benefits conditional on progress in human rights.

That is what Clinton has done in the White House. If in recent months he has upgraded the level of contacts with Beijing, it is largely because he changed the Bush policy of unconditional MFN renewals—and now realizes that China may refuse to satisfy his conditions for human rights progress, thus jeopardizing trade between the two countries. On human rights, the issue is not whether Clinton has been tougher than Bush, but rather, first what he will do next year if his new policy produces meager results, and second, whether while pressing on human rights, he is quietly yielding to China in other areas. That is where Taiwan comes in.

It is testimony to Henry Kissinger's remarkable quarter-century of influence over American foreign policy and personnel that when Clinton put together his administration, two of his principal advisers on China policy, national security adviser Anthony Lake and Assistant Secretary of State Winston Lord, were Kissinger alums, just like Scowcroft and Eagleburger.

Neither of these two Clinton appointees would be happy to be branded a Kissingerite. Lake resigned from the Nixon administration after the 1971 invasion of Cambodia. Lord broke openly with Kissinger after the 1989 Beijing massacre, when Kissinger sympathized with Deng Xiaoping's decision to stop the Tiananmen Square demonstrations. On questions of human rights in China, both Lord and Lake stand 180 degrees opposite that of their mentor.

Yet the behavior of these two Clinton advisers seems much like that of the son who rebels against his father, while embracing some of his underlying values. On Taiwan, the new administration quickly reverted to the old touchstones. At his confirmation hearings in March, Lord, in the first public statement of Asia policy, paid homage to the three communiqués, thus reassuring Beijing that the administration wasn't planning to be too adventurous. And there has been no sign of change since then. The administration's general thinking on Taiwan was best summed up by one senior official, who argued privately: if it ain't broke, don't fix it.

The result is that while the administration is giving new emphasis to Asia, its approach to Taiwan (as well as one other anomaly, Vietnam) is dragged down by the continuing legacy of the Nixon era. Taiwan, arguably the one Asian government whose political development has proceeded most closely along the lines the United States would want, is still treated as an untouchable. Indeed, while Clinton is willing to meet in the White House with the Dalai Lama or with Salman Rushdie, Taiwan's top officials are barred from even visiting Washington. In the past year, Taiwan has resorted to demeaning, manipulative gambits such as arranging honorary degrees for its officials at American colleges in order to circumvent its continuing status as international pariah.

In the wake of the Seattle meeting between Clinton and Jiang, which produced no immediate agreements of any kind on human rights, Chinese Foreign Minister Qian Qichen was ebullient. "President Clinton emphasized that he is committed to the one-China policy and to the three communiqués," he boasted to reporters. China had gotten what it wanted on Taiwan. And it is seeking further concessions: when Clinton asked the Chinese for talks about their sale of M-11 missiles to Pakistan, the Chinese replied that they would do so only if the United States agreed to discuss the F-16 sale.

So far, Clinton seems not to have grasped the significance of the Taiwan issue. If he wants to register his unhappiness with China's repressive policies—such as its jailing of Hong Kong journalists—he could respond by sending a senior Cabinet member to Taiwan or letting a senior Taiwan official come to Washington. He could adjust American policy to take account of the fact that Taiwan is no longer what it was in 1972. Most of all, he could stop paying homage to stale formulas from which even the previous administration was starting to retreat.

JAMES MANN covers national security issues for the Los Angeles Times.●

INTERNATIONAL CUSTOMS DAY

● Mr. MOYNIHAN. Mr. President, the Customs Cooperation Council was founded on this day in 1953. The Council is a 133-member international organization which facilitates international trade by promoting cooperation on customs matters. The Council has declared today International Customs Day in honor of the occasion and in honor of national customs services around the world.

I rise in recognition of the laudable efforts by the Customs Cooperation Council to harmonize and simplify international customs rules over the last four decades. And I speak as well in honor of our own Customs Service. As my colleagues may know, the customs Service was the principal source of our revenues until the adoption of the 16th amendment.

As chairman of the Finance Committee, I have worked closely with the Customs Service over the past year, not least on such issues as legislation to modernize the Customs Service, which my colleagues will recall we passed into law as part of the bill to implement the NAFTA. The dedicated women and men of the Service are well-deserving of the recognition they receive today.●

HE STARED BLANKLY AT ME, THEN FIRED

● Mr. SIMON. Mr. President, during the holiday recess, Thomas F. McDermott had an op-ed piece in the New York Times.

He was a passenger on the Long Island Railroad who went through a horrible experience. Fortunately, he lived.

The message that he has for all of us is simple and direct: We have to act on gun control.

I ask that the eloquent statement of Thomas F. McDermott be inserted into the RECORD at this point, and I urge my colleagues to read it.

The statement follows:

[From the New York Times, Dec. 17, 1993]

HE STARED BLANKLY AT ME, THEN FIRED

(By Thomas F. McDermott)

GARDEN CITY, L.I.—One gun. Thirty rounds. Six dead.

On Tuesday, Dec. 7, a man stared blankly at me in car No. 3 of the 5:33 Long Island Rail Road train out of Penn Station. With a dazed look in his eyes, he fired at me from point-blank range. The Lord shone His countenance on me that day: I was spared with only bullet wounds to my shoulder. Seventeen others are still recovering. Six more—Amy Federici, James Gorycki, Mi Kyung Kim, Maria Theresa Magtoto, Dennis McCarthy and Richard Nettleton—were not so lucky.

Colin Ferguson, whatever a jury will say about him, was a crackpot with a gun in hand. No matter the verdict, no one can credibly deny that we the American people, put that gun in his hand.

Staring down the barrel of a gun radicalizes. Before, like many people of good will, I was a lukewarm supporter of handgun control. Now I am a radical—a radical for the safety of all of us, black and white. Guns and bullets know no colors, no ethnicity.

Race is not the issue here. For anyone to say that these shootings were racist, or that politicians' responses have been racist, misses the point and trivializes the horror.

Next time, the tragedy may hit a little closer to home—your home or your neighbor's, if not necessarily that of your representative or senator. That is why the people must take over this debate if there is to be any change in the availability of guns.

If this matter is left wholly to the politicians, and if past is prologue—the kind of past that left James Brady paralyzed—the six casualties on that 5:33 will have died in vain.

Why did it take so long to pass the Brady bill (which, sadly, at the end of the day was pretty toothless)? Why didn't Ronald Reagan, the most popular President in recent memory, support tougher gun control laws immediately after the thwarted attempt on his life? Why did he voice support only after leaving office? In an acronym: N.R.A.

With its enormous financial resources, the National Rifle Association finds all too many willing allies in Washington. On a Sunday morning news program after last week's tragedy, Senator Alan Simpson of Wyoming went so far as to say that, to his constituents, "gun control" is nothing more than an indicator of how steady a person holds his gun.

Enough. Neither the N.R.A. nor politicians in Washington, glib and otherwise, can satisfactorily explain why the public (with limited exceptions) should be entitled to purchase automatic and semiautomatic weapons.

This is not surprising, since there is no defensible reason for allowing private citizens to possess such weapons.

The issue we must focus on is achieving true, enforceable gun control. Whether this can be accomplished by constitutional amendment, an expanded Brady law, gun licensing or a combination of these approaches, there is no room for moderation, nor for prolonged discussion and delay. There must be an immediate ban on the kind of automatic weapon that mowed down the riders on the 5:33.●

MA HENRY, A FIGHTER FOR THE PEOPLE OF CHICAGO

● Ms. MOSELEY-BRAUN. Mr. President, I would like to take a moment to honor Mary Alice Henry, known as "Ma" Henry to the many people she has helped on the west side of Chicago. As we now move on toward the debate on health care I feel that it is important that we recognize those people who have dedicated their lives to making health care better, no matter what the surroundings.

Ms. Henry started serving the people of Chicago as a nurse. However, when she retired at age 65, it was less of a retirement than a move to greater activism. Soon after retiring she was named to the board of directors at Garfield Park Hospital. She then went on to organize volunteer programs to provide food baskets at Christmas, to raise money for the Mary Alice Henry Cen-

ter for Mental Health at Bethany Hospital, and found the East Garfield Planning Center, which provides medical services to those who cannot afford them.

In addition to her work within health care, Ms. Henry has also been vigilant in the fight for civil rights. She marched by the side of Doctor King and has had a large part in the building of the Christian Action Ministry which has served so many people on the west side of Chicago. She is an active member of the NAACP, the Mothers of World War II, and the Urban League.

"Ma" Henry has already been recognized for her work by many others. The city of Chicago Department on Aging and Disability has honored her, as has Daniel Hale Williams University which presented her with a bachelor's degree in life experience for her outstanding civil service. She has been named a Distinguished Woman of Chicago as well as a Wise Older Woman. She is all of these things and more.

It was Ms. Henry's actions throughout 35 years on the board of both Bethany Brethren Hospital and EHS Bethany Hospital that made Bethany what it is now, serving over 80,000 people each year through direct medical care, community wellness, and outpatient services. Four years ago, when State funding for Medicaid was cut, she again helped bring Bethany Hospital back with fundraising and community outreach. As a symbol of their thanks, Bethany Hospital has named their family health center after Ms. Mary Alice Henry to commemorate all of the work that she has done for them.

"Ma" Henry is fond of saying: "I help all those in need regardless of race, creed, or color," and this does her great credit. I have often said that it is of the greatest importance that we reject all of the "isms" which stand to get in our way; the racism, sexism, and classism. It is only when these barriers are discarded that we are able to get anything done and it is clear that "Ma" Henry has gotten a great deal done. I just hope that we are able to follow the good example that she has been setting for the last 35 years.●

TOUGHER IS DUMBER

● Mr. SIMON. Mr. President, during our break the New York Times published an op-ed piece by Professor Todd Clear, a professor of criminal justice at Rutgers University.

I cast one of four votes against the Crime Bill, which passed in the last days of the session, and I did it because I think we are approaching the whole problem of crime inaccurately.

In the United States we now have 510 people per 100,000 in our prisons and jails, far more than any other country. South Africa is second with 311. Our neighbor to the north, Canada, has 109.

The folly of our present policy is pointed out in the Todd Clear piece. I ask to insert it into the RECORD at this point, and I urge my colleagues to read it.

The article follows:

[From the New York Times, Dec. 4, 1993]

'TOUGHER' IS DUMBER

(By Todd R. Clear)

NEWARK.—Polls show that crime is once again the No. 1 issue among city dwellers. And elected officials, ears to the ground, are responding with measures like the new Federal crime bill, which will let Congress spend billions of dollars over the next five years to hire more police officers and build more prisons.

The idea always sounds reasonable enough: tougher law enforcement and punishment should mean more compliance with the law, less crime and eventually a better quality of life in the cities. The trouble with this theory is that we have been following it for 20 years without much success.

Since 1973, as a result of a vast nationwide increase in criminal sentences, imprisonment has risen more than fourfold; we have added a million citizens to the prison and jail population. More than 1 in 40 males 14 to 34 years old are locked up. No other nation has had so much growth.

If such toughness had much to do with crime, you'd think we'd have seen some results by now. But surveys of victims show that overall crime has decreased only 6 percent since 1973; violent crimes are up 24 percent. The National Research Council of the National Academy of Sciences recently concluded that a tripling of time served by violent offenders since 1975 had "apparently very little" impact on violent crime.

Why do harsh penalties seem to have so little to do with crime? There are two reasons.

The obvious reason is that the police and prisons have virtually no effect on the sources of criminal behavior. About 70 percent of prisoners in New York State come from eight neighborhoods in New York City. These neighborhoods suffer profound poverty, exclusion, marginalization and despair. All these things nourish crime. Isn't it a bit much to believe that removing some men from their streets will change the factors that promote lawbreaking among the many who remain?

The less obvious reason is that threats and punishments are not the main reasons people obey the law. Research in Chicago by Tom Tyler, a professor at the University of California at Berkeley, shows clearly that one's motivation to obey the law stems from how one perceives the law. Where legal authority is experienced as evenhanded and legitimate, it is obeyed; where it is seen as biased and corrupt, it is ignored. Saturating neighborhoods with officers who indiscriminately stop citizens and search them for drugs, confiscating their property without due process of law, can result in less motivation to obey the law.

The prevailing theory is wrong. Crime is a primary result of reductions in quality of life, not a primary cause. "Toughness," because it is irrelevant to the sources of quality of life in our cities and is antagonistic to belief in the law, can do little to affect the amount of crime.

For two decades we have been "tough" on crime, and we've been getting nowhere. It costs at least $100,000 to build a prison cell and $20,000 to staff it each year. A police officer on the street costs at least $60,000 a year. Let's start investing in things that really reduce crime: good schools, jobs and a future for young parents and their children.●

KENNETH "SCOTT" MCGUIRE PROMOTED

● Mr. MURKOWSKI. Mr. President, during my 12 years in the Senate, I, like all of my colleagues, have voted to approve Senior Executive Service promotion lists. These lists are composed of individuals whose careers in the executive branch have been marked by excellence. Seldom do we know the individuals on these lists. But, I am pleased to say that I personally knew one of the recipients honored on November 20, 1993.

Kenneth "Scott" McGuire, a 20-year veteran with the Department of State, was promoted to the rank of counsel. For those of us more familiar with military status, it is comparable to the rank of brigadier general.

Scott's career has been one of dedication and professionalism. He has served on four separate continents, and on numerous occasions, has handled crisis situations around the world from Haiti to the Mid East. Currently, Scott is the Chief of Diplomatic Protection and is responsible for the security of all foreign dignitaries and consulates in the United States.

My family and have known Scott and his wife, Mary, for many years. They are both dear friends and we consider them to be part of our extended family.

My family joins me in extending congratulations to Scott on this well deserved promotion.●

PRISON CELLS AND TEEN-AGE FUNERALS

● Mr. SIMON. Mr. President, our former colleague, Senator Thomas Eagleton, writes a column for the St. Louis Post-Dispatch.

Just as I found he had common sense when he served in this body, he continues to show that as a columnist for the St. Louis Post-Dispatch.

At the end of this statement, I will place his column of November 21, 1993, into the RECORD.

He questions whether we are seriously dealing with the crime problem.

I join in that assessment.

Recently, I placed in the RECORD a statement by a Roman Catholic priest, who is a chaplain at a California State Prison, who asked 40 prisoners in a class of his what could be done about crime. Their answers differed significantly from the answers we provided. And they are the experts.

Their number one point was to create jobs for people. My assessment is that they are telling us the truth on that. We have 510 people in our prisons and jails per 100,000 population, and South Africa is second with 411.

Something is dramatically wrong with that kind of a record.

As Tom Eagleton quotes William Raspberry in his column, "We can't punish our way out of our crime problem."

Yes, those who commit violent crimes have to be imprisoned, and those who are career criminals have to be imprisoned, but we are being tough on crime and not smart on crime, and the end result is a growing crime problem.

I ask to insert the Tom Eagleton column into the RECORD at this point.

The column follows:

[From the St. Louis Post-Dispatch]

PRISON CELLS AND TEENAGE FUNERALS

(By Thomas Eagleton)

As you sit there drinking your Sunday coffee, here's how some other Americans are spending the morning. About 500,000 people are sitting in 4,000 local jails today. Los Angeles and New York City each has about 22,000 people confined in its jails. Fifteen years ago, there would have been 160,000 jail confinees nationally. Our jails are operating at 115 percent of capacity.

There are roughly 850,000 penitentiary inmates (91 percent state; 9 percent federal) doing time. Fifteen years ago, the figure would have been 300,000. As with jails, we increased our prison capacity enormously over 15 years, but we couldn't (or wouldn't) keep up with the need. Our prisons are generally operating at 125 percent of capacity. The 50 states would have to go on a penitentiary building binge of unparalleled proportions simply to accommodate the prison population already behind bars. Currently 38 states are over capacity, including Missouri (151 percent). There are practical limits to overcrowded prisons. The next shipment of a couple of hundred inmates means an equal number have to be let out—regardless of their fitness to return to society.

What a depressing mess. What should we do? Congress thinks it knows what to do: more of the same.

More police on the streets. Every candidate for mayor comes up with this solution. The federal government has played this card before. President Richard Nixon had his "war on crime" in the early '70s and provided some substantial funds to local law enforcement. But when the budget grew, the federal government declared a unilateral truce. How long will we wage this latest war on crime?

Build 10 new high-security prisons for violent inmates. These prisons won't even solve the anticipated overcrowding by the time they are operational. We've built a lot of prisons before, so we will build some more—at an average annual operating cost of $20,000 per convict in the federal system.

Expand the federal death penalty to all sorts of crimes committed on government property. This is, by and large, a public-relations exercise. Most crimes of violence—murder, rape, aggravated assault, robbery—are state offenses prosecuted within the state systems. (There are 2,737 people on death row—only four are federal cases.) Expanding the death penalty to federal crimes of very limited application just creates a 30-second TV re-election spot for senators ("I'm tough as hell on crime!").

All of these proposals working their way through Congress, like the previous legislation during the Nixon years, attempt to deal with the back end of the problem: arrest, conviction and punishment. No wonder.

Congress doesn't know what to do about the front end. Truthfully, no one has a handle on narcotics-driven ghetto crime. Close to 70 percent of those 850,000 prisoners in penitentiaries today were using or dealing in narcotics close to the time of the crime for which they were convicted. You can incarcerate all the runners and intermediate-level drug dealers you want, and there will be hundreds of eager apprentices waiting with loaded guns to move into the monied world of drugs, crime and violence. As columnist William Raspberry puts it, "We can't punish our way out of our crime problem." With the types of crime that sweep our big cities, "severity of sentence is of little consequence."

For years and years, we have built more penitentiaries, hired more policemen and prosecutors, made more arrests—and what did we get? The murder rate has skyrocketed by 19 percent since 1988. Our nation's capital becomes a world symbol of the land of the free and the home of the murdered. As President Bill Clinton said from the pulpit, government alone is not going to solve the problem.

Jesse Jackson, often the epitome of self-confidence, despairs of the incredible violence in the black community. Jackson preaches self-help and wants students to turn in their fellow students who traffic in drugs or carry guns. Jackson had this exchange with a high-school student in Washington, D.C.

Student: "Mr. Jackson, you're in your old age about what it takes to survive in the streets. You need some kind of protection because nobody else is going to stop a bullet for you. Most everyone I know carries a gun or a knife to school, including some teachers. I will not snitch. I'm sorry, sir, this is 1993, not 1963. I don't know where you've been."

Jackson: "I've been to a lot of teen-age funerals."

With the congressional crime bill, we will build lots of new prison cells, and we will hold lots of teen-age funerals.●

A NEW HONG KONG PROPOSAL BRINGS A WARNING BY CHINA

● Mr. SIMON. Mr. President, one of the heroes of freedom, as far as I am concerned, is Gov. Chris Patten, the British Governor of Hong Kong.

He has been willing to stand up to the Government of China in behalf of the people of Hong Kong.

Let it be said, in fairness, that the British were slow to give the people of Hong Kong their full voice in self-governing for too long a time, but Gov. Chris Patten has stood clearly and solidly for greater freedom and self-determination for the people of Hong Kong.

I applaud his stand, and I hope our Government is doing everything it can to encourage Governor Patten and stand by him.

I ask to insert into the CONGRESSIONAL RECORD the New York Times article of Friday, December 3, 1993.

The article follows:

[The New York Times Dec. 3, 1993]

A NEW HONG KONG PROPOSAL BRINGS A WARNING BY CHINA

(By Patrick E. Tyler)

SHANGHAI, December 2.—China and Britain both threatened today to step up their struggle over the future of democracy in Hong Kong when Gov. Chris Patten said he would begin submitting constitutional changes to the colony's legislature this month without China's approval.

In Beijing, the Chinese Government promptly announced that Mr. Patten's action would lead to a "breakdown" of the talks the two Governments have been holding since Mr. Patten proposed to broaden the democratic franchise of Hong Kong's 5.5 million residents before 1997, when the colony is to revert to Chinese sovereignty.

The dispute, unresolved after 17 rounds of negotiations between Chinese and British diplomats, now seems in its final throes. Mr. Patten said he would introduce legislation on Dec. 15, effectively giving the parties two more weeks to pull back from the brink.

Through his democracy proposals, Mr. Patten and his aides have been trying to create a tamper-proof legislature to leave behind when the British rule is withdrawn in less than four years. But Beijing deeply suspects British motives and dislikes Mr. Patten, who introduced the measures without consultation in October 1992.

Mr. Patten, addressing the 60-member Legislative Council today, said that British negotiators had already made a number of concessions over the summer and into the fall in hopes of drawing up an acceptable package of changes to guide Hong Kong elections scheduled for 1994 and 1995.

China, he said, has so far agreed only to lower the voting age in Hong Kong from 21 to 18. Mr. Patten said he had "reluctantly concluded that we now have no choice but to begin the process of legislating."

Beijing has threatened to withhold recognition of legislators elected in 1995 when the 1997 turnover arrives, a threat that Hong Kong's democracy forces say is a violation of the "one country two systems" formula agreed to in 1984 when the deal to return the colony was struck.

To begin the legislative process, Mr. Patten said he had selected the least sensitive elements of the changes. His strategy was clearly intended to induce China to speed up the negotiating process.

But in Beijing, China's Foreign Ministry spokesman, Wu Jianmin, reacted to the news of Mr. Patten's initiative by saying, "If that is the case, that would mean the breakdown of talks."

"If the talks do break down, the responsibility would entirely be on the part of the British side," Mr. Wu said, adding that any attempt by Britain to push forward with changes without China's consent would meet strong opposition from Beijing.●

THE WAR WITHOUT END

● Mr. SIMON. Mr. President, recently, Newsweek magazine had an article by David H. Hackworth, who served this country in a leadership position in the Vietnam War.

It is interesting, first of all, for his observation of a fighter who returns to the scene of battle.

But much more significant are his conclusions, which suggest that our policy of trying to isolate and ignore Vietnam really do not make sense.

I concur completely in what he has to say.

We are serving the national passion rather than the national interest with our present Vietnam policy.

Listen to his commentary: "With Vietnam, we seem incapable of burying the hatchet. Our collective pride won't allow the lifting of the trade embargo,

or diplomatic recognition. First our leaders said we couldn't make peace because Hanoi violated the 1973 peace treaty. Our next excuse was Vietnam's war with the Khmer Rouge regime in Cambodia, and its subsequent occupation of that country. Vietnam withdrew its forces from Cambodia, but by that time our policymakers had raised the threshold still further with the emotion-laden issue of whether Hanoi was still holding prisoners of war, or knew of other U.S. soldiers missing in action.

"Of all these issues, the POW/MIA one packs the most political wallop. But it's a bogus issue. Members of our recovery teams have chased down every rumor. Most of them believe it highly unlikely that any living POWs remain in Southeast Asia. The same goes for every qualified military expert or jungle-wise American and Vietnamese veteran I have interviewed. I have no doubt that POWs were held after 1973 and that some American officials knew this. I was told this repeatedly by insiders who also said that some prisoners, were probably transferred to the Soviet Union and China because they knew America's nuclear capabilities.

"Only the obsessed, the profiteers and some of the unfortunate and manipulated MIA families are convinced that POWs remain. It is doubtful that Americans could survive decades of Asian-style imprisonment—disease, malnutrition and insanity would have killed them long ago. Besides, said Bay Cao, ever the practical soldier, 'Why should we keep POWs? We'd have to feed them.' He said that in 1970 he captured three American reporters, but released them after a month: 'One alone ate the ration of 10 of my soldiers.'

"This issue should not block the path of peaceful relations with Vietnam. Those who keep the war alive because of our missing warriors should visit Vietnam. They should not go there only to sit in air-conditioned conference rooms with American and Vietnamese bureaucrats to hear their respective party lines. Rather, they should visit the people in the villages and witness the punishing effect their intransigence has on the impoverished Vietnamese majority, who suffered the brunt of the war."

I wish that every American policymaker would take the trouble to read David Hackworth's story.

I ask to insert the entire story into the RECORD at this point.

The article follows:

[From Newsweek, Nov. 22, 1993]

THE WAR WITHOUT END

VIETNAM: AMERICA'S MOST DECORATED LIVING VETERAN MAKES PERSONAL PEACE

(By David H. Hackworth)

It's been nearly a quarter of a century since I last saw this muddy Mekong Delta field, but the horror came back as if I'd never been away. March 25, 1969, was a day of death and defeat. The men of Bravo Company of the 4/39th Infantry, U.S. 9th Division, had been caught near the village of My Hiep without cover in a 300-meter paddy. A withering cross-fire was chewing them up. The Viet Cong called this tactic "hugging the belt"—fighting at close range to neutralize American firepower. When I got to the paddy at noon, I saw point scouts Tran Doi and Earl Hayes sprawled on their backs. I knew they were dead; a wounded man's instinct is to lie face down to protect his belly. Jim Fabrizio and Don Wallace were pinned down within yards of the Viet Cong guns, unable to move either forward or back. I felt like a fire chief arriving at a burning building after the roof falls in.

Returning to the scene 24 years later, I could see the explosions, hear the fallen men cry, "Medic! Medic! Medic!" I could smell the cordite from rockets, bombs and artillery shells thundering down upon the Viet Cong fortifications. Once again I watch enemy fire cut Lt. William Torpie down as he tried to rally his trapped company. I heard the ammunition chopper crash with its crew chief trapped inside the metal inferno, and heard his screams until death ended his agony. I watched medics Dan Evans and Rick Hudson drag troopers across that bullet-swept field, inch by bloody inch. I saw a company commander go literally mad; his babbling tied up the radio until he was relieved. I threw everything I had at the enemy—airstrikes, artillery, napalm, white phosphorus. Nothing silenced the guns. By nightfall, the gallant but shattered B Company had 5 dead and 18 wounded out of 60 men.

The battle of My Hiep was only one of the thousands of such contacts in 1969, only one of the tens of thousands that had occurred since 1955 in the tragedy called the Vietnam War. It was not significant enough to call to the attention of Gen. Creighton Abrams, then the commander of all U.S. forces in Vietnam. My troopers were not fighting to take critical ground. They were just rolling the dice, looking for "Cong"—as were more than 100 other U.S. grunt battalions that beat the bush in the flawed strategy called "Search and Destroy." By then, few grunts believed the war was winnable. Their main concern was staying out of the body bags.

Today, the shell-scorched earth where Joe Holleman and Dennis Richards died is rich with rice, and the bunker line where Roger Keppel was shot in the chest is now a peaceful banana grove. The mines, booby traps and fighting positions are gone. The men of the Viet Cong have hung up their AKs, and built a new hamlet over that field where more than 100 soldiers fell.

Recently, I became the fist American to visit My Hiep (it was called Long Hiep under the Saigon regime) since the war. I had gone to Vietnam to bury the past. The Vietnam War scarred every soldier who served there, and I was no exception. But I never hated the Vietnamese, and I saw no point in continuing America's policy of official hostility to Vietnam, symbolized by our ongoing trade embargo. So I arrived in My Hiep hoping for a kind of reconciliation.

I found it. The village chief, Vo Van Dut, welcomed me with open arms. He thought it was a good omen that the first American to visit was the "former enemy commander." Dut assembled a dozen of the soldiers and commanders who had fought against my battalion, and together we visited the rice field and relived the battle.

The forces opposing the 4/39 that day were the Viet Cong's 261A Main Force Battalion under Col. Le Lam, and the 502d Main Force Battalion commanded by Col. Dang Viet Mai. The three of us swapped war stories as we traveled down the wide canal to the scene of the battle. It was eerie riding down canals in a sampan with men I had once hunted and who had hunted me. These waterways were once scenes of ambush; I half expected to hear the pop of Claymores and the chatter of M-16s.

These tough fighters were all retired and in their late 60s now, but still fighting trim. There seemed to be no bitterness or rancor. Back then, we were soldiers following the orders of politicians. Now we were just old soldiers out for what seemed like a Sunday picnic, drinking coconut juice and eating papaya. Throughout the day we discussed tactics and operations like young lieutenants at infantry school. When I gave village chief Dut a copy of the unit journal for March 25, he said, "But this is a secret paper" (it was marked CLASSIFIED, but contained only the driest recitation of the battle). I replied, "Hey, the war is over, remember?" He smiled. "Yes, we now friends, good friends."

We talked about the difference between our two sides. I told Dut that the terrain and conditions in the delta—as in most of Vietnam—had favored his side and that the Americans there were like fish out of water. "Yes, your army acted like the British fish during your own war for independence," he said with a laugh. "America lost here because its commanders didn't understand the people's cause, the terrain or the nature of the war." He was right. The U.S. military fought an unconventional enemy with conventional tactics. We pummeled our opponent with three times the bomb tonnage and more artillery shells than we used against both Japan and Germany in all of World War II. One general after another believed firepower would prevail, that the strategy of attrition would grind the opponent down. Instead the insurgents played the tune, and the U.S. forces danced.

"We were a superpower," I said. "How could you stand up against a force that filled the sky with aircraft and could fire more artillery rounds in one engagement than your side used in one year?" Mai responded: "At first your helicopters and aircraft [were] hard to fight. They go fast. [So] Much rocket, bomb and artillery fire scared our fighters. But we learned. We set ambushes. We knew you [would] run out of aircraft and bombs before we ran out of spirit."

"Yes, we were weaker materially," Lam chimed in. "But our spirit and will were stronger than yours. Our war was just; yours was not. Your brave soldiers knew this, as did the American people."

With such spirit and determination, this light-infantry force whipped three great military powers over 30 years of war. First Japan, then France and finally the United States, "To the Vietnamese people, nothing is more precious than our freedom and independence," Lam said. "It was worth dying for." The Pentagon leaders didn't understand this until too late. They were convinced the conflict was purely military, that technological superiority could brake the will of men like Lam and Mai. Nor did Washington see how corrupt and spiritless our South Vietnamese allies were. The irony was that those of us at the bottom in the trenches understood the human factor: we hated the ARVN (Army of Vietnam). We had watched them shuffle and sniffle through too many operations while "searching and avoiding" the VC. Our opponent we held in the highest esteem.

By now we were in the heart of Cai Be district, in the center of the Mekong Delta,

where half of Vietnam's food supply is grown and 16 million people now work fertile land criss-crossed with irrigation canals. The Cai Be area was the birth-place of the revolution, a Viet Cong stronghold since 1955. I spent more than two years here as a U.S. commander or as an adviser to the South Vietnamese Army. I had a firebase here, named Danger to remind my warriors we were at dead center of a hornet's nest. A booming gas station stands where Danger's sandbagged entrance was. There are fishponds where my bunkers and barbed wire used to be.

Retired Col. Le Ngoc Diep, the former commander of the 261B, a tough battalion my unit tangled with a number of times, now lives not far from the site of my command post. His house is well built, with a beautiful garden. The war cost Diep all of his family. His last son, a Viet Cong captain, died just before the fighting stopped. Diep is neither angry nor resentful, but heartbroken: "Look at me, I'm an old man of 67, and all alone." He showed me a picture of this handsome, fallen son. "During the war we never hated the American people," Diep said, eyes suddenly lit with fire. "But we hated the American government that brought us such pain and suffering." Three million Vietnamese—1 million soldiers and 2 million civilians—died in the war; 4.4 million were wounded, and 300,000 human beings are missing. Diep paid his portion of this great price. Now his loss was my pain. Warriors seldom hate each other; they know they're pawns in a killing game.

I met Pvt. Nguyen Van An at a roadside café across from Danger. He had lost his leg during a fight with my battalion. He said, without bitterness, "Your soldiers [were] good shots." After he recovered, he had slapped on a wooden leg and "proudly fought for five more years." I showed him the scar where on March 25 one of his guys' bullets came a millimeter away from putting me in the peg-leg set. He laughed and said. "Your doctors are better."

The town of Cai Be and its district were savaged, but since its fighters refused to give in, it remained at the leading edge of the hurricane throughout the war. When the war ended, in 1975, Cai Be's population was 75,000. It had 30,000 killed—26,000 of them civilians. My division fought here, and the military imperative was body count. The 9th Division's commanding general was called the Delta Butcher. Civilians counted, along with soldiers.

Col. Bay Cao fought from 1945 to 1975, rising from guerrilla soldier to vice commanding officer of Military Region 8, a chunk of the delta that includes Cai Be. Cao lives in a peasant's hut on the outskirts of My Tho. A modest man, he is 74 with rotting teeth, but walks soldier-straight. In 1969 he escaped death by minutes; he was in a sampan less than 300 yards from our ambush position when "local people warned me by beating on the water with paddles."

I asked him about Gen. William Westmoreland's claim in 1967 that "We will prevail." Bay Cao said that was a "big laugh." He recalled Operation Attleboro of late 1966, a search-and-destroy campaign involving 22,000 U.S. troops, aimed at flushing the VC into the open to be pounded from the air. The U.S. military called it a great success. But it convinced Bay Cao his side could actually win on the battlefield. I agreed. Over and over during Attleboro, the VC lured our troops into well-laid killing zones, and consumed them at close range. Once again we had ignored a basic principle of guerrilla warfare: if the guerrilla is not losing, he is winning. I asked Bay Cao what he thought about the former U.S. Army officers who now preach, "We won all the battles in Vietnam." He had a simple retort: "If they won all the battles, why did they always want to bring in more troops?"

Bay Cao and I lit incense to honor the Viet Cong dead at the Trung An Military Cemetery near where the 9th Division base camp was. Thirteen thousand soldiers are buried there. I felt the tears well up, and I relived the wrenching experience I'd had at the black wall of the Vietnam Memorial in Washington: all these dead, all this waste, and to what end?

The war is long over, but peace and prosperity have not come to Vietnam. The bungling of the communist government in Hanoi has seen to that—with help from the United States. We have withheld reconciliation with the Vietnamese government even though in other wars we have been quick to make peace with former enemies. We turned the Japanese and Germans into allies almost before the cannons grew cold, and we offered our help to the republics of the former Soviet Union soon after the Berlin wall started to crumble. But then, it was easy for us to be good sports. We won, they lost.

With Vietnam, we seem incapable of burying the hatchet. Our collective pride won't allow the lifting of the trade embargo, or diplomatic recognition. First our leaders said we couldn't make peace because Hanoi violated the 1973 peace treaty. Our next excuse was Vietnam's war with the Khmer Rouge regime in Cambodia, and its subsequent occupation of that country. Vietnam withdrew its forces from Cambodia, but by that time our policymakers had raised the threshold still further with the emotion-laden issue of whether Hanoi was still holding prisoners of war, or knew of other U.S. soldiers missing in action.

Of all these issues, the POW/MIA one packs the most political wallop. But it's a bogus issue. Members of our recovery teams have chased down every rumor. Most of them believe it highly unlikely that any living POWs remain in Southeast Asia. The same goes for very qualified military expert or jungle-wise American and Vietnamese veteran I have interviewed. I have no doubt that POWs were held after 1973 and that some American officials knew this. I was told this repeatedly by insiders who also said that some prisoners, such as B-52 crewmen and electronic warfare specialists, were probably transferred to the Soviet Union and China because they knew America's nuclear capabilities.

Only the obsessed, the profiteers and some of the unfortunate and manipulated MIA families are convinced that POWs remain. It is doubtful that Americans could survive decades of Asian-style imprisonment—disease, malnutrition and insanity would have killed them long ago. Besides, said Bay Cao, ever the practical soldier, "Why should we keep POWs? We'd have to feed them." He said that in 1970 he captured three American reporters, but released them after a month: "One alone ate the ration of 10 of my soldiers."

This issue should not block the path of peaceful relations with Vietnam. Those who keep the war alive because of our missing warriors should visit Vietnam. They should not go there only to sit in air-conditioned conference rooms with American and Vietnamese bureaucrats to hear their respective party lines. Rather, they should visit the people in the villages and witness the punishing effect their intransigence has on the impoverished Vietnamese majority, who suffered the brunt of the war.

For us, too, Vietnam remains an open wound. After the war, U.S. military leadership, humiliated by defeat, simply buried the experience. For almost two decades, service schools avoided teaching the lessons of Vietnam and trained primarily for the pleasantly familiar "big battle war" on plains of Europe. To this day, there has not been a real postmortem on the tactical and strategic mistakes of that misadventure. Instead of searching for the truth, which could still save lives in the Balkans and Somalia, there has been a full-blown campaign to rewrite the history of the war. The basic idea—embodied in the 1981 book "On Strategy," by retired Col. Harry Summers Jr.—is that America won the war tactically. We just happened to lose it strategically. But to close the books on Vietnam, we must understand that America lost on the battlefield not because of peace protests at Berkeley or failures of nerve in the Congress, but because our military leadership thought bombs could beat a people's hunger for independence. The price for that lack of moral courage to tell the politicians that it was a bad war fought with a flawed strategy was death for thousands of young Americans.

On my return to Vietnam. I found a Zippo cigarette lighter in a tiny Saigon store. It must have belonged to some American soldier, long since dead or departed. On it is an inscription—words by which to remember this war, and finally to overcome it: "Vietnam—1968. When the power of love overcomes the love of power, Vietnam will know peace."•

IOWA'S WAY TO END WELFARE AS WE KNOW IT

• Mr. SIMON. Mr. President, during the December recess break our colleague, Senator TOM HARKIN had an article about Iowa's attempts to improve welfare programs.

I applaud what Iowa is doing, and I ask unanimous consent that the Harkin article appear at the end of my remarks.

What I particularly like is the individual attention and individual plan that each person out of work receives.

That is what we have done in our program for those who are disabled, frequently, simply called by its technical title, Public Law 94-142, where we have mandated that all young people with disabilities should get help from our public schools.

What the Iowa program does not do and what we have to do, if we are going to have real welfare reform of great significance, is guarantee job opportunities to anyone who is out of work 5 weeks or longer.

I have, on several occasions, introduced legislation to do that. And one of these years, we will move in that direction.

I hope we can at least start on a demonstration basis in the not-too-distant future.

Senator HARKIN has been extremely sensitive to those who are less fortunate in our society, and I applaud him for that, and I thank him for the con-

tribution he made through his article, which appeared in Roll Call recently.

I ask to insert Senator HARKIN'S article into the RECORD at this point.

The article follows:

[From Roll Call, Dec. 6, 1993]

IOWA'S WAY TO END WELFARE AS WE KNOW IT

(By Sen. Tom Harkin)

I've never believed in stringing up a "safety net" to catch society's less fortunate. In fact, I think we should do away with the idea of a safety net altogether; it clearly isn't working.

In its place we should extend a ladder of opportunity. Instead of catching the poor after they fall, why not give them a boost onto the ladder and allow than to catapult themselves into the job market?

I've always said that the best social program is a job.

And the way to ensure that everyone has a chance at a good job is to promote independence over dependence and empowerment over paternalism. That's the philosophy that animates the Americans with Disabilities Act, my landmark legislation that is allowing many who were forced to rely on government assistance to join the mainstream of working American taxpayers.

And that's the philosophy behind Iowa's welfare reform plan, which passed the state legislature last spring with virtually unanimous bipartisan support.

I firmly believe it is not that our government asks too much of our citizens; it is that our government asks to little. The American people are eager to help when they believe those they are helping are also helping themselves.

That's why I'm proud of Iowa's revolutionary law and think it should serve as a model for the rest of the country. At the start of the second session of the 103rd Congress, I'll be introducing legislation in the Senate to that effect, the Welfare to Self-Sufficiency Act.

Nearly everyone agrees that the federal welfare program is broken and needs to be rethought. During the 1980s, the program was amended, with some of the most sweeping changes enacted in the Family Support Act of 1988. Yet despite these thoughtful reform efforts, spending on Aid to Families with Dependent Children (AFDC) has increased, as has the number of families and children on welfare.

In 1980, 3.6 million families received AFDC benefits, at a cost of $19.6 billion, adjusted for inflation. By 1992, 4.8 million families were clinging to the welfare safety net, costing taxpayers $22 billion. That's enough to pay every family in Iowa $19,000!

A welfare system that is 60 years old and was built upon yesterday's economic conditions and demography just will not work today.

But I think the Iowa plan will work today—and that's why I'd like to make this unique plan a model for the nation. Iowa's plan stresses the idea that government is a contract: The government has a responsibility to offer a hand up, and individuals have a responsibility to grab onto it.

The centerpiece of Iowa's unique program is the Family Investment Agreement, which requires all families on welfare to enter into an individualized contract with the state. Each family will sit down with a social services worker and detail the steps they will take to move off welfare and into self-sufficiency. A specific time when welfare benefits will end is established.

In return, the state promises to provide the necessities to make it happen—like child care assistance, education, and job training. Welfare recipients also have additional incentives to find employment, such as higher asset limits that allow them to keep more of what they earn.

Once this contract is agreed to, benchmarks for progress are established. A single mother of three, for example, might need to return to high school to earn her diploma and get additional job training in order to become viable in the job market. She would be offered child care assistance and health care for her and her family.

In the event this mother refused to hold up her end of the bargain—if she refused to attend classes or fulfill her job training commitment, for example—the state would declare her in default. In that event, full benefits would continue for three months. For the next three months, payments would be reduced, with only the children covered. After the sixth month, benefits would be cut off altogether.

This is not a one-size-fits-all reform program. Each Family Investment Agreement will take into consideration the unique problems that confront each family. In some cases, benefits will be needed for six months. Other families will require two years. The key is whether the family is making progress, acting responsibly, and keeping its end of the bargain.

This individualized approach is important because arbitrary uniform time limits called for by some do not recognize the unique circumstances of different families and may unintentionally increase the time some people spend on welfare. An inflexible two-year maximum could well end up being a two-year minimum welfare stay.

I worked with state and federal officials to secure the waiver necessary to implement this innovative program. The Clinton Administration gave final approval to the waiver in August, and the first Family Investment Agreements will be negotiated and signed early next year.

One important reason the waiver was needed is the current virtual ban on welfare recipients' acquiring assets.

We've all heard Poor Richard's adage, "a penny saved is a penny earned." But current federal rules turn that adage on its head: a penny saved is a penny confiscated by the government. Any family that accumulates more than $1,000 in assets or owns a car worth over $1,500 loses benefits.

That won't happen in Iowa—and it shouldn't be permitted to happen under the federal program modeled on Iowa's that I will propose. Money in the bank is like a rung on the ladder of opportunity. The government should keep its hands off and let families invest—perhaps in a small business—so they can become taxpayers.

To help them along, Iowa families will be able to accumulate $5,000 in assets and own a car worth $3,000. They can also establish an individual development account of up to $10,000 for long-term expenses such as education, a home, or the start-up of a small business.

The Iowa program forces families to act responsibly. It also allows them to invest in themselves as they travel the road toward self-sufficiency.

I choose the words "self-sufficiency" carefully. The program is not just about getting off welfare and getting a job. A job by itself is not the answer. A job can be so low-paying that somebody can remain below the poverty level and still be on welfare.

So the issue is what kind of a job and whether that individual can become self-sufficient enough to take care of a family.

That requires sitting down with individuals, looking at unique circumstances, education, background, and training, and deciding: What are they capable of doing? How soon are they capable of doing it? What support services do they need in the interim to get them to self-sufficiency? How long will it take them to get back on their feet?

Of course, one key to the success of this program is a well-trained staff at the Department of Health and Human Services. Case managers will work closely with families and therefore must have smaller caseloads.

The state will also work on economic development efforts in conjunction with welfare reform. Iowa will create a "one-stop shop" program for work-force development. These centers will bring vocational rehabilitation and other job services together to coordinate job-training activities. This is all designed to enable both sides to live up to the agreement.

But to make welfare reform a reality nationally, we must do more. Expanding the Earned Income Tax Credit is important to ensure that work pays more than welfare. Universal health care is also essential because many families remain on public assistance simply because they cannot afford to lose Medicaid coverage.

Enforcing child-support collections is also a vital move toward breaking the welfare cycle.

In 1991, the U.S. Commission on Interstate Child Support said collection of child support fell far short of court awards. Eleven million children have been awarded $15 billion in support payments, but about $5 billion is not paid each year.

The Welfare to Self Sufficiency Act will address that problem by requiring employers to send copies of W-4 forms to the state child support recovery agency. That agency could then match records to see if the worker owes child support, and business would then be required to garnish the wages of deadbeat parents.

Taking these steps will help us achieve a larger purpose—giving people dignity, hope, and opportunity for the future.

I look forward to doing away with welfare as we know it—in Iowa as well as in the rest of the nation—and moving into an era where work is rewarded and responsibility welcomed.

We can do that by replacing yesterday's safety net with tomorrow's ladder of opportunity.●

AN UNBALANCED BILL

● Mr. SIMON. Mr. President, I stand to commend Representatives JOHN CONYERS and CRAIG WASHINGTON for their recent op-ed in the Washington Post, "Senate Crime-Busters Got It Wrong." As they point out, the crime package that recently passed the Senate adopts the same crime-fighting strategy that has been tried—with little success—for the past 12 years.

This is a policy that calls for more and more punishment—at the expense of proven preventive measures. Thus, the bill funds a slew of regional prisons, enacts a series of new mandatory minimum penalties, federalizes a wide array of local crimes, and adds fifty new death penalties. But it provides little in the way of drug treatment, childhood intervention programs, com-

munity development initiatives, and gun control.

Everyone wants to sound tough on crime by calling for longer and more severe sentences. But we will only begin to make a dent in inner city violence when we find a better balance between punishment and prevention. The Senate bill—the product more of politics rather than prudence—is far off kilter.

I ask that the article by Representatives CONYERS and WASHINGTON be submitted into the record.

The article follows:

SENATE CRIME-BUSTERS GOT IT WRONG

(By John Conyers and Craig A. Washington)

Does anyone remember that when President Clinton came to office he asked for $30 billion to meet the urgent crisis in our cities? As the Senate approves $22.3 billion for police and prisons, it is useful to return to the aftermath of the Los Angeles riots, when everyone knew it was critical to find money for a serious urban renewal package for our cities.

Many experts recommended $60 billion for an economic stimulus package to deal with the economic decline and loss of jobs. President Clinton came in at half that, because the political reality wouldn't support more. But even that was doomed. In its deficit reduction fervor, the Senate killed the House's scaled-down $16 billion stimulus package for jobs and economic development, leaving only $5 billion for unemployment insurance and other domestic programs. They argued that the nation could no longer afford big spending on federal programs to dealt with our social ills.

Who would have benefited the most from a serious urban renewal package? The same people most victimized by crime—the poor, who are predominantly African American and Latino people in our cities. But at a time of enormous financial deficit, it was not popular to further increase that deficit to help our cities.

Now, in the wake of the Nov. 3 elections, the Senate has once again discovered our cities and the urban poor—only this time they are to be dealt with through a crime bill. In a deal cut behind closed doors, the $22 billion that Vice President Al Gore found could be "saved" by reforming the bureaucracy is now available to spend. Instead of reducing the deficit or investment in prevention programs, the money is to be spent solely for more police and more prisons.

Yes, our cities do need more police. But our cities also need jobs and job training to target the very people who are trapped in a cycle of crime and violence. Our prisons are filled beyond capacity. The statistics are grim: The United States currently locks up more people per capita than any other nation on Earth. Twenty-three percent of all young black men are caught up in the criminal justice system: in prison, on probation, or on parole. There are more young black men in prison today than in college. For every Latino male with a BA, there are 24 behind bars.

Despite 19 get-tough crime bills over the past two decades and a quadrupling of our prison population, violent crime has increased. Why has this approach failed? Because too many of the urban poor have no jobs and no hope for the future. A "tough" prison sentence will never provide enough deterrence for communities with high rates of substance abuse and unemployment. Yet once again, there is no money for treatment, no money for children and no money for education.

Several weeks ago, along with other like-minded colleagues, we introduced a different kind of crime bill: the Crime Prevention and Criminal Justice Reform Act. The focus of our legislation is on the front end—to help prevent criminal activity in the first place, enable prisoners to make changes in their lives and eliminate racial disparity in the criminal justice system.

How would our bill have a different impact from the one just passed by the Senate? We would provide treatment for low-income substance abusers; the Senate would lock them up in prisons at $20,000 a year. We would provide educational and vocational opportunities for young people; the Senate would increase penalties for juveniles. We would try to reduce the shockingly high rates of incarceration of minorities. The Senate would perpetuate a prison system where 60 percent of inmates are black and Latino. Our bill represents the best possible balance between those who want a quick fix and those of us who want to get serious about funding lasting solutions to a national crisis of crime and violence.

Today, many law enforcement professionals agree that the solutions to the nation's crime and drug problems will be found in crime prevention. We need more police on our streets and in our neighborhoods. But a real anti-crime strategy needs also to include drug treatment, early childhood intervention programs, full funding for Head Start and the Women Infants and Children Program, family support programs and strong gun control.

The crisis of crime and violence is vicious, and no one suffers from it more than the African American and Latino communities. Homicide is the leading cause of death among young black men. The time has come to admit to a history of failed criminal justice policy and to take the opportunity to reevaluate the traditional knee-jerk response to the political hysteria about crime.

Recently the House Judiciary Committee tried a different strategy. Instead of playing to the politics of crime, the committee supported six initiatives to fund cops on the beat, substance abuse treatment in prison, juvenile justice programs, boot camps and the Brady Bill. The House is engaged in a thoughtful debate about what will really prevent crime. That's exactly what the Senate needed to do.

If we are going to spend $22 billion, let's have a serious discussion about how that money can best be spent. Our failure to address urban issues guarantees that crime, violence and drug abuse in the inner city will continue and will only get worse.●

"SIG" SAKOWICZ: A LIVING LEGACY AFTER 50 YEARS

● Mr. SIMON. Mr. President, I rise today to pay tribute to Sigmund "Sig" Sakowicz, who is celebrating his 50th anniversary in radio and show business. Over those 50 years, Sig has compiled a wonderful legacy in entertainment and service that has endeared him to Chicagoans and countless members of our Armed Forces.

Currently heard throughout Chicagoland on WVVX-FM radio, Sig is easily one of Chicago's most enduring radio and television personalities. He has worked for no fewer than nine Chicago radio and television stations in his illustrious career, and his personable, critically acclaimed style has made him a favorite of listeners for years. The city of Chicago, the Cook County Board, and Illinois Governor Jim Edgar have all issued proclamations this year honoring Sig, and commending his service to Chicago.

Sig's career as a military interviewer has taken him around the world. He visited Vietnam three times during the war there, and also conducted interviews of military personnel serving in Europe and the Caribbean. Sig's interview shows—such as the "Army Show" and "Flight 189"—were staple items on Armed Forces Radio and were beamed to servicemen and women everywhere.

Sig Sakowicz has selflessly leant his time and talents to make life better for our men and women in uniform. He has been the emcee for nearly every Chicagoland military parade or related event in recent years, such as the Desert Storm parade, the Vietnam Veterans' parade, and two Veteran's Day celebrations in downtown Chicago. Sig also served as entertainment chairman for the Chicago USO, and narrated a documentary film on the Illinois National Guard that the Pentagon ordered sent to every Guard unit throughout the country.

His exemplary record of service to his country has meant several notable military commendations for Sig. Both the Air Force and the Marine Corps named Sig their "Man of the Year." In 1978, Sig was presented the Silver Helmet Award at the AMVETS National Convention in Washington.

Sig is also a prominent member of Chicago's vibrant Polish-American community. He is presently the media director of the Polish National Alliance, and he was honored recently by both the Polish-American Congress and the Taste of Polonia for his efforts.

Mr. President, I am proud to recognize Sig Sakowicz' patriotism and community service. His legacy is an inspiration to us all.●

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 103–22

Mr. KERRY. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Two Protocols Amending the OAS Charter (Treaty Document No. 103–22), transmitted to the Senate by the President today; and ask that the protocols be considered as having been read the first time; that they 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 is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the "Protocol of Washington" adopted on December 14, 1992, by the Sixteenth Special Session of the General Assembly of the Organization of American States (OAS) and signed by the United States on January 23, 1993, and the "Protocol of Managua" adopted by the Nineteenth Special Session of the OAS General Assembly on June 10, 1993, and signed that day by the United States. I also transmit for the information of the Senate, the report of the Department of State with respect to the two Protocols, both of which comprise amendments to the Charter of the Organization of American States.

The Charter amendments of the "Protocol of Washington;" (a) incorporate a procedure for suspending the right of a Member State to participate in OAS policy bodies when its democratically constituted government has been overthrown by force; and (b) address the situation of extreme poverty in the hemisphere.

The Charter amendments of the "Protocol of Managua" are aimed at rendering the delivery of OAS provided technical cooperation more effective and thereby giving practical effect to the Organization's efforts to eliminate extreme poverty. The Charter amendments would create a single Inter-American Council for Integral Development to replace the existing Inter-American Economic and Social Council (CIES) and the Inter-American Council for Education, Science and Culture (CIECC).

Early and favorable action by the Senate on the "Protocol of Washington" and the "Protocol of Managua" would send a strong signal to other OAS Member States that the United States is firmly committed to strengthening the multilateral and institutional means for protecting and promoting democracy in the region and to addressing the problems of extreme poverty and integral development.

I recommend that the Senate give early and favorable consideration to the Protocols and give its advice and consent to ratification of the Protocols at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 26, 1994.*

ORDERS FOR TOMORROW

Mr. KERRY. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:15 a.m., Thursday, January 27; that on Thursday, following the prayer, the Journal of Proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day.

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

PROGRAM

Mr. KERRY. Mr. President, the majority leader has asked me to announce for the information of the Senate that tomorrow, Thursday, the Senate will resume the State Department Authorization at 9:15 a.m., and that tomorrow's session will extend into the evening with rollcall votes occurring at any time during the day, with two rollcall votes already scheduled to occur beginning at 10 a.m. I would also like to indicate to the Senate, on behalf of the majority leader, that the Senate will be in session on Friday, with rollcall votes possible until 3 p.m.

RECESS UNTIL 9:15 A.M. TOMORROW

Mr. KERRY. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 9:16 p.m., recessed until Thursday, January 27, 1994, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate January 26, 1994:

DEPARTMENT OF JUSTICE

THOMAS A. CONSTANTINE, OF NEW YORK, TO BE ADMINISTRATOR OF DRUG ENFORCEMENT, VICE ROBERT C. BONNER, RESIGNED.

DEPARTMENT OF COMMERCE

WILLIAM W. GINSBERG, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE L. JOYCE HAMPERS, RESIGNED.

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

SUSAN BAYH, OF INDIANA, TO BE A COMMISSIONER ON THE PART OF THE UNITED STATES ON THE INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA, VICE HILARY PATERSON CLEVELAND.

POSTAL RATE COMMISSION

EDWARD JAY GLEIMAN, OF MARYLAND, TO BE A COMMISSIONER OF THE POSTAL RATE COMMISSION FOR THE TERM EXPIRING OCTOBER 16, 1998, VICE JOHN W. CRUTCHER, TERM EXPIRED.

DEPARTMENT OF DEFENSE

WILLIAM J. PERRY, OF CALIFORNIA, TO BE SECRETARY OF DEFENSE, VICE LEE ASPIN, RESIGNED.

DEBORAH P. CHRISTIE, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE ROBERT C. MC CORMACK, RESIGNED.

ROBERT F. HALE, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE MICHAEL BRUCE DONLEY, RESIGNED.

RODNEY A. COLEMAN, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE JEROME G. COOPER, RESIGNED.

DEPARTMENT OF COMMERCE

LAWRENCE J. GOFFNEY, JR., OF MICHIGAN, TO BE AN ASSISTANT COMMISSIONER OF PATENTS AND TRADEMARKS, VICE EDWARD ERNEST KUBASIEWICZ, RESIGNED.

U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

LEWIS MANILOW, OF ILLINOIS, TO BE A MEMBER OF THE U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 1996, VICE TOM C. KOROLOGOS, TERM EXPIRED.

DEPARTMENT OF JUSTICE

KENT BARRON ALEXANDER, OF GEORGIA, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF GEORGIA FOR THE TERM FOR 4 YEARS, VICE JOE D. WHITLEY, RESIGNED.

DAVID D. FREUDENTHAL, OF WYOMING, TO BE U.S. ATTORNEY FOR THE DISTRICT OF WYOMING FOR THE TERM OF 4 YEARS, VICE RICHARD A. STACY.

ISRAEL BROOKS, JR., OF SOUTH CAROLINA, TO BE U.S. MARSHAL FOR THE DISTRICT OF SOUTH CAROLINA FOR THE TERM OF 4 YEARS VICE LYDIA GLOVER.

HERBERT LEE BROWN, OF NEVADA, TO BE U.S. MARSHAL FOR THE DISTRICT OF NEVADA FOR THE TERM OF 4 YEARS VICE JOHN H. ROBINSON.

JERRY J. ENOMOTO, OF CALIFORNIA, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF CALIFORNIA FOR THE TERM OF 4 YEARS VICE ARTHUR F. VAN COURT.

JOHN JAMES LEYDEN, OF RHODE ISLAND, TO BE U.S. MARSHAL FOR THE DISTRICT OF RHODE ISLAND FOR THE TERM OF 4 YEARS VICE DONALD W. WYATT.

TIMOTHY PATRICK MULLANEY, SR., OF DELAWARE, TO BE U.S. MARSHAL FOR THE DISTRICT OF DELAWARE FOR THE TERM OF 4 YEARS VICE O. EVANS DENNEY.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ROBERT JOHN MCANNENY, OF CONNECTICUT

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

MARGOT A. SULLIVAN, OF NEW YORK

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

VINCENT KIRK BENNETT, OF CALIFORNIA
HELENA ROBIN BORDIE, OF TEXAS
PIPER ANNE-WIND CAMPBELL, OF NEW YORK
CLEVELAND LADD CHARLES, OF NEW HAMPSHIRE
JON F. DANILOWICZ, OF MASSACHUSETTS
ROSEMARIE CRISOSTOMO FORSYTHE, OF INDIANA
LYNN D. GUTENSOHN, OF SOUTH DAKOTA
CHARLES ERIC LUOMA-OVERSTREET, OF CALIFORNIA
MARK XAVIER PERRY, OF MARYLAND
GEOFFREY R. PYATT, OF CALIFORNIA
DAVID FROST SCHAFER, OF VIRGINIA
DAVID P. SEARBY, OF MARYLAND
LAURIE JO TROST, OF CALIFORNIA
SAU CHING YIP, OF VIRGINIA
ALAN K.L. YU, OF VIRGINIA

DEPARTMENT OF COMMERCE

JOHN D. BREIDENSTINE, OF PENNSYLVANIA

DEPARTMENT OF AGRICULTURE

MICHAEL T. HENNEY, OF FLORIDA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

BRUCE ANDREW, OF CALIFORNIA
CHRISTIAN DYE BENDSEN, OF VIRGINIA
THOMAS J. BRENNAN, OF COLORADO
ANNE CARSON, OF NEW YORK
SCOTT EDELMAN, OF CONNECTICUT
GEORGE M. FREDERICK, OF ILLINOIS
JENNIFER WINSLOW FURNESS, OF MARYLAND
STEVEN F. HARPER, OF VIRGINIA
CATHY L. HURST, OF FLORIDA
MICHALENE F. KACZMAREK, OF NEW YORK
ERIC K. LUNDBERG, OF VIRGINIA
MARK J. MCBURNEY, OF CALIFORNIA
BEATRICE L. MCKENZIE, OF ILLINOIS
SHELLEY STEPHENSON MIDURA, OF VIRGINIA
DANIEL M. PERRONE, OF FLORIDA
WOODWARD CLARK PRICE, OF PENNSYLVANIA
EDWIN C. SAGURTON, JR., OF CALIFORNIA
GLENN WALTER SMITH, OF TEXAS
LINDA STUART SPECHT, OF PENNSYLVANIA
CHARLES A. STONECIPHER, OF TEXAS
MARY ETTA TARNOWKA, OF CALIFORNIA
MATTHEW C. VICTOR, OF MARYLAND
MICHAEL LEONARD YODER, OF TEXAS

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

PENELOPE S. ANGULO, OF VIRGINIA
CHARLIE H. ASHLEY III, OF TEXAS
THOMAS E. AULD, OF VIRGINIA
JOHN W. BASS, OF VIRGINIA

CHRISTOPHER D. BERLEW, OF VIRGINIA
BETTY A. BERNSTEIN, OF THE DISTRICT OF COLUMBIA
JERRY L. BRADY, OF VIRGINIA
ELLEN CHRISTINE BRAITHWAITE, OF TEXAS
RICHARD L. BREAN, OF VIRGINIA
DAVID NOEL BRIZZEE, OF IDAHO
DAVID BURGER, OF VIRGINIA
ROBERT GEORGE BURGESS, OF ILLINOIS
JILLIAN LESLIE BURNS, OF GEORGIA
KAY CRAWFORD, OF ILLINOIS
PATRICIA JEAN CROWLEY, OF ILLINOIS
MARK D'ALESSANDRO, OF VIRGINIA
KELLY COLLEEN DEGNAN, OF CALIFORNIA
REGINA MARY DEGNAN, OF NEW JERSEY
CARL D. DVORAK, OF VIRGINIA
KAREN LYNN ENSTROM, OF IOWA
GABRIEL ESCOBAR, OF TEXAS
CAROL B. FAZZIO, OF VIRGINIA
JONATHAN DAVID FRITZ, OF FLORIDA
HOWARD B. FROST, OF MARYLAND
ALICE K. FUGATE, OF TEXAS
BARBARA A.P. GRUPE, OF MARYLAND
JOHN PATRICK GWYNN, OF MARYLAND
TIMOTHY MICHAEL HANWAY, OF CALIFORNIA
JONATHAN D. HENICK, OF THE DISTRICT OF COLUMBIA
HEIDI M. HOLGATE, OF VIRGINIA
JULIANNA M. HOWE, OF VIRGINIA
LESLIE CLAIRE KAMENS, OF CALIFORNIA
JAN KRC, OF THE DISTRICT OF COLUMBIA
MARGARET U. KURTZ-RANDALL, OF ILLINOIS
ADAM DUANE LAMOREAUX, OF UTAH
LINDA R. LAZAREVIC, OF INDIANA
DAVID ERIC LEAVITT, OF VIRGINIA
TIMOTHY A. LENDERKING, OF WASHINGTON
JAMES M. LEWIS, OF VIRGINIA
RONALD R. LIZOTTE, OF WEST VIRGINIA
REBEKAH J. LYNN, OF CALIFORNIA
JANINE R. MAHRU, OF CALIFORNIA
ALBERTA G.J. MAYBERRY, OF OKLAHOMA
KARIN L. MELKA, OF MINNESOTA
J. CHRISTIAN MEREDITH, OF FLORIDA
MICHELLE Y. MOORE, OF VIRGINIA
BRIAN RICHARD NARANJO, OF VIRGINIA
KATHI C. OVERACRE, OF VIRGINIA
ROBERT G. PAPP, OF FLORIDA
MARGIE ANN PATTERSON, OF CALIFORNIA
JANET L. PUGH, OF VIRGINIA
DAVID W. RENZ, OF THE DISTRICT OF COLUMBIA
ELIZABETH HELEN ROOD, OF MARYLAND
PAUL E. SALMON, OF THE DISTRICT OF COLUMBIA
DAVID JONATHAN SCHWARTZ, OF ILLINOIS
ELIZABETH ANNE SHARRIER, OF VIRGINIA
VALERIE KATHRYNE SHAW, OF TEXAS
ROGER A. SKAVDAHL, OF TEXAS
DEAN RICHARD THOMPSON, OF MARYLAND
PHILIP ALAN THOMPSON, OF ARKANSAS
SUSAN R. WEIDNER, OF OKLAHOMA
JOHN B. WOOD, OF VIRGINIA
HAROLD EDWARD ZAPPIA, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE U.S. INFORMATION AGENCY FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

DONNA MARIE OGLESBY, OF FLORIDA
VICTOR B. OLASON, OF WASHINGTON

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

STEPHEN M. CHAPLIN, OF VIRGINIA
LOUISE KELLEHER CRANE, OF VIRGINIA
JACOB P. GILLESPIE, OF CONNECTICUT
VICTOR L. JACKOVICH, OF VIRGINIA
STEVEN J. MONBLATT, OF NEW YORK
RAY PEPPERS, OF TEXAS

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE UNITED STATES INFORMATION AGENCY FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

SHEILA WEST AUSTRIAN, OF CALIFORNIA
JOSEPH J. BRENNIG, OF PENNSYLVANIA
CARL KAM-TO CHAN, OF MARYLAND
MARY ELLEN CONNELL, OF CALIFORNIA
PAMELA COREY-ARCHER, OF CALIFORNIA
ANNE J. GURVIN, OF TEXAS
PETER JOHN KOVACH, OF MASSACHUSETTS
AGOTA M. KUPERMAN, OF THE DISTRICT OF COLUMBIA
JOHN K. MENZIES, OF CALIFORNIA
GRETA N. MORRIS, OF CALIFORNIA
MARGARET C. PEARSON, OF CALIFORNIA
PAMELA H. SMITH, OF WASHINGTON
DANIEL SREEBNY, OF VIRGINIA
R. BARRIE WALKLEY, OF CALIFORNIA
EMI LYNN YAMAUCHI, OF ILLINOIS

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

SUZANNE K. HALE, OF VIRGINIA
JOHN J. REDDINGTON, OF VIRGINIA
MARY E. REVELT, OF FLORIDA
LYLE J. SEBRANEK, OF VIRGINIA

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT:

To be assistant surgeon

MICHAEL A. FALLON
LISA L. MATHIS
ANNA L. MILLER
NARAYAN NAIR
MICHAEL T. STEIN
LORI A. WILLINGHURST

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT

To be medical director

SUSAN S. CARLSON
JAMES E. COX
JOHN C. FINLEY
DAVID E. HEPPEL
THOMAS HOFFMAN
ROBERT F. KNOUSS
KENNETH H. KRAEMER
JAMES S. MARKS
WILLIAM J. MARTONE
THEODORE M. PINKERT
LAURENCE J. PLATT
ALEXANDER B. SMITH
STEPHEN B. THACKER
DONALD L. WEAVER
MARK H. ZWEIG

To be senior surgeon

ROBERT W. AMLER
RONALD G. BANKS
RUTH L. BERKELMAN
MICHAEL P. BIERNOFF
JAMES W. BUEHLER
STEPHEN L. COCHI
ROBERT E. FONTAINE
WILLIAM L. HEYWARD
JAMES L. HOFF
RICHARD D. KLAUSNER
NANCY C. LEE
RICHARD D. MANDSAGER
PHILIP D. NOGUCHI
JOHN E. PARKER
HAROLD J. PAULSEN
MARC D. REYNOLDS
MARTHA F. ROGERS
KENNETH A. SCHACHTER
HAROLD W. SCHNEIDER, JR.
STEVEN L. SOLOMON

To be surgeon

STEVEN K. GALSON
ALAN E. GREENBERG
ROGER D. PROCK
STEPHEN J. RITH-NAJARIAN
JOSEPH E. SNIEZEK
DANIEL M. SOSIN
JOHN W. WARD

To be senior assistant surgeon

H. ALAN ARBUCKLE
GREGORY M. BUCHALTER
PAUL P. CARNES
KATHERINE H. CIACCO
PATRICK H. DAVID
NEIL W. GRAVEN
JAMES E. OLSON
TAMIKO N. OLSON
KAREN L. PARKO
KENNETH SOWINSKI
DAVID L. SPRENGER
PAUL H. STEVENS
MICHAEL G. WILCOX

To be dental director

BRUCE J. BAUM
PATRICK C. BLAKE
ERIC B. BRODERICK
WILLIAM R. BURNS
AGUSTIN CAMACHO-TORRES
STEPHEN R. CURTICE
DAVID M. GABELMAN
HOWARD L. KELLEY
WILLIAM J. NIENDORFF

To be senior dental surgeon

DALE P. ARMSTRONG
ALLEN R. BOND
ROLAND J. BONDANI
RICHARD A. CHAMPANY
MARTIN R. CIRULIS
JAMES A. COOPE
MELVIN D. COOPER
BETTY DEBERRY-SUMNER
SUZANNE EBERLING
DAVID W. FIX
JAMES E. HAUBENREICH
JOHN R. MEETH
JOHN F. NEALE, III
LAWRENCE J. OCHFELD
SCOTT M. PRESSON
JOHN L.M. ROBINSON
MARK J. ROSENBERG
ROBERT A. SAPPINGTON
KERALD K. SHADDIX
DAVID B. SNYDER
SARAH E. VALWAY

To be dental surgeon

GEORGE M. ANGELOS
MICHAEL J. CRISTY
ANDREA G. FEIGHT
CHARLES W. GRIM
RICHARD T. HIGHAM
JAMES E. LEONARD
MICHAEL W. REMILLARD
HORACE M. WHITT

To be nurse director

GEORGE A. HANNEY
ELNA J. KOOPMAN
KATHLEEN A. MCCORMICK
JERRILYNN REGAN
DANIEL J. WALZ

To be senior nurse officer

ALETA J. CRESS
WILLIAM P. EMMERLING
IRMA E. GUERRA
JEAN H. KAJIKAWA
KATHYRN L. MCKEON
RHETT S. MCMURRAY
JAMES D. SMITH
THOMAS E. STENVIG
JALOO I. ZELONIS

To be nurse officer

MARJORIE G. ALLAN
FAY E. BAIER
EDWARD J. BOES
MICHAEL D. BROWN
MARY CHAMBERS
GAYLE N. CLARK
MARY P. COUIG
KAREN D. HENCH
BRYON N. HOMER, JR.
FLOSSIE J. JACKSON
ROY C. LOPEZ
HELEN L. MYERS
NADINE M. SIMONS
HARLEN D. WHITLING

To be senior assistant nurse

LENA S. FAWKES

To be engineer director

GEORGE L. ALLEN, JR.
JAMES A. CRUM
THOMAS G. GALLEGOS
RICHARD J. GUIMOND
JOHN R. HAMILTON
RALPH L. HOGGE
CHESTER F. PAULS
TIMOTHY R. WEBSTER
FREDRICK W. WELLER

To be senior engineer officer

MARC R. ALSTON
REID W. BOND
CLINTON COX
JAMES F. DUNN
JOSEPH D. GILLAM
GREGORY Q. HAASE
DANIEL L. HIGHTOWER
MICHAEL J. KREMER
TERENCE S. LANGAN
WILLIAM D. LAROCHE
PAUL J. LIEBENDORFER
ROBERT J. MAZZAFERRO
MICHAEL E. PETERSON
LEO H. STANDER, JR.

To be engineer officer

TIMOTHY G. AMSTUTZ
KEVIN S. CHADWICK
THOMAS R. JOHNSON, JR.
RICHARD D. MELTON
RUSSEL D. PEDERSON

To be senior assistant engineer

JIMMY P. MAGNUSON
DAVID P. SHOULTZ

To be scientist director

STEPHEN P. BERARDINELLI
MARION G. CLOWER, JR.
EDWARD J. CONE
DEREK E. DUNN
LAURENCE W. GROSSMAN
LIREKA P. JOSEPH
JACK E. MCCRACKEN
GEORGE J. NEMO
ROBERT SPIRTAS
LAWRENCE A. YAMAMOTO

To be senior scientist

DONNA K. CHANDLER
DANIEL M. LEWIS
MELODY Y. LIN
CHARLES O. ROBERTS
GARY B. UTTER

To be scientist

WILLIAM CIBULAS, JR.
DAVID HUSSONG

To be sanitarian director

RICHARD E. GROSS
RICHARD J. SMITH III

To be senior sanitarian

GEORGE E. BYRNS
THOMAS A. DEMARCUS
RICHARD D. EUBANKS
LARRY M. SOLOMON
RUSSELL J. VIZINA

To be sanitarian

BRUCE W. HILLS
KATHY L. MORRING
ALAN R. SCHROEDER
PETER P. WALLIS

To be senior assistant sanitarian

JOHN W. COOKS

To be veterinary director

MILTON APRIL

To be senior veterinary officer

JOHN C. DONOVAN

To be veterinary officer

AXEL V. WOLFF

To be pharmacist director

GEORGE D. ARMSTRONG, JR.
RICHARD M. CHURCH
ARTHUR J. LAWRENCE, JR.
JAMES R. MINOR
RONALD J. PYTEL
WILLIAM C. ROBINSON, JR.
WAYNE M. TURNER
RICHARD S. WALLING

To be senior pharmacist

MICHAEL R. BALL
ALAN L. BALLARD
MICHAEL G. BEATRICE
MICHAEL S. BROWN
CARL J. CHANCEY
MISOON Y. CHUN
JOY LEON DEARMAN
THOMAS E. DORWORTH
IRA J. FOX
JAMES C. HAYES
RODNEY W. HILL
DAVID HOLOVAC
JANET M. JONES
DIANNE L. KENNEDY
JOHN W. LEVCHUK
CRAIG R. MCCORMACK
JAMES R. MCKNIGHT
EZEQUIEL MENDIETA, JR.
MERRIL J. MILLE
MICHAEL R. SCHALLOCK
KARL W. SCHILLING
KENNETH L. SPEAR
JOSEPH TANGREA
EDWARD D. WESTMORELAND

To be pharmacist

RANDY W. BURDEN
MARK L. DEMONTIGNY
JOHN A. ELTERMANN, JR.
THOMAS J. FISCHBACH
JAMES R. HUNTER
CAMERON L. JACOBSON
ALVIN J. LEE
SHEILA M. OKEEFE
CYNTHIA A. WAY

To be senior assistant pharmacist

STEPHANIE DONAHOE
JULIE A. MASON
ANNIE L. REINER

To be dietitian director

ALBERTA C. BOURN

To be senior dietitian

FRANK T. LOGIUDICE, JR.
MARK S. SIEGEL

To be dietician

KAREN M. BACHMAN-CARTER
JAMES M. PEARCE

To be therapist director

GERALD L. ROGERS

To be senior therapist

JIMMY R. JONES
ANDREW L. SMITH

To be therapist

MARK W. DARDIS
FRANCES M. OAKLEY

To be senior assistant therapist

NANCY J. BALASH

To be health services director

AMY C. BARKIN
LOUISE Y. DOSS
GAYLAND M. ERIKSON
BRIAN W. FLYNN
BRUCE IMMERMAN
HOWARD C. LERNER
LARRY J. MARWEDEL
JAMES L. MORRISON
GEORGE M. NAKAMA
JOHN B. RICHARDSON
JOHN RODAK, JR.
PENNI I. ST HILAIRE
GEORGE J. VASCONCELOS

To be senior health services officer

GLORIA M. AMES
JOANNE BARRON
CHARLES A. BECKWITH
BEVERLY A. BOGNER
THOMAS R. BURNS
RANDAL D. CARTER
LAWRENCE R. CATLETT
LELAND D. FREIDENBURG
ROLLAN J. GONGWER
CHARLES R. GUNZBURG
HENRY H. KNOX
KURT R. MAURER
ROBERT W. MILLER
PHILIP W. QUINN
FRED M. RANDALL
STANELY A. SALISBURY
JACOB E. TENENBAUM
JAEMS J. VICICH
GARY W. WABAUNSEE
GEORGE H. WALTER

To be health services officer

REGINA A. BRONSON
CHARLES J. BRYANT
MICHELE M. DOODY
GEORGE E. FOLEY III
STEVEN A. LEE
KATHLEEN G. SMITH
PARBATTEE B. SPANGLER
THOMAS R. TAHSUDA

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

To be brigadier general

COL. JAMES E. ANDREWS, [redacted] REGULAR AIR FORCE.
COL. DAVID E. BAKER, [redacted] REGULAR AIR FORCE.
COL. JAMES R. BEALE, [redacted] REGULAR AIR FORCE.
COL. ROBERT J. BOOTS, [redacted] REGULAR AIR FORCE.
COL. WILLIAM C. BROOKS, [redacted] REGULAR AIR FORCE.
COL. RICHARD E. BROWN III, [redacted] REGULAR AIR FORCE.
COL. ROBERT J. COURTER, JR., [redacted] REGULAR AIR FORCE.
COL. JOHN R. DALLAGER, [redacted] REGULAR AIR FORCE.
COL. CURTIS H. EMERY II, [redacted] REGULAR AIR FORCE.
COL. THOMAS O. FLEMING, JR., [redacted] REGULAR AIR FORCE.
COL. ROBERT H. FOGLESONG, [redacted] REGULAR AIR FORCE.
COL. DENNIS G. HAINES, [redacted] REGULAR AIR FORCE.
COL. BRYAN G. HAWLEY, [redacted] REGULAR AIR FORCE.
COL. KENNETH W. HESS, [redacted] REGULAR AIR FORCE.
COL. PAUL V. HESTER, [redacted] REGULAR AIR FORCE.
COL. WILLIAM T. HOBBINS, [redacted] REGULAR AIR FORCE.
COL. JOHN D. HOPPER, JR., [redacted] REGULAR AIR FORCE.
COL. SILAS R. JOHNSON, JR., [redacted] REGULAR AIR FORCE.
COL. RODNEY P. KELLY, [redacted] REGULAR AIR FORCE.
COL. LESLIE F. KENNE, [redacted] REGULAR AIR FORCE.
COL. RONALD E. KEYS, [redacted] REGULAR AIR FORCE.
COL. TIMOTHY A. KINNAN, [redacted] REGULAR AIR FORCE.
COL. MICHAEL C. KOSTELNIK, [redacted] REGULAR AIR FORCE.
COL. DONALD A. LAMONTAGNE, [redacted] REGULAR AIR FORCE.
COL. ROBERT E. LARNED, [redacted] REGULAR AIR FORCE.
COL. DAVID R. LOVE, [redacted] REGULAR AIR FORCE.
COL. TIMOTHY P. MALISHENKO, [redacted] REGULAR AIR FORCE.
COL. ROBERT T. NEWELL, III, [redacted] REGULAR AIR FORCE.
COL. ROBERT T. OSTERTHALER, [redacted] REGULAR AIR FORCE.
COL. SUSAN L. PAMERLEAU, [redacted] REGULAR AIR FORCE.
COL. ANDREW J. PELAK, JR., [redacted] REGULAR AIR FORCE.
COL. STEVEN R. POLK, [redacted] REGULAR AIR FORCE.
COL. ROGER R. RADCLIFF, [redacted] REGULAR AIR FORCE.
COL. ANTONIO J. RAMOS, [redacted] REGULAR AIR FORCE.
COL. BERWYN A. REITER, [redacted] REGULAR AIR FORCE.
COL. PEDRO N. RIVERA, [redacted] REGULAR AIR FORCE.
COL. GARY M. RUBUS, [redacted] REGULAR AIR FORCE.
COL. JOHN W. RUTLEDGE, [redacted] REGULAR AIR FORCE.
COL. DENNIS R. SAMIC, [redacted] REGULAR AIR FORCE.
COL. JAMES E. SANDSTROM, [redacted] REGULAR AIR FORCE.
COL. TERRYL J. SCHWALIER, [redacted] REGULAR AIR FORCE.
COL. DONALD A. STREATER, [redacted] REGULAR AIR FORCE.
COL. THOMAS C. WASKOW, [redacted] REGULAR AIR FORCE.
COL. CHARLES J. WAX, [redacted] REGULAR AIR FORCE.
COL. GEORGE N. WILLIAMS, [redacted] REGULAR AIR FORCE.
COL. LEON A. WILSON, JR., [redacted] REGULAR AIR FORCE.
COL. JOHN L. WOODWARD, JR., [redacted] REGULAR AIR FORCE.

IN THE MARINE CORPS

THE FOLLOWING NAMED BRIGADIER GENERAL OF THE U.S. MARINE CORPS RESERVE FOR PROMOTION TO THE PERMANENT GRADE OF MAJOR GENERAL, UNDER THE PROVISIONS OF SECTION 5912 OF TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. BOBBY G. HOLLINGSWORTH, [redacted]

THE FOLLOWING NAMED COLONELS OF THE U.S. MARINE CORPS FOR PROMOTION TO THE PERMANENT GRADE OF BRIGADIER GENERAL, UNDER THE PROVISIONS OF SECTION 624 OF TITLE 10, UNITED STATES CODE:

To be brigadier general

COL. GARY S. MCKISSOCK, [redacted]
COL. RAYMOND P. AYRES, JR., [redacted]
COL. EMIL R. BEDARD, [redacted]
COL. WILLIAM L. NYLAND, [redacted]
COL. MATTHEW E. BRODERICK, [redacted]
COL. TERRENCE P. MURRAY, [redacted]
COL. JOSEPH T. ANDERSON, [redacted]
COL. BRUCE B. BYRUM, [redacted]
COL. EARL B. HAILSTON, [redacted]
COL. HARRY K. BARNES, [redacted]
COL. BRUCE B. KNUTSON, JR., [redacted]
COL. DAVID F. BICE, [redacted]
COL. DAVID M. MIZE, [redacted]
COL. ROBERT MAGNUS, [redacted]
COL. CLIFFORD L. STANLEY, [redacted]

IN THE NAVY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be admiral

ADM. ROBERT J. KELLY, U.S. NAVY, [redacted]

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT 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

REAR ADM. JOHN B. LAPLANTE, U.S. NAVY, [redacted]

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT 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

REAR ADM. GEORGE R. STERNER, U.S. NAVY, [redacted]

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT 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

REAR ADM. (LH) ARTHUR K. CEBROWSKI, U.S. NAVY, [redacted]

THE FOLLOWING-NAMED CAPTAINS IN THE LINE OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

CAPT. TIMOTHY ROBERT BEARD, [redacted] U.S. NAVY.
CAPT. DAVID LAWREN BREWER, III, [redacted] U.S. NAVY.
CAPT. STANLEY WALTER BRYANT, [redacted] U.S. NAVY.
CAPT. TONEY MICHAEL BUCCHI, [redacted] U.S. NAVY.
CAPT. ROBERT STANLEY COLE, [redacted] U.S. NAVY.
CAPT. WILLIAM WINSTON COPELAND, JR., [redacted] U.S. NAVY.
CAPT. JOHN WILBUR CRAINE, JR., [redacted] U.S. NAVY.
CAPT. JAMES BEATY FERGUSON, III, [redacted] U.S. NAVY.
CAPT. EDMUND PETER GIAMBASTIANI, JR., [redacted] U.S. NAVY.
CAPT. JOHN JOSEPH GROSSENBACHER, [redacted] U.S. NAVY.
CAPT. JAMES BRUCE HINKLE, [redacted] U.S. NAVY.
CAPT. GORDON STALLINGS HOLDER, [redacted] U.S. NAVY.
CAPT. RICHARD GEORGE KIRKLAND, [redacted] U.S. NAVY.
CAPT. PETER AVARD CHIPMAN LONG, [redacted] U.S. NAVY.
CAPT. MARTIN JULES MAYER, [redacted] U.S. NAVY.
CAPT. BARBARA ELIZABETH MCGANN, [redacted] U.S. NAVY.
CAPT. PATRICK DAVID MONEYMAKER, [redacted] U.S. NAVY.
CAPT. CHARLES WILLIAM MOORE, JR., [redacted] U.S. NAVY.
CAPT. JOHN BERNARD NATHAN, [redacted] U.S. NAVY.
CAPT. JOHN BRAMWELL PADGETT, III, [redacted] U.S. NAVY.
CAPT. WILLIAM LUND PUTNAM, [redacted] U.S. NAVY.
CAPT. THOMAS RUSSELL RICHARDS, [redacted] U.S. NAVY.
CAPT. DAVID PUTNAM SARGENT, JR., [redacted] U.S. NAVY.
CAPT. WILLIAM ROBERT SCHMIDT, [redacted] U.S. NAVY.
CAPT. DONALD ALAN WEISS, [redacted] U.S. NAVY.

ENGINEERING DUTY OFFICER

To be rear admiral lower half)

CAPT. JOHN ANTHONY GAUSS, [redacted] U.S. NAVY.
CAPT. THOMAS JOHN PORTER, [redacted] U.S. NAVY.

AEROSPACE ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

CAPT. ROBERT WAYNE SMITH, [redacted] U.S. NAVY.

SPECIAL DUTY OFFICER (CRYPTOLOGY)

To be rear admiral (lower half)

CAPT. HARRY WINSOR WHITON, [redacted] U.S. NAVY.

SPECIAL DUTY OFFICER (INTELLIGENCE)

To be rear admiral (lower half)

CAPT. LOWELL EDWIN JACOBY, [redacted] U.S. NAVY.

SPECIAL DUTY OFFICER (OCEANOGRAPHY)

To be rear admiral (lower half)

CAPT. PAUL GOLDEN GAFFNEY II, [redacted] U.S. NAVY.

IN THE AIR FORCE

THE FOLLOWING OFFICERS, U.S. AIR FORCE OFFICER TRAINING SQUADRON FOR APPOINTMENT AS SECOND LIEUTENANTS IN THE REGULAR AIR FORCE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

SHAWN M. BAKER, [redacted]
MICHAEL A. BOUTET, [redacted]
BENJAMIN A. BURDICK, [redacted]
STEVEN P. CHORMA, [redacted]
JEFFREY H. COGGIN, [redacted]
DENISE M. FOSS, [redacted]
ROBERT GANCE, [redacted]
ERIC O. HUNT, [redacted]
VERNON S. MAY, [redacted]
EDWARD R. NALL, [redacted]
GLENN E. PALMER, [redacted]
CLARK J. QUINN, [redacted]
SCOTTLAND L. RUDDY, [redacted]
DAVID A. SEARLE, [redacted]
JAMES R. SIEVERS, [redacted]
WAYNE W. STRAW, [redacted]
CARL D. TERNES, JR., [redacted]

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:

MEDICAL CORPS

To be colonel

JAMES A. BREITWESER, [redacted]

To be lieutenant colonel

RYO C. CHUN, [redacted]
JULIANA ELLIS-BILLINGSLEY, [redacted]
JOHN D. LONGWELL, [redacted]
WILLIAM M. LOWE II, [redacted]
JOE B. MEEK, [redacted]
STEPHEN W. SMITH, [redacted]

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICER INDICATED BY AN ASTERISK IS ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

*JOHN H. BELSER, [redacted]
FREDERIC L. BORCH, [redacted]
ILA C. BRIDGES, [redacted]
LEROY C. BRYANT, [redacted]

THOMAS K. CALDBECK xxx-xx-x...
JOHN W. CALDWELL xxx-xx-x...
JOHN L. CHARVAT xxx-xx-x...
JAMES M. COYNE xxx-xx-x...
DONALD G. CURRY xxx-xx-x...
JEFFREY S. DAVIS xxx-xx-xx...
THOMAS A. DUNCAN xxx-xx-x...
PAUL T. GRIMSTAD xxx-xx-x...
MARK W. HARVEY xxx-xx-x...
DAVID L. HAYDEN xxx-xx-x...
RONALD K. HEUER xxx-xx-x...
MICHAEL W. HOADLEY xxx-xx-x...
WILLIS C. HUNTER xxx-xx-x...
JAMES M. IVES xxx-xx-x...
RICHARD B. JACKSON xxx-xx-x...
FREDERICK KENNEDY xxx-xx-x...
STANTON G. KUNZI xxx-xx-x...
JOSEPH K. LEE, JR. xxx-xx-xx...
ROBERT M. LEWIS xxx-xx-x...
PHILIP W. LINDLEY xxx-xx-xx...
RALPH LITTLEFIELD xxx-xx-xx...
CHARLES R. MARVIN xxx-xx-x...
DANIEL F. MCCALLUM xxx-xx-x...
GREGORY MCCLELLAND xxx-xx-x...
BOBBY D. MELVIN xxx-xx-x...
KENNETH F. MILLER xxx-xx-xx...
MARJORIE MITCHELL xxx-xx-x...
ALLAN R. PEARSON xxx-xx-x...
JAMES L. POHL xxx-xx-xx...
HENRY R. RICHMOND xxx-xx-x...
MARK J. ROMANESKI xxx-xx-x...
MARGARET SCHUYLER xxx-xx-x...
GEORGE B. THOMSON xxx-xx-x...
GARY L. WALSH xxx-xx-x...
ANDREW M. WARNER xxx-xx-x...
STEPHANIE WILLSON xxx-xx-x...

IN THE MARINE CORPS

THE FOLLOWING NAMED LIEUTENANT COLONEL OF THE U.S. MARINE CORPS FOR PROMOTION TO THE PERMANENT GRADE OF COLONEL, UNDER THE PROVISIONS OF SECTION 628 OF TITLE 10, UNITED STATES CODE:

LT. COL. JOHN A. TEMPONE xxx-xx-xx...

THE FOLLOWING NAMED OFFICERS OF THE MARINE CORPS RESERVE FOR TRANSFER INTO THE REGULAR MARINE CORPS UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. MARINE CORPS AUGMENTATION LIST

To be captain

KARL E. ALTERGOTT xxx-xx-x...
JOHN M. BELL, JR. xxx-xx-xx...
ROBERT A. BISHOP xxx-xx-x...
JERRY T. BLACKETER xxx-xx-xx...
ROBERT A. BOYD xxx-xx-x...
ROBERT E. BURTON II xxx-xx-x...
JAMES K. CARBERRY xxx-xx-x...
TIMOTHY J. CARROLL xxx-xx-x...
WINFIELD S. CARSON, JR. xxx-xx-xx...
MICHAEL D. CARSTEN xxx-xx-x...
MITCHELL E. CASSELL xxx-xx-xx...
JOHN M. CHRISTENSEN xxx-xx-x...
THOMS M. CLASEN xxx-xx-x...
MARK D. COCHRAN xxx-xx-x...
KEVEN J. CONWAY xxx-xx-x...
MICHAEL E. CORDERO xxx-xx-x...
ROBERT L. COUGHLIN III xxx-xx-x...
TIMOTHY B. CUTRIGHT xxx-xx-x...
THOMAS A. DAMISCH xxx-xx-x...
STEVEN D. DANYLUK xxx-xx-x...
GLENN M. DAVIDSON xxx-xx-x...
JONATHAN F. DOUGLAS xxx-xx-x...
FRANCIS A. DOWSE xxx-xx-x...
WILLIAM R. DUNN II xxx-xx-x...
MICHAEL W. EATON xxx-xx-x...
NORMAN R. ELIASEN xxx-xx-x...
ANTHONEY C. ELLIOTT xxx-xx-x...
GREGORY J. ERICSON xxx-xx-x...
WILLIAM H. FERRELL III xxx-xx-xx...
STEPHEN J. FLYNN xxx-xx-xx...
ZACHARY J. FOELLER xxx-xx-xx...
MARK G. GARCIA xxx-xx-x...
JOHN M. GIRNIUS xxx-xx-x...
TERRENCE P. GREGAN xxx-xx-xx...
DAVID A. GRUSS xxx-xx-x...
CRAIG T. GULLAKSEN xxx-xx-x...
NICHOLAS J. HALL xxx-xx-x...
RICHARD A. HALL xxx-xx-x...
CHRISTOPHE N. HAMILTON xxx-xx-x...
STEVEN R. HENKLE xxx-xx-xx...
FRANK L. HODGES xxx-xx-x...
DAVID J. HOLLEY, JR. xxx-xx-x...
MICHAEL J. HOOD xxx-xx-x...
KYLE J. HOWLIN xxx-xx-x...
JAY A. INGWELL xxx-xx-x...
GLEN P. JAMES xxx-xx-xx...
MARK K. JAMISON xxx-xx-x...
MATTHEW T. JONES xxx-xx-x...
DAVIN M. KEITH xxx-xx-x...
MICHAEL W. KETNER xxx-xx-x...
DAVID C. KIRBY xxx-xx-x...
ALAN W. KOENIG xxx-xx-x...
JEFFREY G. KOFFEL xxx-xx-xxxx
CHRIS K. KYLER xxx-xx-x...
WILLIAM K. LACEY xxx-xx-x...
DAVID K. LAYNE xxx-xx-x...
KRISTOPHER H. LEE xxx-xx-xx...
JOSEPH P. LISIECKI III xxx-xx-xxxx
ANTHONY R. LUNARDI xxx-xx-x...
BRIAN R. LYNCH xxx-xx-x...
DAVID C. MACNULTY xxx-xx-x...
THOMAS P. MAINS III xxx-xx-x...
SCOTT M. MARCONDA xxx-xx-x...
DAREN K. MARGOLIN xxx-xx-x...
JAMES D. MARTIN xxx-xx-x...
JAMES P. MCCABE xxx-xx-x...
CHARLES W. MCCOBB xxx-xx-x...
ARLENE M. MCCUE xxx-xx-x...
DAN E. MCCULLOUGH xxx-xx-x...
MATTHEW D. MCEWEN xxx-xx-x...
JAMES A. MCGHEE xxx-xx-x...
TIMOTHY P. MCGUIRE xxx-xx-x...
JOSEPH T. MINICUCCI xxx-xx-x...
JOHN L. MOHS xxx-xx-x...
MICHAEL T. MORAN xxx-xx-x...
DALE W. MULKEY xxx-xx-x...
RICHARD J. MUSSER xxx-xx-x...
ROBERT J. NASH xxx-xx-x...
ELIZABETH S. NICKERSON xxx-xx-x...
JOSEPH T. PARDUE xxx-xx-xx...
MARCUS J. PARISH IV xxx-xx-xx...
RANDEL W. PARKER xxx-xx-x...
NOELE PATTERSON xxx-xx-x...
WILLIAM G. PEREZ xxx-xx-x...
QUANG X. PHAM xxx-xx-x...
BRIAN G. PHELPS xxx-xx-x...
GERARDO L. PISCOPO xxx-xx-x...
WILLIAM B. PITMAN xxx-xx-x...
DONALD J. PLOWMAN xxx-xx-x...
PAUL G. POWER xxx-xx-x...
JEFFREY N. PRATT xxx-xx-xx...
LINDSEY B. READING xxx-xx-x...
MARC A. RESETAR xxx-xx-x...
NOEL R. RICHARDSON xxx-xx-x...
ORLANDO R. RICHMOND xxx-xx-x...
EUGENE H. ROBINSON, JR. xxx-xx-x...
ERIC C. ROSA xxx-xx-x...
CRAIG W. SCHEIDEGGER xxx-xx-x...
MARC A. SEHRT xxx-xx-x...
CHRISTOPHE C. SEYMOUR xxx-xx-x...
ANDREW G. SHORTER xxx-xx-x...
KYLE B. SIEGEL xxx-xx-x...
JAMES D. SNELLGROVE xxx-xx-xx...
RICHARD A. SOLIS xxx-xx-x...
MICHAEL A. SPARTONOS xxx-xx-x...
GREGORY K. STANKEWICZ xxx-xx-x...
PATRICK G. STEININGER xxx-xx-xx...
MARK J. STEVENS xxx-xx-xx...
PAUL L. SVITENKO xxx-xx-x...
MORTON M. TAYLOR xxx-xx-x...
CHRISTOPHE A. TJARKS xxx-xx-xx...
DAVID L. TURNER xxx-xx-x...
THOMAS R. URYGA, JR. xxx-xx-x...
DARIO W. VALLI xxx-xx-x...
PATRICK D. VERDON xxx-xx-x...
KEVIN J. WATKINSON xxx-xx-x...
TONY WECKERLING xxx-xx-x...
EDWARD P. WOJNAROSKI, JR. xxx-xx-xx...
THORI E. WOLFE xxx-xx-x...
JOHN R. WOODWORTH xxx-xx-x...
TODD M. YEATTS xxx-xx-x...
JEFFREY V. YOUNG xxx-xx-x...
MICHAEL W. YOUNG xxx-xx-x...
ROBERT C. YOUNG xxx-xx-x...
WILLIAM J. ZALMAN xxx-xx-x...

To be first lieutenant

JOE H. ADKINS, JR. xxx-xx-xx...
JEFFREY M. ANDERSON xxx-xx-xx...
CHRISTIAN D. ANSCHUETZ xxx-xx-x...
STEPHEN G. BANTA xxx-xx-x...
DOUGLAS L. BELL xxx-xx-x...
GEORGE E. BETAR xxx-xx-x...
MICHAEL C. BOGNA xxx-xx-x...
JOEY L. BORJA xxx-xx-x...
JOSEPH A. BRACKEN xxx-xx-x...
PATRICK F. CAMPOS xxx-xx-x...
DONALD J. CARRIER xxx-xx-x...
JOHN J. CARROLL, JR. xxx-xx-xx...
PAIGE L. CHANDLER xxx-xx-x...
CLIFFORD D. CHEN xxx-xx-x...
EARY J. CHESNE, JR. xxx-xx-xx...
KEITH S. COLLIER xxx-xx-x...
CHRISTOPHE A. CONNELL xxx-xx-x...
THOMAS G. CONNOR III xxx-xx-x...
CHARLES M. CROMWELL xxx-xx-x...
GARY W. CUSTIS xxx-xx-x...
JAMES D. DAVIS xxx-xx-x...
DOUGLAS S. DREWRY xxx-xx-x...
CHARLES M. DUNNE xxx-xx-x...
KATHERINE J. ESTES xxx-xx-xx...
DAVID V. FEDERICI xxx-xx-x...
SCOTT D. FLAGG xxx-xx-x...
TIMOTHY C. FRANTZ xxx-xx-x...
MICHAEL J. GORMAN xxx-xx-x...
GLENN J. GREGORY xxx-xx-x...
STEPHEN P. GRUBBS xxx-xx-xx...
JONATHAN A. HAINES xxx-xx-x...
SCOTT R. HALL xxx-xx-x...
STEPHEN W. HALL xxx-xx-x...
ERIC C. HASTINGS xxx-xx-x...
PATRICK M. HAYDEN xxx-xx-x...
JOHN D. HAYDEN, JR. xxx-xx-x...
TIMOTHY J. HERINGTON xxx-xx-x...
KENNETH J. HOAG xxx-xx-x...
MICHAEL B. HOBBS xxx-xx-x...
TODD A. HOLMQUIST xxx-xx-x...
WILFRED E. HOWE V xxx-xx-x...
GRAEME L. JACK xxx-xx-x...
ROBERT W. JACKSON xxx-xx-x...
JEFFREY R. JURGENSON xxx-xx-xx...
DANIEL R. KAISER xxx-xx-x...
BRIAN M. KASTICK xxx-xx-x...
ANNETTE C. KEHOE xxx-xx-x...
KURT A. KEMPSTER xxx-xx-x...
PETER B. KERSTEN xxx-xx-xx...
CHRISTOPHE W. KINNEY xxx-xx-x...
KURT A. KOCH xxx-xx-x...
RUDY R. KUBE xxx-xx-x...
MICHAEL E. LATHROP xxx-xx-x...
EUGENE P. LAUER, JR. xxx-xx-x...
JOHN N. LEGTERS xxx-xx-x...
GERRY W. LEONARD, JR. xxx-xx-x...
FLORIAN F. LIMJOCO, JR. xxx-xx-xx...
TODD W. LYONS xxx-xx-x...
WALTER J. MANCINI xxx-xx-x...
WILLIAM J. MATTES, JR. xxx-xx-xx...
BRENDAN B. MCBREEN xxx-xx-x...
TIMOTHY J. MCLAUGHLIN xxx-xx-x...
JOHN S. MEADE xxx-xx-x...
JOHN E. MERNA xxx-xx-x...
LAWRENCE F. MILLER xxx-xx-x...
JAMES M. MORRISROE xxx-xx-x...
CHRISTOPHE L. NALER xxx-xx-x...
JONAS NATIVIDAD xxx-xx-x...
HOMER W. NESMITH xxx-xx-x...
BRENT R. NORQUIST xxx-xx-x...
DARIUS NOVICKIS xxx-xx-x...
THOMAS O. OCONNOR xxx-xx-x...
DONNELL ORLESKI xxx-xx-x...
CARL L. OROS xxx-xx-x...
LUIS E. ORTIZ xxx-xx-x...
TIMOTHY M. PARKER xxx-xx-x...
ISAAC PELT xxx-xx-x...
ROBERT B. PETERMAN xxx-xx-x...
AUSTIN L. PETWAY xxx-xx-x...
KRISTI E. PHELPS xxx-xx-xx...
WILLIAM N. PIGOTT, JR. xxx-xx-xx...
ERIC V. PORTER xxx-xx-x...
AARON F. POTTER xxx-xx-x...
SHONEY E. QUALLS xxx-xx-x...
KEITH H. RAGSDELL xxx-xx-x...
JOHN M REED xxx-xx-x...
JOHN C REEVE xxx-xx-x...
ROBERTO V RICHARDS xxx-xx-x...
JAMES C RIGGS xxx-xx-x...
STEPHEN C ROBERTS xxx-xx-x...
MICHAEL D ROBINSON xxx-xx-x...
MACON R ROBINSON JR. xxx-xx-x...
CHARLES S ROYER xxx-xx-x...
KEITH E RUTKOWSKI xxx-xx-x...
ROBERT P SALASKO xxx-xx-x...
MICHAEL J SCHMITT xxx-xx-x...
JEFFREY C SIMPSON xxx-xx-xx...
IAN A SMITH xxx-xx-x...
DAVIS G SNYDER xxx-xx-x...
MARTIN J SPANNBAUER xxx-xx-x...
CHRISTOPHE J SPARKS xxx-xx-xx...
KURT W STEIN xxx-xx-x...
ARTHUR J STOVALL III xxx-xx-xx...
JEFFREY D STREY xxx-xx-xx...
MARK R STROLE xxx-xx-x...
JONATHAN C TAYLOR xxx-xx-x...
THAD R TRAPP xxx-xx-x...
ROBERT M TROUTMAN xxx-xx-x...
LORETTA L VANDENBERG xxx-xx-x...
GENO A VARNIS xxx-xx-x...
JOHN E VINCENT xxx-xx-x...
MARTIN J WADE xxx-xx-x...
WILLIAM E WALKER II xxx-xx-x...
WILLIAM C WATKINS JR xxx-xx-x...
CLIFFORD J WEINSTEIN xxx-xx-xx...
GLENN S WILLIAMS xxx-xx-x...
CURTIS L WILLIAMSON III xxx-xx-x...
BLAKE M WILSON xxx-xx-x...
MICHAEL W WINNER xxx-xx-x...
GEORGE G WISLAR II xxx-xx-x...
ROBERT A WUNDERLICH JR xxx-xx-x...
GARY R ZEGLEY xxx-xx-x...
MICHAEL W ZELIFF xxx-xx-x...
JAMES B ZIENTEK xxx-xx-x...

To be second lieutenant

IAN R CLARK xxx-xx-x...
ROGER P DALZIEL xxx-xx-x...
JAMES L EINSTEIN JR xxx-xx-xx...
MARK R FULLER xxx-xx-x...
MICHAEL D GRICE xxx-xx-x...
STUART M HARNESS xxx-xx-x...
BRIAN P KALK xxx-xx-x...
KIM J MAHONEY xxx-xx-x...
MARK F MAISEL xxx-xx-x...
SCOTT C MITCHELL xxx-xx-x...
SHAWN R STRANDBERG xxx-xx-x...
ROBERT S TYLER xxx-xx-x...
DAVID A WILLIAMS xxx-xx-x...

THE FOLLOWING NAMED LIMITED DUTY OFFICERS OF THE REGULAR MARINE CORPS FOR APPOINTMENT AND DESIGNATION AS UNRESTRICTED OFFICERS IN THE REGULAR MARINE CORPS UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589:

U.S. MARINE CORPS UNRESTRICTED LIST

To be captain

ROBERT J MCLAUGHLIN xxx-xx-x...

To be first lieutenant

DANIEL S CHARGULAF xxx-xx-x...
DAVID C FADDEN SR xxx-xx-x...

EXTENSIONS OF REMARKS

THE 1994 ELECTION YEAR MAILING RESTRICTIONS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1994

Mr. CLAY. Mr. Speaker, with the 1994 elections approaching, the House Commission on Congressional Mailing Standards wishes to remind Members of the House about the franking statutes, rules, and regulations governing mass mailings by candidates prior to elections.

Generally, Members of the House seeking reelection or election to any other office are prohibited from sending franked mass mailings during the 60-day period immediately before the date of any public election—whether primary, general, special, or runoff—in which the Member's name appears on the ballot.

Members should ensure that staff persons responsible for mass mailings are knowledgeable concerning State election laws as they affect mailing privileges during the period prior to primary and general election periods. Members' staff seeking advisory opinions from the Commission must certify that, to the best of their knowledge, the frankability of the proposed mailing is not adversely affected by applicable State election laws.

Mr. Speaker, I cannot emphasize strongly enough the importance of compliance with these regulations. I urge my colleagues to ensure that their staffs are familiar with the statutes, rules of the House, and pertinent regulations and guidelines governing the proper use of the franking privilege.

The Commission staff is ready to assist in every possible way.

A detailed explanation of the mass mailing provisions, along with a listing of cutoff dates for the congressional primaries in the various States, follows:

LIMITATIONS ON THE USE OF THE FRANK BY CANDIDATES FOR PUBLIC OFFICE

Pursuant to Public Law 101-163, the Legislative Branch Appropriations Act for Fiscal Year 1990,

39 U.S.C. 3210(a)(6)(A) provides that, "It is the intent of Congress that a Member of, or Member-elect to, Congress may not mail any mass mailing as franked mail—

(i) if the mass mailing is postmarked fewer than 60 days immediately before the date of any primary election or general election (whether regular, special, or runoff) in which the Member is a candidate for reelection; or

(ii) in the case of a Member of, or Member-elect to, the House who is candidate for any other public office, if the mass mailing—

(I) is prepared for delivery within any portion of the jurisdiction of or the area covered by the public office which is outside the area constituting the congressional district from which the Member or Member-elect was elected; or

(II) is postmarked fewer than 60 days immediately before the date of any primary election or general election (whether regular, special or runoff) in which the Member or Member-elect is a candidate for any other public office.

39 U.S.C. 3210(a)(6)(F) states that for purposes of subparagraphs (A) * * * if mail matter is of a type which is not customarily postmarked, the date on which such matter would have been postmarked if it were of a type customarily postmarked shall apply.

DEFINITIONS

Mass Mailings

Mass mailings are defined by law [39 U.S.C. 3210(a)(6)(E)] as, with respect to a session of Congress, newsletters and other similar mailings (including town meeting notices) of more than 500 pieces in which the content of the matter mailed is substantially identical. Mail matter is deemed to be a mass mailing when the total number of pieces exceeds 500, whether in a single mailing or in cumulative mailings during this session of Congress.

Candidate for Election or Reelection to the House of Representatives

For purposes of the subject statutes and regulations, a Member of or a Member-elect to the House of Representatives is deemed to be a candidate for public office at any election if his or her name appears anywhere on any official ballot to be used in a public election.

Candidate for Any Other Public Office

For the purpose of 39 U.S.C. 3210(a)(6)(A)(ii), "any other public office" means any local, State, or Federal office. (Examples: President, Governor, U.S. Senator, State Supreme Court Justice, States Senator, Assemblyman, etc.) "Candidate" means a Member who has qualified under State or local law for the official ballot in a primary, runoff, special, or general election, or who has been certified for candidacy by an appropriate State or local election official.

EXCEPTIONS

The subject statutes, rules, and regulations provide three exceptions to the mass mail prohibition prior to elections, as follows:

(i) mailings which are in direct response to inquiries or requests from the persons to whom the matter is mailed;

(ii) mailings to colleagues in Congress or to government officials (whether Federal, State, or local); and

(iii) mailings of news releases to the communications media.

The Commission believes the latter two exceptions are self-explanatory.

In application of the first exception, the Commission stresses the phrase "direct response to inquiries or requests". Therefore, response to a signed petition with a form or identical letter individually addressed to each of the signers of the petition is frankable. However, a follow-up letter to the same list of petitioners is not frankable under this section in that it would not be in direct response to an inquiry.

Similarly, follow-up letters to persons who had previously written and had been answered on a particular subject, if such letters by their form and volume constitute a mass mailing, are not frankable during the 60-day period prior to elections. Also, requests for questionnaire results or other material, when solicited by Members on questionnaire forms or newsletters, are not deemed to be in direct response to any inquiry or request. The above restrictions on mass mailings by candidates do not apply to mass mailings by the chairman of any standing, select, joint or other official committee of the Congress, or subcommittee thereof, and which relate to the normal business of the committee [39 U.S.C. 3210 (a)(6)(B)]. the Commission emphasizes "normal and regular" committee business, i.e., press releases, hearing schedules, or committee documents.

TIME OF MAILING

Processing by a postal facility

Mass mailings as defined under 39 U.S.C. 3210 (a)(6)(E) may not be mailed as franked mail by a Member of or a Member-elect to the House of Representatives when the same is mailed at or delivered to any postal facility less than 60 days immediately before the date of any primary or general election (whether regular, special, or runoff) in which such Member or Member-elect is a candidate for any public office.

Processing by the House Publications Distribution Service

Such mass mailings, if processed through the House Publications Distribution Service, hereinafter referred to as the House folding room, must be delivered to and received by the House folding room, in enough time to ensure their mailing by the 60-day cutoff date. The Commission urges Members to contact the House folding room with further questions regarding delivery of mass mailings to them for processing.

The House folding room will issue a receipt, which shall specify the date and time of mailing and a brief description of the matter to be processed.

1994 CONGRESSIONAL PRIMARY DATES

[Alphabetical list by State]

State	Primary date	60-Day cutoff
Alabama	June 7	Apr. 9.
Run-off	June 28	Apr. 30.
Alaska	Aug. 23	June 25.
Arizona	Sept. 13	July 16.
Arkansas	May 24	Mar. 26.
Run-off	June 14	Apr. 16.
California	June 7	Apr. 9.
Colorado	Aug. 9	June 11.
Connecticut	Sept. 13	July 16.
Delaware	Sept. 13	July 16.
Florida [1]	Sept. 6	July 9.
Run-off	Oct. 4	Aug. 6.
Georgia	July 19	May 21.
Run-off	Aug. 9	June 11.
Hawaii	Sept. 17	July 20.
Idaho	May 24	Mar. 26.
Illinois	Mar. 15	Jan. 15.
Indiana	May 3	Mar. 5.
Iowa	June 7	Apr. 9.
Kansas	Aug. 2	June 4.
Kentucky	May 24	Mar. 26.
Louisiana	Oct. 1	Aug. 3.
Maine	June 14	Apr. 16.
Maryland	Sept. 13	July 16.
Massachusetts	Sept. 20	July 23.
Michigan	Aug. 2	June 4.
Minnesota	Sept. 13	July 16.
Mississippi	June 7	Apr. 9.
Run-off	June 28	Apr. 30.
Missouri	Aug. 2	June 4.
Montana	June 7	Apr. 9.
Nebraska	May 10	Mar. 12.

1994 CONGRESSIONAL PRIMARY DATES—Continued

[Alphabetical list by State]

State	Primary date	60-Day cutoff
Nevada	Sept. 6	July 9.
New Hampshire	Sept. 13	July 16.
New Jersey	June 7	Apr. 9.
New Mexico	June 7	Apr. 9.
New York [1]	Sept. 13	July 16.
North Carolina	May 3	Mar. 5.
Run-off	May 31	Apr. 2.
North Dakota	June 14	Apr. 16.
Ohio	May 3	Mar. 5.
Oklahoma	Aug. 23	June 25.
Run-off	Sept. 20.	July 23
Oregon	May 17	Mar. 19.
Pennsylvania	May 10	Mar. 12.
Rhode Island	Sept. 13	July 16.
South Carolina	June 14	Apr. 16.
Run-off	June 28	Apr. 30.
South Dakota	June 7	Apr. 9.
Run-off	June 21	Apr. 23.
Tennessee	Aug. 4	June 6.
Texas	Mar. 8	Jan. 8.
Run-off	Apr. 12	Feb. 12.
Utah	June 28	Apr. 30.
Vermont	Sept. 13	July 16.
Virginia	June 14	Apr. 16.
Washington	Sept. 20	July 23.
West Virginia	May 10	Mar. 12.
Wisconsin	Sept. 13	July 16.
Wyoming	Aug. 16	June 18.
American Samoa	Nov. 8	Sept. 10.
Run-off	Nov. 22	Sept. 24.
District of Columbia	Sept. 13	July 16.
Guam	Sept. 3	July 6.
Run-off	Sept. 17	July 20.
Virgin Islands	Sept. 13	July 16.
1994 General Election	Nov. 8	Sept. 10.

[1] Unofficial.

1994 CONGRESIONAL PRIMARY DATES

[Chronological list by dates]

State	Primary date	60-day cutoff
Texas	Mar. 8	Jan. 8.
Illinois	Mar. 15	Jan. 15.
Texas (run-off)	Apr. 12	Feb. 12.
Indiana	May 3	Mar. 5.
North Carolina	May 3	Mar. 5.
Ohio	May 3	Mar. 5.
Nebraska	May 10	Mar. 12.
Pennsylvania	May 10	Mar. 12.
West Virginia	May 10	Mar. 12.
Oregon	May 17	Mar. 19.
Arkansas	May 24	Mar. 26.
Idaho	May 24	Mar. 26.
Kentucky	May 24	Mar. 26.
North Carolina (run-off)	May 31	Apr. 2.
Alabama	June 7	Apr. 9.
California	June 7	Apr. 9.
Iowa	June 7	Apr. 9.
Mississippi	June 7	Apr. 9.
Montana	June 7	Apr. 9.
New Jersey	June 7	Apr. 9.
New Mexico	June 7	Apr. 9.
South Dakota	June 7	Apr. 9.
Arkansas (run-off)	June 14	Apr. 16.
Maine	June 14	Apr. 16.
North Dakota	June 14	Apr. 16.
South Carolina	June 14	Apr. 16.
Virginia	June 14	Apr. 16.
South Dakota (run-off)	June 21	Apr. 23.
Alabama (run-off)	June 28	Apr. 30.
Mississippi (run-off)	June 28	Apr. 30.
South Carolina (run-off)	June 28	Apr. 30.
Utah	June 28	Apr. 30.
Georgia	July 19	May 21.
Kansas	Aug. 2	June 4.
Michigan	Aug. 2	June 4.
Missouri	Aug. 2	June 4.
Tennessee	Aug. 4	June 6.
Colorado	Aug. 9	June 11.
Georgia (run-off)	Aug. 9	June 11.
Wyoming	Aug. 16	June 18.
Alaska	Aug. 23	June 25.
Oklahoma	Aug. 23	June 25.
Guam	Sept. 3	July 6.
Florida [1]	Sept. 6	July 9.
Nevada	Sept. 6	July 9.
Delaware	Sept. 13	July 16.
Arizona	Sept. 13	July 16.
Connecticut	Sept. 13	July 16.
Maryland	Sept. 13	July 16.
Minnesota	Sept. 13	July 16.
New Hampshire	Sept. 13	July 16.
New York	Sept. 13	July 16.
Rhode Island	Sept. 13	July 16.
Vermont	Sept. 13	July 16.
Wisconsin	Sept. 13	July 16.
District of Columbia	Sept. 13	July 16.
Virgin Islands	Sept. 13	July 16.
Hawaii	Sept. 17	July 20.
Guam (run-off)	Sept. 17	July 20.

1994 CONGRESIONAL PRIMARY DATES—Continued

[Chronological list by dates]

State	Primary date	60-day cutoff
Massachusetts	Sept. 20	July 23.
Oklahoma (run-off)	Sept. 20	July 23.
Washington	Sept. 20	July 23.
Louisiana	Oct. 1	Aug. 3.
Florida (run-off)	Oct. 4	Aug. 6.
American Samoa	Nov. 8	Sept. 10.
(run-off)	Nov. 22	Sept. 24.
1994 General Election	Nov. 8	Sept. 10.

[1] Unofficial.

TRIBUTE TO TODD S. MUFFOLETTO

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Todd S. Muffoletto of Troop 18 in Frenchtown, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 merit badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Todd helped to clean up area parks in East Greenwich by removing debris and painting recreational equipment with paint donated by the local department of recreation.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Todd S. Muffoletto. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Todd S. Muffoletto will continue his public service, and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

TRIBUTE TO PEGGY JOHNSON

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1994

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a longtime friend, Peggy Johnson, director of government services for the Clinton River Watershed Council. Peggy has held many important positions within the environmental community, however, she has never been one to hide behind a desk. I fondly recall canvassing the Clinton River with Peggy, knee deep in mud, as we organized the fight to prevent the paving of the river. With Peg's leadership we won that battle. On Thursday evening, January 27, Peggy will be honored at a reception held in her honor at Oakland University in Rochester, MI.

Taking an active role in our community is a responsibility we all share, but few fulfill. The Clinton River Watershed and the State of Michigan have a great friend in Peggy Johnson. She has been in the forefront of land and water management issues for over 20 years. Peggy is responsible for much of the Clinton River's recent improvement in water quality. In addition to her work with the Clinton River Watershed Council, Peggy has worked with the Southeast Michigan Council of Governments, the Michigan Department of Natural Resources and numerous organizations to further the goal of responsible land and water use.

To honor Peggy for her leadership and contributions, the Peggy B. Johnson Fund for the Clinton River has been established. A substantial portion of every ticket sold for this event will be placed in the new fund to create a lasting commitment to promote the protection and wise use of the Clinton River Watershed.

I am pleased to pay tribute to Peggy Johnson. I ask that my colleagues join me in recognizing her many years of hard work and dedication.

TRIBUTE TO BRIAN P. DERHAM

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Brian P. Derham of Troop 18 in Frenchtown, RI and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 merit badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation

in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Brian refurbished a local playground in East Greenwich by sanding, priming, and painting the much-used jungle gym.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Brian P. Derham. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Brian P. Derham will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

MORALITY BEGINS AT HOME

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1994

Mr. DORNAN. Mr. Speaker, I don't want to be an "I told you so," but, well, I told you so. The Los Angeles Times has done the American public a great service by reporting the truth about our President and his various unsatiable appetites. It merely confirms what I have been trying to tell the American people all along, that Bill Clinton may have had the votes to be President, but he doesn't have the moral authority to be. The bully pulpit should be off limits to this two-timing, one-termer. Which is why when Bill Clinton talks about a moral renewal for Americans, I would reply that morality begins at home.

Read the Los Angeles Times article and weep.

[From the Los Angeles Times, Dec. 21, 1993]

TROOPERS SAY CLINTON SOUGHT SILENCE ON PERSONAL AFFAIRS

(By William C. Rempel and Douglas Frantz)

LITTLE ROCK.—Four Arkansas state troopers have revived allegations and offered new details about extramarital affairs that caused a crisis in Bill Clinton's campaign for the presidency. Two of the troopers say that Clinton, as President, sought to discourage them from speaking out by offering them federal jobs.

The troopers, who were on Clinton's security detail for several years while he was governor, describe a pattern of deception and indisecretions and say that he required them as state employees to go beyond their duties as bodyguards to help him conduct and hide these activities.

Bruce R. Lindsey, a senior White House official and Clinton confidant, said that "these allegations are ridiculous. Similar charges were made, investigated, and responded to during the campaign. There is nothing that dignifies a further response."

Responding late Sunday night to questions submitted by the Times last Thursday, Lindsay said the President did call one of the troopers. But "any suggestion that the President offered anyone a job in return for silence is a lie," he said.

Allegations about the personal lives of Presidents are not new. While President, Thomas Jefferson was publicly accused by a disgruntled former supporter of having an intimate relationship with one of his slaves. The marriage of Franklin and Eleanor Roosevelt was reportedly all but formally ended by FDR's longtime involvement with Lucy Mercer. And accounts of the sexual conquests of John F. Kennedy have multiplied beyond counting.

For most of this century, propriety generally required that such matters be discussed only after the individual leaders were no longer alive. In recent years, however, those standards have been changing—propelling politicians, the public and the news media into uncertain ground.

Today, the question of what inference should be drawn from a particular example of private conduct remains a matter of intense debate, influenced in part by a widening belief that personal character may be as important to a leader's performance as political party or ideology.

In Clinton's case, the new accusations by troopers who guarded him as governor are of a type not uncommon in the political millieu of his home state. Allegations of personal infidelities and rumors of sexual transgressions are a standard in Arkansas politics, and Clinton has been no stranger to them.

But the breadth and detail of the troopers' statements—including charges that Clinton misled voters in 1992 about these matters—give their allegations special impact.

The troopers are lawmen who knew the then-governor intimately—even, by their own accounts, as confidants. They drove him around the state, answered his phone, and did errands as well as protect him. They shared many private moments with him, joked with him, ate with him, and became his shield from the public.

The troopers also shielded his infidelities, they allege, from his wife, Hillary Rodham Clinton, as well as the public.

It was that part, the troopers said, that they came to resent, along with what they regarded as an increasingly cavalier way Clinton began to treat them.

The troopers said they were often called upon to act as intermediaries to arrange and conceal his extramarital encounters. They say they frequently picked up and delivered gifts from Clinton to various women, and often drove Clinton in his state limousine to meetings with women.

"We were more than bodyguards. We had to lie, cheat and cover up for that man," said Larry G. Patterson, a 26-year veteran state trooper who spent five years on Clinton's security unit.

Patterson, 49, is one of two troopers who have signed affidavits for the Los Angeles Times to buttress his charges. The other is Roger L. Perry, 44, is a 16-year veteran of the state police and president of the Arkansas State Police Assn., who also served on Clinton's security detail for about four years.

Two other troopers supported their accounts, but have declined to be identified.

In a separate set of interviews, the same troopers also spoke to The American Spectator, a magazine specializing in conservative opinion, which published its account of their charges in its current, January issue. CNN aired taped interviews with Patterson and Perry Sunday evening, and ABC and NBC broadcast stories on the allegations Monday night.

The troopers provided the names of other women they said they believed had been involved in affairs with Clinton while he was governor. Their names will not be published in this story to protect their privacy with the exception of Gennifer Flowers, who publicly claimed in January of 1992 that she had a 12-year affair with Clinton.

In a series of four interviews, one of those women initially denied knowing Clinton. In a later conversation, she denied that she and Clinton had "an improper relationship."

Another woman did not respond to inquiries. Yet another woman flatly denied any romantic involvement with Clinton saying, "It is infuriating to me that someone is obviously being paid a lot of money to tell you a lie."

By speaking out, the troopers will face hard questions about their own motives and credibility.

On Monday, the Associated Press quoted three troopers saying they did not see anything untoward in their duty with Clinton. "I just don't believe it was true," and Bob Walker, a security staffer from 1984-88. However, the troopers who are making the accusations say Clinton compartmentalized the duties of his personal detail, so that some troopers were in the know and others were not.

After Clinton left for Washington, the troopers said they began to contemplate going public with their accounts.

Perry said he had been personally disappointed by Clinton. He said that after the election Clinton had encouraged him to tell him which federal job he might like. Later, Perry said he told Clinton about a law enforcement related position, but he never got a response. On Monday, Lindsay issued a statement saying the President did not remember Perry's request.

Earlier this year, the troopers began discussing the possibility of collaborating on a book about their experiences which might provide some financial security for them if they lost their state jobs.

The troopers sought advice from Little Rock attorneys Lynn Davis, a former director of the Arkansas State Police and former FBI agent, and Cliff Jackson, a former Oxford classmate and noted critic of Clinton who was a key source for stories last year about Clinton's disputed draft record. The attorneys suggested the troopers make their story public without a promise of financial reward, which they say they have done.

Weeks after the troopers began talking to The Times late in the summer, Jackson said he tried to line up a man he describes only as a politically conservative financier to grantee jobs and legal defense for the troopers if they were fired for speaking out. He says he has not been able to secure a formal commitment from the unnamed financier.

KEY ALLEGATIONS

The Troopers said that Clinton misled voters in 1992.

With his bid for the presidency in jeopardy as a result of allegations by Gennifer Flowers in a tabloid newspaper. Clinton went on national television and categorically denied her claims. While acknowledging causing "pain" in his marriage, Clinton argued that "if people have problems in their marriage or things in their past which they don't want to discuss," they should not be disqualified from public service.

Patterson, Perry and another trooper now say that the President maintained a long relationship with Flowers. They said they han-

dled "hundreds" of telephone calls from Flowers to Clinton when Mrs. Clinton was out of the mansion.

None of the troopers said that they saw Clinton engaged in sexual activity with Flowers. But Patterson and another trooper both said they often drove Clinton to Flowers' apartment in Little Rock and waited outside for him in Clinton's state-owned Lincoln Town Car. Patterson said that Clinton sometimes said he was visiting Maurice Smith, a one-time aide and Clinton political mentor, who also lived in the building.

"But Bill would come back in a half hour or so smelling like perfume," said Patterson.

In addition, Patterson said "I was in the governor's car" in the spring of 1991 when Clinton used a cellular phone to contact William Gaddy, a state official and asked him to help Flowers obtain a state job that had become vacant.

In a latter interview, Clinton denied that he had done anything personally to help Flowers obtain the job. Gaddy, who was appointed director of the state Employment Security Department by Clinton, denied receiving any such call from Clinton about Flowers.

"Anyone who is saying that is a prevaricator," Gaddy said in an interview last month, although he acknowledged giving Flowers a favorable recommendation that helped her get the job.

In an action later criticized as improper by a state grievance panel. Flowers was hired for the job over state employees who should have received preferential treatment according to state policy—and despite ranking ninth out of the 11 outside candidates who took a merit test competing for the job, according to a review of a list of scores.

The troopers contended that Clinton continued to have an affair with a woman other than his wife as late as January of 1993, the month he was inaugurated as President.

The woman, now in her mid-40s, met frequently with Clinton at her condominium and in the governor's mansion, according to Patterson, Perry and a third trooper. In addition, all three former bodyguards said that the woman sometimes picked up Clinton while he was on his morning jog and then dropped him off sometime later along his jogging route.

Perry and the other trooper said that Clinton sometimes returned from these interrupted jogs showing no signs of the physical exertion typical of a runner.

"He'd say he just ran five miles and I'd say, 'Governor, you better see a doctor. There's something wrong with your sweat glands,'" recalled Perry.

He said that Clinton on such occasions used the troopers' bathroom to splash water on his face and shirt to make it look as though he had been sweating.

Patterson said fears developed that Clinton's relationship with the woman might be revealed through records of state telephone calls, particularly those made on cellular phones, which register every number called.

In February of 1990, Little Rock reporters were examining state phone records for evidence of personal calls by troopers. Perry was identified as one who had made such calls and he was required to reimburse the state for more than $300.

According to Patterson, during that period Raymond L. "Buddy" Young—then a state police captain and chief of Clinton's security detail—told Patterson that Clinton had run up about $40 in personal phone charges himself and that the governor was going to repay the state. Patterson said he was told by a Clinton aide to be ready to take the blame for Clinton's $40 in calls to the woman if reporters inquired.

A review of thousands of pages of state telephone records and other bills show numerous calls by Clinton to the woman. The state records are incomplete and after the spring of 1990 few cellular phone bills were placed in the public file.

The records—which cover only a portion of the telephone calls made on Clinton's car phone and from his hotel rooms between 1989 and 1991—show 59 calls to the woman's home and to her office extension during that period.

On one day alone, July 16, 1989, the records show 11 calls to the woman's home from Clinton's cellular phone.

Two months later, when Clinton was on a state-paid trip to Charlottesville, VA, the bill for his hotel room showed a call placed to the woman's home was made at 1:23 a.m. It lasted 94 minutes, according to Clinton's hotel billing statement. At 7:45 a.m. the same day, according to the hotel record, the same number was called again and lasted 18 minutes.

When asked on Sunday about the telephone calls to the woman, White House counsel Bernard Nussbaum said "this President calls lots of people."

In March of 1990, the governor wrote a personal check to the State of Arkansas for $40.65. At the bottom of the cancelled check, the line describing the purpose of the expenditure, Clinton had scrawled "phone calls."

A tabulation of the phone calls showed that Clinton's calls to the woman's home and office, both from the cellular phone and from his hotel rooms, resulted in a similar amount of charges—$44.38.

Despite the apparent fears of public exposure, Clinton continued to see the woman, according to Patterson, Perry and the third trooper who said he delivered gifts to her home on several occasions at Clinton's direction.

It was the third trooper, who will not allow his name to be used, who said that Clinton instructed him to bring the woman to the governor's mansion at least three times in the weeks after his election as President in November of 1992.

The unidentified trooper is the only eyewitness source for this allegation, although Perry confirmed that his fellow trooper had reported one of the woman's mansion visits to him at the time it occurred. Perry said he relieved the trooper less than an hour after the woman left the mansion.

According to the third trooper, he escorted the woman past the Secret Service at the mansion by using her maiden name and saying that she was a member of Clinton's staff. He said the visits occurred in the predawn hours, usually about 5:15 a.m. He said that he stood guard inside the mansion at the door to the basement while Clinton and the woman were downstairs and the governor's wife was asleep upstairs.

Contacted earlier this month, the woman said that she knew the President and said he was "a good man."

"There was no improper relationship," the woman said. "I'm not going to talk to you about it. I don't know what you are doing. If you are indicating that something was improper, that's not the case."

Two of the troopers say Clinton and an aide took steps in recent weeks to try to persuade them to keep their silence.

In September, after hearing that the trooper might be talking to the press. Young, the former chief of governor's security, called Perry and two other troopers to find out what they were doing. Two months earlier Young had been appointed by Clinton to a $92,300-a-year job as a regional director of the Federal Emergency Management Agency in Texas.

In an interview this month. Young said he made the calls after Clinton told him he had heard reports that his former bodyguards were talking to the press and possibly negotiating a deal for a tell-all book.

Young said he believed that the book was going to "crucify" the President, but he said he did not know the details of what the troopers were supposedly revealing and he did not say what Clinton suspected.

"He [Clinton] heard several rumors about this and that," said Young. "Like they were going to get $100,000 for a book. So I primarily called Roger Perry to find out what was going on."

On Monday, Clinton aide Lindsay said that "several months ago a long time member of President Clinton's security detail when he was governor contacted the President with information that the prospects of large sums of money were being dangled before several members of his security detail for stories regardless of whether they were true or not to discredit the President and his family.

"President Clinton expressed disbelief and asked why anyone would do something like this. The trooper with whom he spoke said at least one trooper—Roger Perry—was unhappy since he had written to the President asking for a federal position and had received no response. The President said he did not remember the request."

Perry said that he felt threatened when Young warned him that he and the other troopers would see their reputations "totally destroyed" if they spoke out.

Young denied that he threatened Perry or the other two troopers he contacted. He said the calls were friendly attempts to discover what the troopers were doing and make certain they were aware of the risks involved.

"Roger has a way of twisting things around,' said Young. "I told Roger to let his conscience be his guide and to do whatever he thought he had to do. I never told him he was ruining his own reputation. I said he might very possibly come out the loser in a deal like this."

Young said "I think whatever they [the troopers] are telling you is bull —— and hearsay." After serving on Clinton's security detail for 10 years, Young said. "I saw nothing on Bill Clinton's behalf that the public is interested in. I don't think anybody else did either."

Young said that he met personally with Clinton in Washington and provided a report to the President on his conversations with the three troopers.

"I told him that I'd talked to those boys about it and that Roger was apparently writing, giving information out or something, but I didn't know what," said Young.

He also said he gave Clinton the name of one of the troopers involved who had told Young he was backing away from any deal to speak out.

Clinton telephoned that trooper, according to the White House.

Perry said the trooper described to him several telephone calls from the President. The trooper who received the calls confirmed the accuracy of what Perry said about the substance of the calls. However, he refused to allow his name to be used in the story because he said he fears retaliation.

Perry's following description is vehemently denied by the White House.

According to Perry, Clinton reportedly asked the trooper what Perry and others were telling the press and how far along their plans were. Perry said the trooper told him that Clinton vowed to come in the back door and shut it down when told that Perry and others were planning to go public.

Perry said that Clinton, according to the trooper, said that he could offer an unspecified federal job to Perry and one of two jobs to the trooper, saying that a job like Young's was open and so was a U.S. marshal's job.

The trooper told Clinton he was not interested in leaving Little Rock or the state police, according to Perry's account.

White House aide Lindsey said "in the past few months, the President has had conversations about the fact that false stories were being spread about him as part of an orchestrated campaign to discredit him. There was nothing improper or inappropriate about any of these conversations," Lindsey said, adding that "any suggestion that the President offered anyone a job in return for silence is a lie."

In an interview, Lindsey said the President specifically recalled a telephone conversation with one of the troopers. "My understanding is that the President did not offer [him] a job," Lindsey said.

When asked if the President also had offered another job to Perry, as alleged by Perry and another trooper, Lindsey said, "No, my understanding is not."

Before the telephone calls by Buddy Young and President Clinton, four of the President's former bodyguards were considering speaking out publicly. Following the calls, only Perry and Patterson would permit the use of their names.

Each trooper described incidents on the night shift at the governor's mansion in which Clinton would come down after midnight and say he was going for a drive, ordering the trooper on duty to call him on the cellular phone if the lights came on in his wife's bedroom.

Perry recalled that one night he "tried to cover for" Clinton once when Hillary Clinton asked about her husband's whereabouts sometime around 2 a.m. At the time Clinton was away, driving Perry's state car. The trooper immediately called Clinton, who rushed home.

"I remember exactly what he said," Perry recalled. "He said, 'God! God! God! God! God!'"

About 10 minutes later Clinton drove through the mansion gates at top speed, screeched to a stop outside the kitchen door and hurried inside without closing the car door, according to Perry. Perry said he went out to close his car door and overheard a loud, angry exchange between the couple.

Later that morning, Perry said, he went in and cleaned up the kitchen where he found a cupboard door broken from its hinges and debris scattered around the floors.

Patterson described an incident which he said occurred in the parking lot of the governor's mansion. He said that Clinton and a clerk from a local department store were in the woman's car, which was parked beneath a security camera. Patterson said in his affidavit and in interviews that he observed on the security monitor Clinton and the woman in a sex act.

On another occasion, Patterson said that he used his state car to block the entrance to a school parking lot late at night while Clinton and the woman met in her car. When a Little Rock police car arrived to investigate possible vandals at the school, Patterson said that he used his state police identification to persuade them that there was nothing amiss.

Attempts to locate the woman for comment were unsuccessful.

TROOPERS' MOTIVATIONS

The Arkansas troopers first approached a Times reporter last August through their attorney Cliff Jackson who said that the group of former bodyguards was considering writing a book and might be willing to discuss their experience with the newspaper.

During a subsequent series of private meetings with the reporter in Hot Springs and Little Rock, the troopers expressed anger over what they called "the improper things" they had been required to do for the governor. Sometimes, they said, their protection of Clinton put them in awkward conflict with Hillary Rodham Clinton.

The troopers said they had remained silent while Clinton was governor out of concern for their jobs. They said they still fear retribution by friends and political allies of the President.

Patterson, Perry and two other troopers said that after Gennifer Flowers' allegations in early 1992, they were warned by Young, then Clinton's security chief, not to talk to the press "if you know what's good for you."

The troopers said Young's admonishment was one reason they kept quiet during the presidential campaign. All four said another reason was the fear of immediate retaliation by Clinton, who was still governor at the time.

Attorney Jackson said that to date the troopers have not attempted to negotiate a book deal with anyone.

The troopers also have received no payments for telling their stories, either from The Times—which does not pay for interviews—or, they said, from any other publication or individual.

"My clients were not and are not interested in selling their story," Jackson said. "They expressly forbade me to even talk with the tabloids or to agents of Ross Perot or the Republican Party who might have wanted this information for purely political purposes."

Jackson, who formally represents Perry and Patterson, said that in the weeks after the troopers began telling their stories to The Times, he did initiate conversations with an unnamed conservative financier in an attempt to get what Jackson called "a whistle-blower insurance policy."

He said he tried to get a contract that would guarantee the troopers jobs and a legal defense fund if they were forced from their jobs in reprisal for speaking out. Despite obtaining what he called a verbal agreement of such support, Jackson said efforts to enter into a formal contract collapsed last month. He said no so-called whistle-blower insurance has been guaranteed.

"They're completely vulnerable to reprisals," Jackson said. "They've gone forward at great personal risk and with great courage to tell the truth."

This autumn Jackson also introduced his trooper clients to a writer for the conservative magazine American Spectator—David Brock, the author of a recent controversial best-seller "The Real Anita Hill: The Untold Story," which was funded in part by two conservative foundations—the Bradley Foundation and the John M. Olin Foundation.

Jackson said that Brock's book-writing background was one reason he contacted the author. Jackson said that he also turned to the conservative political press because he was not certain that "a liberal paper like The Times" would publish such a story critical of the President.

Jackson said he had hoped that the Times would publish its account of the troopers allegations first. As it turned out, the American Spectator was on newsstands Monday.

Each of the troopers said that the only reason they were interested in a book deal was to compensate them for their anticipated lost income if they lost their jobs.

"If we wanted to go out and sell our stories, we could've gone to some big tabloids," Perry said.

"Look, I think we have an important story to tell and I think it's out duty to tell it, but we've all got families to support," Patterson said. "We just need a parachute."

The other two troopers, acknowledging that they had been warned by Young against making public statements declined to sign affidavits. One of the still-unidentified trooper also acknowledged that he had expected to make enough money from a book sale to support his family. Without that kind of financial assistance, he said, he could not risk his job by allowing his name to be used.

Last week, after being informed that Perry was talking about his experiences with Clinton. Arkansas State Police Director Col. Tommy Goodwin transferred Perry from the governor's security detail to a narcotics post.

Goodwin expressed regret that the troopers had spoken publicly. He called it "inappropriate." He also called Perry an honest and reliable law enforcement officer.

"I can't say anything against his credibility," Goodwin said in a recent interview.

Goodwin characterized Patterson as a reconteur, adding: "He likes to be heard. But I have never known him to lie to me or in his official duties."

TRIBUTE TO ERIK ANDERSON

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Sean Erik Anderson of Troop 11 in Coventry, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as Citizenship in the Community, Citizenship in the Nation, Citizenship in the World, Safety, Environmental Science, and First Aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Sean solicited help from fellow Scouts and students to reorganize the card catalog at the Tiogue Elementary School library.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Sean Erik Anderson. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Sean Erik Anderson will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

A SALUTE TO POLICE AND FIREMEN'S POST 303 OF THE VETERANS OF FOREIGN WARS

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1994

Mr. COYNE. Mr. Speaker, I want to pay tribute today to the Police and Firemen's Post 303 of the Veterans of Foreign Wars and the members of this organization who celebrated their 74th anniversary on December 17, 1993.

The Police and Firemen's Post 303 held this event appropriately in the Hall of Valor of the Soldiers and Sailors Memorial Hall located in Pittsburgh, PA. The members of Post 303 came together to commemorate the history of their group and its charitable work on behalf of children and veterans hospitals. Special note should be given to the fact that this event marked the 10th year that Post 303 has been "Grandfather of the Veterans Administration Medical Centers in western Pennsylvania and the Soldiers and Sailors Homes in Pennsylvania."

Post 303 is known for its generosity to six Veterans Administration medical centers in western Pennsylvania, the National Home in Eaton Rapids, MI, and the Scotland School for Veterans Children. Over the past 10 years, Post 303 has made contributions exceeding $80,000 to various veterans organizations. In addition, the members of this post have served local veterans institutions by organizing summer picnics, bingo, Christmas parties, and by providing funding for disabled veterans to attend local sporting events or take a river cruise.

The Police and Firemen's Post 303 is also known for its efforts on behalf of local youth activities, such as the Boys Clubs of America, the Boy Scouts of America, Junior Olympics, junior rifle clubs, and the Buddy Poppy Program.

I am proud to salute the Police and Firemen's Post 303 of the Veterans of Foreign Wars for all of their dedicated service to the people of Pittsburgh and western Pennsylvania. Still, it is not surprising that the members of Post 303 should serve their community with such great vigor since these same individuals have already served their nation so bravely in defense of our liberty. Post 303 is one of America's oldest VFW posts and its members have served with honor in every American conflict since the Spanish-American War.

Mr. Speaker, the members of Post 303 have every right to celebrate with pride the 74th anniversary of their local VFW organization, and it is fitting that the House should also join in saluting Post 303 for its continued service to the United States of America.

TRIBUTE TO MICHAEL SCHWENDIMAN

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Michael Schwendiman of Troop 50 in Narragansett, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 merit badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Michael organized a group of scouts and adults to rake leaves, install storm windows, and clean gutters for senior citizens as well as the disabled.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Michael Schwendiman. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Michael Schwendiman will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

TRIBUTE TO FRED ADOLPH

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1994

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Mr. Fred Adolph, retired professor of political science at St. Clair County Community College. Fred spent over 40 years teaching students in the Blue Water community; more than 10 years as a junior high teacher and the last 30 at the community college.

Fred's dynamic approach to teaching has made him a favorite among students. Along with political science, Fred taught classes on State and local government and contemporary affairs. His commitment to teaching extends well outside the classroom. He cosponsored 12 European tours in which approximately 300 students have visited 15 countries.

Although he will be missed at the college, Fred has no plans to slow down. He and his wife Diane, also a retired teacher, will be traveling to Khabarovsk, Siberia. Fred has been invited to teach at the Khabarovsk Teacher's Training College, St. Clair County Community College's sister school. Fred's plans to teach a series of seminars there in keeping with his philosophy that "People are people the world over." He will be teaching "grass roots politics, empowering them to govern themselves." Fred firmly believes that people will get along well when they are allowed to represent themselves. I am confident Fred will be as respected and appreciated in Siberia as in St. Clair County.

As the walls between East and West continue to crumble, Fred and Diane Adolph will help construct the bridges that will link us together. I applaud their efforts as former teachers and wish them continued success in retirement. I am pleased to pay tribute to the Adolphs and ask that my colleagues join me in saluting them as they continue to promote education in our community and the world.

TRIBUTE TO CHRISTOPHER HARRISON

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1993

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Christopher Harrison of Troop 8 in Barrington, RI and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 merit badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Christopher organized Scouts to construct 10 8-foot bridges

for easy access over small waterways on the Johannis Farm Wildlife Preserve.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Christopher Harrison. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Christopher Harrison will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

MARINE CORPS INTELLIGENCE ASSOCIATION

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1994

Mr. DORNAN. Mr. Speaker, I would like to pay tribute today to the Marine Corps Intelligence Association which was established on June 5, 1993.

According to the articles of incorporation of the association, November 10, 1993, the 218th birthday of the Marine Corps:

The specific purpose of this corporation is to foster increasing levels of professionalism among the Marine Corps Intelligence Community through collective action by the membership. To foster fraternal relations among active, reserve, retired and former members of the uniformed services and civilian personnel of the United States who have served with Marine Corps Intelligence organizations. To provide useful services for members, their dependents and survivors. To serve the Marine Corps Intelligence Community and the Nation.

As a former U.S. Air Force intelligence officer and current member of the House Intelligence Committee, I welcome the establishment of the Marine Corps Intelligence Association and commend all members for their continuing contributions to the security of this Nation.

A SALUTE TO FATHER GARRETT DORSEY, A CHAMPION OF WORKING MEN AND WOMEN

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1994

Mr. COYNE. Mr. Speaker, I want to pay tribute today to Father Garrett Dorsey for his outstanding service to the people of Pittsburgh and the Commonwealth of Pennsylvania as a champion of working men and women. A parish priest for the Catholic Diocese of Pittsburgh for over 30 years, Father Dorsey has set an example of moral leadership and respect for working people which continues to inspire the people of the Pittsburgh area.

On January 12, 1993, the Tri-State Conference on Manufacturing met in Pittsburgh, PA, to honor Father Dorsey for his steadfast commitment to fighting for the improvement of living conditions for working people and the poor. As chairman of the Tri-State Conference on Manufacturing, Father Dorsey has been a tireless spokesperson for dislocated workers, economically depressed mill town communities, and the cause of manufacturing renewal. An active supporter of unionism and community grassroots organizations, he has lent his considerable skills as a compassionate listener and sympathetic supporter to numerous organizations that seek to improve living conditions for working people and the economically disadvantaged.

Born in the Squirrel Hill neighborhood of Pittsburgh on April 15, 1933, of Irish parents, he attended St. Mary's of the Mount High School and received his bachelor of the arts degree at St. Vincent's College in Latrobe, PA. After ordination, he continued his theological education obtaining a Licenicate in Sacred Theology at St. Mary's Seminary in Baltimore, MD. He also pursued doctoral studies in Moral Theology and Patristics at Catholic University in Washington, DC. In subsequent years, he served at Annunciation Parish on the north side of Pittsburgh. He has also served as chaplain to the Sisters of St. Joseph in Baden, PA, and has been an instructor in theology at Carlow College in Pittsburgh, PA.

Father Dorsey has followed in the footsteps of Pittsburgh's famous labor priest Msgr. Charles Owen Rice, to whom Father Dorsey served as an assistant at Holy Rosary Church in the Homewood area of Pittsburgh. For the past 20 years, Father Dorsey has been pastor at St. Stephen's Parish in the Hazelwood section of Pittsburgh, an industrial neighborhood in the shadow of LTV's massive Pittsburgh Coke Works. In 1980, he joined the Tri-State Conference on Steel, the forerunner of the Tri-State Conference on Manufacturing, which organized a meeting in Hazelwood protesting the partial shutdown of the J&L mill in the area. From that time, he served as the chairman of the Tri-State Conference and has been an important spokesperson in struggles around Mesta Machine, the Dorothy Six blast furnace in Duquesne, the Union Switch and Signal in Swissvale, the Electric Furnace in Southside, and the City Pride Bakery in Lawrenceville.

Father Dorsey is a member of the Diocese of Pittsburgh Commission on Justice and Peace. He was also instrumental in forming the Diocesan Task Force on Unemployment for then Bishop Bevilacqua. He also serves on the executive committee of the Mon Valley/Tri-State Network and is a board member of MagLev, Inc. Father Dorsey is also a former board member of Just Harvest.

Mr. Speaker, Father Dorsey has been a "pater familias" for the Tri-State Conference on Steel, providing stability for an organization that has provided sharp but constructive criticism of economic trends which displaced many local workers during the past decade. His compassion and dedication and good humor have been a source of inspiration and support to all who have worked with him. Father Garrett Dorsey has made a difference in Pittsburgh.

TRIBUTE TO JOHN E. McMULLEN

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is John E. McMullen of Troop 9 in Cranston, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as Citizenship in the Community, Citizenship in the Nation, Citizenship in the World, Safety, Environmental Science, and First Aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, John used a great deal of time and effort to construct both a basketball court and bench swing for the Refocus Home, Inc., a home for mentally disabled adults.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout John E. McMullen. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service for many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that John E. McMullen will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

THE PRESIDENT'S STATE OF THE UNION ADDRESS

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1994

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to commend our President, Bill Clinton, for the State of the Union Address he delivered here in this Chamber last night.

This is the third President I have heard deliver the state of our Union since I came to the Congress. This speech, however, was clearly the best—the most inspiring, the most uplifting, the most ambitious.

The President's speech clearly demonstrated that he is a man in touch with our

country, attuned to the problems confronting the people and ready to lead the charge in renewing the spirit and hope of all Americans.

In his address, the President talked of the great economic strides our Nation has made in the past year and yet he said there is still more to be done—and it will be done.

The President discussed his initiatives on crime, and health care and welfare reform—and these issues too we will tackle together in the months head.

But most importantly last night, the President talked abut values. The revolution that is necessary in our own neighborhoods and our own homes—the need to teach our children right from wrong, by example, by the way we conduct our lives.

The naysayers fear we will not be equal to the challenges of our time, but they misread our history, our heritage, and even today's headlines. They all tell us we can and we will overcome any challenge.

This is what the President said last night. We can and we shall overcome, working together—the President, the Congress and the people.

Congratulations Mr. President, I commend you and look forward to working with you to accomplish these goals.

TRIBUTE TO STEVEN ST. PIERRE

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Steven St. Pierre of Troop 11 in Coventry, and he is honored this week for his noteworthy achievement.

not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 merit badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Steven completed a much-needed landscaping project of the Coventry town hall/library complex. This extensive project included the leveling of unnecessary barriers and the spreading of truckloads of mulch to improve the look of the complex.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Steven St. Pierre. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

it is my sincere belief that Steven St. Pierre will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

A TRIBUTE TO DR. SAMUEL P. MASSIE, AN OUTSTANDING SCIENTIST AND EDUCATOR

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1994

Mr. CLAY. Mr. Speaker, in December 1993, Dr. Samuel P. Massie, one of this Nation's most outstanding scientists and educators, retired from his position as professor of chemistry at the U.S. Naval Academy. Dr. Massie came to Annapolis 28 years earlier to become the first black professor in the history of the Academy.

This followed an outstanding record of teaching, research, and service at Langston University in Oklahoma, Fisk University in Nashville, TN, Howard University in Washington, DC, and as president of North Carolina College at Durham. He holds a bachelor's degree from A.M.N. College of Arkansas, a master's in chemistry from Fisk University, and the Ph.D. in organic chemistry from Iowa State University.

In every position which he held, Dr. Massie was recognized by his peers and students as a person of high intellect, deep compassion, exemplary character, and outstanding performance.

This native of North Little Rock, AR, has, throughout his life, championed the cause of equal rights and has fought relentlessly to break down social barriers which shackle the minds and spirits of so many of our people. These efforts led him to leadership roles with the American Chemical Society, the United Negro College Fund, the Maryland State Board of Community Colleges, the Governor's Science Advisory Council of Maryland, and the Beta Kappa Chi Scientific Honorary Society, to mention a few.

He has lectured at national and international conferences and institutions and has been cited as one of the six best college chemistry professors in America.

Among his many citations, awards, and honorary degrees are the Laurel Wreath from Kappa Alpha Psi Fraternity, the White House Initiative Lifetime Achievement Award for contributions to science, technology, and community service, the National Black College Alumni Hall of Fame, membership in Sigma Pi Phi Fraternity, the Faculty Achievement Award of the U.S. Naval Academy, and honorary degrees from the College of Wooster, the University of Arkansas, Lehigh University, Dillard University, and Bowie State University.

In December 1992, the National Naval Officers Association and the U.S. Naval Academy's African-American Alumni established the Samuel P. Massie Educational Endowment Fund in his honor.

Dr. Massie is married to Gloria Massie, a psychology professor at Bowie State University and social editor for Jet magazine. They have three sons, all of whom completed law school.

Dr. Samuel P. Massie is truly an outstanding American whose contributions shall live on through the countless students and professionals whose lives he touched.

TRIBUTE TO JOHN R. DEGRAIDE

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is John R. DeGraide of Troop 11 in Coventry, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as citizenship in the community, citizenship in the nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, John organized a group of 5 fellow Scouts and 8 adult volunteers, who gave over 72 combined hours of service towards the cleaning, repairing and refinishing of 70 wooden folding chairs used by visitors to the Nathanael Greene Homestead in Coventry. The groups dedication made it possible for elderly, school groups and the general public to have an enjoyable place to sit while visiting one of Rhode Island's most important historical landmarks.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout John R. DeGraide. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that John R. DeGraide will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

LOCAL PROCUREMENT ACT OF 1993

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1994

Mr. BAKER of Louisiana. Mr. Speaker, in the coming weeks I will introduce legislation to strengthen procurement opportunities for local businesses, small businesses, economically depressed communities, and America communities nationwide. This legislation makes sure that the economies near Federal contracting agencies, or communities in which a Federal contract is to be performed, are not adversely impacted as a result of Federal acquisition reform and electronic data interchange.

In fiscal year 1992, estimates indicate that the Federal Government spent more than $200 billion on the purchase of goods and services. There are tens of million of these transactions, and they range from the major weapon-buying programs to paper clips. As you know, there are many pieces of legislation in the House and Senate which concern Federal procurement reform. I am concerned that much of the other reforms ignore small businesses. My bill seeks to add a new measure to the other pieces of legislation, and protect small, local businesses who want to do business with a Federal contracting agency or authority in or near their community.

Congress and the administration are committed to Federal procurement reform. The Government needs this reform to guide its 142,000 employees dedicated to procurement. Currently, the law allows agencies to make purchases of less than $25,000 through simplified procedures. The statutory requirements provide that the Department of Defense and the many civilian agencies post contracting opportunities under $25,000. This guideline ensures that the small business and local business communities are afforded adequate and timely notice of Federal contracting opportunities. Federal acquisition regulations, however, encourage contracting officers to solicit oral offers below the amount of the small business purchase threshold. Unfortunately, many in the small business community believe that the Federal regulation mentioned above has served only to undermine the purpose of the statutory posting requirement.

In the 103d Congress, bills have been introduced to raise the threshold for simplified purchasing procedures from $25,000 to $100,000. This expansion will affect over 45,000 new Federal contracting opportunities worth billions of dollars, and put the small business and local business communities at even greater risk of being circumvented in the Federal contracting process.

Add to this the Federal Government's intent to expand to an electronic marketplace, and you have a much more serious problem for small businesses throughout the country. Electronic notification and electronic data interchange [EDI] will soon replace the Commerce Business Daily and the local posting requirements. The Defense Department and the civilian agencies will announce Federal contracts on a nationwide electronic computer system. Eventually, the computer will serve a government-wide commerce system able to notify businesses of contracts, to make payments, and to engage in document interchange. EDI is intended to provide all businesses, including small businesses, with improved access to information about Federal procurement. Undoubtedly, another result of this technological achievement is that businesses from all over the Nation will be competing with one another for every single Federal contracting opportunity.

I am aware of the possible threat to the small business community if the simplified acquisition threshold was raised prior to full implementation of the planned electronic commerce system. In this regard, my bill seeks to protect small businesses and local businesses from some of the risks of raising the simplified acquisition threshold and implementing electronic commerce. My bill seeks to define local small business concerns, and protect them reasonably from the risks of being left out of the Federal contracting process in the future. This legislation will set an attainable goal for all Federal agencies for each fiscal year by awarding certain percentages of all procurement activities under the applicable simplified acquisition threshold to these local small business concerns. The definition for local small businesses will be based on where the business concern is located, where a particular contract is scheduled for performance, where the contracting authority who is administering the contract is located, and other factors.

Mr. Speaker, I look forward to working with you and my other colleagues in the House in moving Federal procurement reform in general, and this legislation in particular, forward so that we can assist in making our Government more efficient while fostering an environment in which American small businesses can develop and continue to be the engine of economic improvement and job growth in our country.

DON'T FORGET OUR PRISONERS OF WAR AND MISSING IN ACTION

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1994

Mr. DORNAN. Mr. Speaker, I would like to enter into the RECORD the following editorial by Al Santoli which calls for immediate action, including public release of Government files, on American POW's and MIA's from Southeast Asia. I highly recommend this article to all of my colleagues and all Americans who are committed to finally getting the truth on these brave American servicemen.

[From the Washington Times, Jan. 24, 1994]

OPEN THE "COLD SPOT" FILES

(By Al Santoli)

In the last battle of the Vietnam War, surviving American families and veterans are fighting to learn the fate of missing servicemen. Similar to victims of secret nuclear tests, they are trying to pry the truth from an entrenched bureaucracy that lacks adequate congressional or administrative oversight.

Many veterans now look to the new chairman of the Joint Chiefs, Gen. John Shalikashvili, to resolve the MIA tragedy with integrity and honor.

In an orchestrated campaign, U.S. civilian and military officials—supported by business consultants and publicists—praise Hanoi for "excellent cooperation" and "not holding anything back." Hundreds of live sightings of American prisoners by Vietnamese, Lao and even a Japanese monk have been trivialized.

Pentagon analysts have debunked Soviet documents independently supported by testimony from unrelated sources. A tepid State Department statement admits that prisoners could have been held back in Laos under control of Hanoi. More poignantly, documents from still-secret Defense and CIA archives point to a multi-agency coverup.

Example: "Cold Spot" was a joint CIA-Air Force program to intercept North Vietnamese and Laotian Communist radio communications from 1971 to 1975. Americans flew electronic spy planes, and indigenous soldiers with CIA advisors conducted land-based operations. Some intercepts describe the movement and detention of U.S. prisoners—long after Operation Homecoming.

An Oct. 8, 1973, communique from the governor of Nghia Lo to the Minister of Defense in Hanoi confirmed the transfer of "112 USA pilots" from Lai Chau [near the Laotian border]. The "USA prisoners" were taken to a prison that previously held "Thai [captured in Laos] and Vietnamese" prisoners. And, "their snapshots were finished and I will send them to Hanoi to register with the Ministry of Defense . . . and names and ages of all will be attached."

On Nov. 11, 1973, the governor of Sontay Province reported to the Minister of Defense in Hanoi: "112 USA prisoners in prison in Sontay Province." He named a doctor who treated 10 prisoners with "pain in their hearts. . . . They are not in a good way. Therefore, I quickly send this cable for you to decide what to do."

There is no record of U.S. officials cross-referencing these and other "Cold Spot" records with in-person interviews of Vietnamese officials, prison commanders and doctors named in the communiques.

In the past, intelligence analysts have debunked such documents using a Murphy's Law gambit—that because the U.S. government had declared all prisoners returned, any contrary evidence must be false.

This "unprofessional . . . mindset to debunk" was harshly criticized in 1985–86 DIA internal evaluations. However, rather than replace the chastised analysts, the Clinton administration refused to investigate detailed accusations, and the same entrenched bureaucrats have been promoted to wrap up MIA investigations.

In the field, the most experienced U.S. expert, Garnett Bell—who has a near-photographic memory of the Vietnamese prison and military systems—was replaced as chief of the Pentagon's Hanoi office by young infantry officers lacking intelligence backgrounds, historical knowledge or language proficiency. These novices must deal with devious Vietnamese political officers, many of whom had decades of experience playing a shell game with French MIAs.

Media junkets are taken to observe groups of American soldiers digging for crash sites. On the other hand, dissenting intelligence officers state that during the war it was communist policy to scavenge crash sites and warehouse hundreds of U.S. remains that are continuously doled out as political chips.

Former investigators describe the Pentagon's Joint Task Force Full Accounting (JTFFA) as a $100 million per year "boondoggle manipulated by Vietnamese security

officers" who accompany all JTFFA teams to interview villages.

In 1992, the JTFFA chief, Maj. Gen. Thomas Needham, shredded 20 years worth of original U.S. investigative files in Bangkok. And in a slick political maneuver, Sen. John Kerry had 120 boxes of potentially explosive National Security Agency files reclassified before Senate investigators could study them.

Clinton State Department pointmen Winston Lord and Ken Quinn are classic conflict-of-interest cases. In 1970, Mr. Lord helped to create the coverup of U.S. casualties in Laos. Henry Kissinger claims in "White House Years" (page 455) that Mr. Lord coordinated a National Security Council study that purposely misled President Nixon on U.S. forces lost in Laos.

CIA documents from 1967–68 show U.S. captives by name in specific Laotian prisons. In 1970 at CIA headquarters in Laos, Pat Mahoney, an Air Force expert in special operations, discussed photos of American prisoners and a wall map of prison sites. The CIA station chief said, "The politicians have tied our hands for launching rescues."

The Vietnamese commander of the Ho Chi Minh Trail area of Laos who oversaw the movement and detention of U.S. prisoners there between 1964–72 was Gen. Tran Van Quang (quoted in the infamous Soviet document). Yet, neither Gen. John Vessey nor Winston Lord raised the issue of prisoners in Laos when they met with Gen. Quang.

On Jan. 18, 1993, a delegation from the American Legion met with Pentagon and administration officials and mentioned the "Cold Spot" archives. The officials gave no response. The Legion has filed a Freedom of Information Act request to gain access to the records and to prevent another shredding party by Gen. Needham or his inter-agency peers.

Before the administration rewards Hanoi's duplicity with any more political or economic concessions, Gen. Shalikashvili should make sure that all POW/MIA files—such as "Cold Spot"—are made public. He should meet with Mr. Smith and representatives of the major veterans and family organizations to review charges of malfeasance and coverup.

To conclude the Vietnam War with honor, a new team of experienced investigators of unimpeachable integrity must be appointed.

A SALUTE TO CHAMPIONS

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1994

Mr. COYNE. Mr. Speaker, I want to join with the Champions Association of Pittsburgh, PA in saluting three outstanding sports champions who have excelled as athletes and have given much to their community.

I am proud to recognize and honor Mr. Franco Harris, who is known in the city of Pittsburgh and by football fans across America for his exceptional performance as a Super Bowl champion with the Pittsburgh Steelers. Mr. Harris' skills on the football field have earned him a place in the Professional Football Hall of Fame and his service as a member of the Pittsburgh community have earned him the thanks of many residents of this city.

In addition, I want to recognize and honor Mr. Connie Hawkins for his remarkable sports career and commitment to the sport of basketball. Mr. Hawkins is to be commended for his dedication to playing this sport as a member of the American Basketball Association, the Harlem Globetrotters, and the National Basketball Association. It should also be noted that Mr. Connie Hawkins has also been inducted into the Professional Basketball Hall of Fame.

Finally, I want to pay tribute to Capt. Ronald Carter, Jr., for his superior sports accomplishments. Captain Carter is a Virginia Military Institute Hall of Famer and All-American who played with the world famous L.A. Lakers in the National Basketball Association. Captain Carter has expanded beyond his reputation as a sports champion by becoming a leading figure in the Los Angeles community in the area of community development and management. His civic efforts have won him recognition both locally and nationally.

Mr. Speaker, these three gentlemen share the distinction of being sports champions. They also have in common their personal commitment to being the best they can possibly be in whatever endeavor they have undertaken on either the football field, the basketball court, or in daily life. It is fitting that Members of the House should pay tribute to these individuals. Champions of their stature offer an inspiration to young Americans who can benefit from witnessing the results of personal commitment and perseverance.

HOWARD UNIVERSITY ENDOWMENT AMENDMENTS OF 1994

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1994

Mr. CLAY. Mr. Speaker, today, I am introducing the Howard University Endowment Amendments of 1994.

This legislation will extend the authorization of the Howard University endowment program through fiscal year 1998.

Although the general authorizing legislation allows for annual endowment funding and the Congress has already approved an appropriation for fiscal year 1994, reauthorizing and extending the Howard University endowment Act is needed because the statute delineates how the Department of Education will administer the endowment fund and provides details regarding matching, withdrawal, and expenditure, and investment requirements.

The legislation specifically requires that the institution match of non-Federal funds to Federal endowment grants be: first, dollar-for-dollar up to $1 million; second, $1 for each $2 Federal grant dollars between $1 million and $2 million; and third, $1 for each $3 Federal grant dollars above $2 million. This change to the match formula should provide incentives for increased non-Federal contributions to the Howard University endowment.

The new language proposed in this legislation will help Howard University reduce its dependence on Federal appropriations and also provide an increased incentive for Howard to raise non-Federal funds for endowment.

I urge my colleagues to support this vital measure.

A section-by-section summary of the legislation follows:

HOWARD UNIVERSITY ENDOWMENT AMENDMENTS OF 1994

Section 2. Section 2 of the bill amends section 203(b) of the Howard University Endowment Amendments of 1993 (20 U.S.C. 130aa et seq.; hereafter referred to as the "Endowment Act" to require that the institutional match of non-Federal funds to Federal endowment grants be dollar-for dollar up to $1,000,000; one dollar for each two grant dollars between $1,000,000 and $2,000,000; and one dollar for each three grant dollars above $2,000,000.

Section 3. Section 3 of the bill amends section 205(c) of the Endowment Act to conform with the changes to the endowment matching formula made by section 2 of the bill.

Section 4. Section 4 of the bill amends section 207 of the Endowment Act to authorize $3,441,000 in appropriations for fiscal year 1994, and such sums as may be necessary for each of the succeeding four fiscal years, to carry out the Endowment Act.

Section 5. Section 5 specifies that the bill take effect upon enactment.

CAPITAL FORMATION AND JOBS CREATION ACT OF 1994

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1994

Mr. ARCHER. Mr. Speaker, today I am proud to introduce the Capital Formation and Jobs Creation Act of 1994. Speedy enactment of this bill will encourage investment in America, create jobs, reduce the cost of capital and lead to greater short-term and long-term economic growth.

Compared to our major trading partners, Americans invest and save far too little. The Tax Code's poor treatment of savings and investment is a large reason why. We can best help American workers and businesses compete in the international marketplace by sweeping away these counter-productive tax disincentives. My bill does just that.

It contains three important capital gains incentives: First, a 50-percent capital gains deduction; second, indexation of the "basis" of capital assets to eliminate purely inflationary gains; and third, a provision to treat the loss on the sale of a home as a capital loss. The 50 percent capital gains deduction and the home sale capital loss provision would apply to sales after February 1, 1994. The capital gains indexation would apply to inflation—and sales of capital assets—occurring after December 31, 1994. All three of these provisions would make the tax code fairer by removing antitaxpayer, anti-investment provisions.

The bill would substantially cut—at all income levels—the tax rate on capital gains by allowing taxpayers to deduct one-half of the amount of their net capital gains. Currently, capital gains are taxed at the same rate as ordinary income, subject to a tax rate cap of 28 percent. Thus, there is a modest capital gains differential for the upper tax rate brackets, but only because the 1993 Clinton tax plan raised income tax rates. All taxpayers need a capital gain break, and not just one created by raising

income tax rates. Unlike the 1993 Clinton tax plan, the bill would provide a middle class tax cut by halving the capital gains tax rate for lower- and middle-income taxpayers. The new capital gains tax rates would be 7.5 percent, 14 percent, 15.5 percent, and 19.8 percent for individuals. Corporations would be subject to a top capital gains tax rate of 17.5 percent.

In addition, my bill would end the current practice of taxing individuals and corporations on gains due to inflation. Currently, taxpayers must pay capital gains taxes on the difference between an asset's sales price and its basis—the asset's original purchase price, adjusted for depreciation and other items—even though much if not all of that increase in value may be due to inflation. The bill would increase the basis of capital assets to account for inflation occurring after 1994. Taxpayers would be taxed only on the real—not inflationary—gain.

Finally, the bill would correct a wrong in the Tax Code by treating the loss on the sale of a principal residence as a capital loss. Currently, if a homeowner has to sell his or her home at a loss, that loss is not deductible—even though future sales may be taxable.

This is heads-the-government-wins-tails-the-taxpayer-loses. By treating the loss on the sale of a principal residence as a capital loss, the loss would be deductible—subject to the current capital loss deduction and carryover rules.

America is undergoing a period of economic uncertainty. People are worried about their jobs and the economic prospects of future generations. The Capital Formation and Jobs Creation Act of 1994 sends a clear and unmistakable message that Congress is determined to dismantle barriers that are holding back the American economy.

HOLOCAUST

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1993

Mr. WAXMAN. Mr. Speaker, I rise today in the hopes of righting a wrong that has denied a victim of the Nazis the ability to put the nightmare of the Holocaust behind him.

Hugo Princz and his family, all American citizens living in Europe when World War II began, were arrested by the Nazis in 1942 and deported to concentration camps where the rest of his family died.

Since the 1950's, when the German Government began to provide reparation payments for the survivors of the Nazi terror, Mr. Princz has been applying for what he is entitled to, but to no avail. Because he was an American citizen and not seen as "stateless" or a "refugee," Mr. Princz did not qualify for reparations.

It is time that this injustice is corrected. Mr. Princz endured the same horrible atrocities as all of the other innocent victims of the Holocaust, and deserves to have his suffering acknowledged by the German Government.

I urge my colleagues to support House Resolution 323, and help Hugo Princz end his 40-year struggle and close the book on this horrible chapter of his life.

PETE PENCOLA STEPS DOWN AS MAYOR OF EAST CONEMAUGH

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1994

Mr. MURTHA. Mr. Speaker, I wanted to note—with a sense of great admiration—that after 20 years as mayor of East Conemaugh Borough. Peter Pencola has stepped down from the office.

Pete is everything a mayor should be—in a small town or a big one. In a community that's had a tough go at it as jobs have been lost and people have moved out, Pete's done everything from spearheading a campaign to bring a doctor to town, to helping the town's residents set up an emergency fuel-supply system.

And, 20 years is a long time to be mayor. But Pete worked 44 years for Bethlehem Steel before becoming mayor—(he actually didn't retire from Bethlehem until he'd been mayor for 2 years). He's lived in East Conemaugh for all his life, and he's been totally committed to his town. He's an inspiration and example to those of us who still believe there's a lot of good to be found in small towns all across America.

I'd like to congratulate Pete Pencola for all his work on behalf of East Conemaugh over the past 20 years. And never fear—Pete may have stepped down from the mayor's office, but he's still working for the people of East Conemaugh. He's now a councilman.

PEACE POWERS ACT OF 1994

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1994

Mr. HYDE. Mr. Speaker, with the Clinton administration's active support, the United Nations has undertaken to expand traditional international peacekeeping in new and troubling ways. Under the rubric of "assertive multilateralism"—and with little real consultation with Congress—the Clinton administration and the United Nations took a successful humanitarian operation in Somalia and expanded it into an ill-conceived nation-building experiment that has turned to disaster resulting in the loss of nearly 30 American lives.

Taken alone, this policy failure would be bad enough. But, it is merely one example of a concerted U.S.-supported U.N. effort to stumble into deeply rooted civil conflicts across the globe. Meanwhile, the Clinton administration has made little effort to explain to the American people what U.S. interests are served by our involvement in these ventures. As the United Nations has broadened peacekeeping into peace enforcing and even peacemaking, Congress and the American people have been informed only belatedly of questionable decisions to place U.S. Armed Forces under foreign command and to provide large amounts of logistical materiel and substantial funding commitments to the U.N.

In order to address these problems, I am today introducing the Peace Powers Act of 1944 which would amend the United Nations Participation Act of 1945 primarily in the area of peacekeeping and peacemaking authorities. This bill will also be introduced today in the other body by Senator ROBERT DOLE. A summary of the bill follows. I am pleased to be joined in introducing this measure by Congressman BEN GILMAN, the ranking Republican on the House Foreign Affairs Committee; Congressman FLOYD SPENCE, ranking Republican member of the Armed Services Committee; Congressman LARRY COMBEST, ranking Republican member of the Permanent Select Committee on Intelligence; Congresswoman OLYMPIA SNOWE, ranking Republican member of the International Operations Subcommittee of the Foreign Affairs Committee; and Congressman HAL ROGERS, ranking Republican member of the Commerce, Justice, State and Judiciary Subcommittee of the Appropriations Committee.

PAY INEQUITY BASED ON GENDER MUST END

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1994

Mr. ANDREWS of Texas. Mr. Speaker, when President John F. Kennedy signed the Equal Pay Act in 1963, working women were earning only 60 percent of what men earned. Now, 30 years and more than twice the number of women in the workforce later, that average has grown by a measly 15 percent. At this rate, women won't reach pay parity until the year 2044.

That certainly wasn't what President Kennedy had in mind when he described the Equal Pay Act as "adding to our laws a structure basic to democracy * * * and to the protection in the workplace for women." Yet this unconscionable practice of paying female employees less than male employees for the same job goes on.

In truth, there is absolutely no legitimate reason for this pay disparity. A recent study by the National Academy of Sciences found that between one-third and one-half of the wage differences between men and women cannot be explained by differences in experience or education.

In some respects, the situation is worse today than it was three decades ago. Today more than 50 percent of women over the age of 16 work. Within 6 years, two out of three women will be working in this country but can expect to lose approximately $420,000 due to unequal pay practices over their careers.

Our economy depends upon women in the labor force. Their labor and earnings are no small components of what makes our economy run. The image of the well-paid career woman partially masks the reality of women in the workforce. Most women work because they have to: to support their families, afford expensive child care, and help prepare their children for the future. It is extremely important that these women be paid at the level they have earned.

The fact is today's working women bear perhaps the heaviest burden of any group in our

Nation. In most cases, the lower the family income, the higher the probability that the mother must work. Where the mother is the sole support for the family, she often must face the hard choice of either accepting public assistance or taking a pay rate which averages less than two-thirds of the pay rate for men.

Unfortunately, we have consistently ignored this gross inequity. Our negligible progress since the Equal Pay Act of 1963 is made worse by the number of pay equity cases pursued by the Equal Employment Opportunity Commission [EEOC] dropping from 79 in 1980 to 2 in 1992. Anecdotal reports have indicated a new frustration among working women who may have a legitimate case for consideration by the EEOC but have been discouraged from pursuing their cases by a perceived indifference to the complaint.

Clearly, we need to do more. Beyond the obvious need for simple fairness, there is the issue of economy. More than half of our workforce is not getting paid what they have earned and deserved.

The Pay Equity Employment Reform Act of 1994 [PEER] that I am introducing today takes a large step to achieving the goal of pay parity between men and women.

My legislation creates a program to help private sector employers develop and implement pay equity programs in their businesses and provides information and technical assistance to eliminate discriminatory wage-setting practices. It also increases the funding for the EEOC by $500 million over 5 years to pursue cases of unfair compensation. The money will also be dedicated to establishing a campaign to educate employees of their rights to be paid equably, regardless of gender.

Most successes for pay equity have been in the public sector, generally on the State and municipal levels. In fact, more than 22 States have implemented programs to achieve comparable pay for both male and female State employees. Unfortunately, the Federal Government has not been as attentive to this issue. The Federal Government's own job evaluation system hasn't been objectively examined for pay equity issues since 1925. That's probably why a male government economist averages $10,000 more than a female economist.

For this reason my bill also requires that the Office of Personnel Management, Office of Management and Budget, and the Department of Labor review the Federal evaluation scale and act to remove discriminatory factors. The Office of Personnel Management is required to publish information regarding the wage gap for civil servants and the Government's compliance with antidiscrimination laws. This information is currently collected but not shared with the public.

Currently, the legislative branch has no personnel policy to promote and ensure equal pay among congressional employees. Because Congress should be subject to the same laws it passes for the private sector, this legislation calls for the General Accounting Office to evaluate congressional compensation practices. For the first time a comprehensive plan would apply the principles of the Equal Pay and Civil Rights Acts to Congress.

Too often in our history, the contributions of women—not to mention the inequalities they have faced—have been overlooked or forgotten. We've no better example of that than the fact that 30 years after identifying gender-based pay inequity, we have nothing to show for it.

Enacting the Pay Equity Employment Reform Act will complete the work that was started by President Kennedy in 1963.

ACTIVITY PROFESSIONALS DAY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1994

Mr. PACKARD. Mr. Speaker, I rise to pay special tribute to the activity directors of greater San Diego on this special day, January 26, 1994, which has been designated as activity professionals day in San Diego County.

Activity professionals have contributed significantly to improving the lot of our Nation's institutionalized and service dependent senior citizens. They work with healthcare professionals, care providers and regulatory agencies to enhance the lives of those served by nursing homes and convalescent hospitals, senior centers, retirement homes, assisted living facilities, and adult day care programs.

Activity professionals provide programs related to community involvement, mental stimulation, community service and all types of activities related to maintaining normal life pursuits for the elderly. Every activity is designed to meet the needs of the individual. The underlying value is in maintaining a healthier, more active mental outlook and this relates directly to reduced healthcare costs to the county and individuals alike.

Mr. Speaker, I hope you and my colleagues will join me in recognizing the important contribution made by activity professionals and the vital role they play in improving the quality of life for many older Americans.

INTERNATIONAL CUSTOMS DAY

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1994

Mr. ROSTENKOWSKI. Mr. Speaker, 41 years ago on January 26, 1953, the international customs organization known as the Customs Cooperation Council [CCC] held its first meeting in Brussels, Belgium. In recognition of this occasion, the Council has declared January 26 as International Customs Day. This occasion is also being used to give recognition to customs services around the world in view of the role they play in producing national revenue and in protecting national borders from economically and physically harmful importations.

I am particularly proud of the U.S. Customs Service for its great contributions to the Nation over the past 205 years of the agency's existence. U.S. Customs was once the sole revenue producer for the young United States. While there are additional sources of national revenue today, customs continues to play an important role: in fiscal 1993, Customs collected a record $21.6 billion in revenue. In addition, customs has taken on such important responsibilities as interdicting narcotics at our borders, preventing the exportation of critical technology, and enforcing on behalf of over 60 U.S. Government agencies various regulations which protect our environment and the American people.

The U.S. Customs Service represents the United States at the Customs Cooperation Council, a 133-member international organization founded to facilitate international trade and promote cooperation between governments on customs matters. The CCC works to simplify and standardize legal instruments and rules of international customs. The CCC also renders technical assistance in areas such as customs tariffs, valuation, nomenclature, and law enforcement. Its objective is to obtain, in the interest of international trade, the best possible degree of uniformity among the customs systems of member nations. The United States became a member on November 5, 1970. All-America benefits when both exporters and importers operate in an atmosphere of simple, unambiguous customs operations around the world.

I want to take this opportunity to congratulate the Customs Cooperation Council on its past accomplishments and for its ambitious goals of further harmonizing and simplifying those customs rules which affect international commerce. I also congratulate the U.S. Customs Service for its fine work both nationally and internationally.

FEMA AID TO ILLEGAL ALIENS

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1994

Mr. ROHRABACHER. Mr. Speaker, last week residents of southern California awoke to the terrifying reality that a major earthquake was shaking their homes apart. When the dust had settled, and while aftershocks continued, Angelinos began to add up the cost of the earthquake. And while my district in nearby Orange County only suffered minor damage, my constituents, and all of our constituents will be helping those damaged in the quake rebuild their lives. The Federal Government, through FEMA and other agencies, has already begun to provide services to those affected by that earthquake.

One group that lined up early for taxpayer funded aid were illegal aliens. I called the disaster field office in Pasadena, and FEMA confirmed in writing that they are prohibited by law from determining the alien status of those who apply for aid.

Mr. Speaker, we must change this law that subsidizes those who come to this country illegally with free money paid for by the hard-working taxpayers. This is one more example of the ways in which we invite illegal aliens to take advantage of programs designed to help American citizens. I am attaching copies of the letter I received from FEMA's disaster field office, and a copy of the law which FEMA interprets to prevent them from stopping this give-away of taxpayer funds.

Mr. Speaker, I also include an outrageous press release from the Immigration and Naturalization Service that says that they will not do their job of rounding up and deporting illegal aliens.

FEMA, DISASTER FIELD OFFICE,
Pasadena, CA, January 22, 1994.

Hon. DANA ROHRABACHER,
House of Representatives, Washington, DC.

DEAR MR. ROHRABACHER: As we discussed by telephone, the Federal Emergency Management Agency (FEMA) is prohibited by law from discriminating on the basis of race, color, nationality, sex, age or economic status. I have enclosed a copy of Section 308 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act which provides that FEMA's disaster relief and assistance activities must be carried out in a non-discriminatory fashion.

In keeping with FEMA's statutory mandate, aliens, whether permanent resident, temporary resident or undocumented, may be eligible for disaster assistance including the Individual and Family Grant program, disaster housing assistance programs, crisis counseling and disaster legal services. The only exception to this mandate is the disaster unemployment assistance (DUA) program. This exception arises from Title III of the Social Security Act and the Federal Unemployment Tax Act. Because these laws provide generally that undocumented aliens are not eligible to collect unemployment insurance, these individuals are, by extension, not eligible for DUA. Accordingly, the State Employment Development Department has its own application for the DUA program which requires that information about nationality be collected from each DUA applicant.

FEMA's regulations and policy guidelines are implemented in a manner designed to ensure that individuals receive the disaster assistance for which they are eligible under the Stafford Act.

I hope that this information is helpful. Please contact our Office of Congressional Affairs at (202) 646-4500 if we can provide further assistance.

Sincerely,

JOHN P. CAREY.

P.L. 93-288 AS AMENDED BY P.L. 100-707

(2) to employ experts and consultants in accordance with the provisions of section 3109 of such title, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; and

(3) to incur obligations on behalf of the United States by contract or otherwise for the acquisition, rental, or hire of equipment, services, materials, and supplies for shipping, drayage, travel, and communications, and for the supervision and administration of such activities. Such obligations, including obligations arising out of the temporary employment of additional personnel, may be incurred by an agency in such amount as may be made available to it by the President.

USE OF LOCAL FIRMS AND INDIVIDUALS

Sec. 307. In the expenditure of Federal funds for debris clearance, distribution of supplies, reconstruction, and other major disaster or emergency assistance activities which may be carried out by contract or agreement with private organizations, firms, or individuals, preference shall be given, to the extent feasible and practicable, to those organizations, firms, and individuals residing or doing business primarily in the area affected by such major disaster or emergency. This section shall not be considered to restrict the use of Department of Defense resources in the provision of major disaster assistance under this Act.

NONDISCRIMINATION IN DISASTER ASSISTANCE

Sec. 308. (a) The President shall issue, and may alter and amend, such regulations as may be necessary for the guidance of personnel carrying out Federal assistance functions at the site of a major disaster or emergency. Such regulations shall include provisions for insuring that the distribution of supplies, the processing of applications, and other relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, or economic status.

(b) As a condition of participation in the distribution of assistance or supplies under this Act or of receiving assistance under this Act, governmental bodies and other organizations shall be required to comply with regulations relating to nondiscrimination promulgated by the President, and such other regulations applicable to activities within an area affected by a major disaster or emergency as he deems necessary for the effective coordination of relief efforts.

USE AND COORDINATION OF RELIEF ORGANIZATIONS

Sec. 309. (a) In providing relief and assistance under this Act, the President may utilize with their consent, the personnel and facilities of the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations, in the distribution of medicine, food, supplies, or other items, and in the restoration, rehabilitation, or reconstruction of community services, housing and essential facilities, whenever the President finds that such utilization is necessary.

[INS Press Statement]

IMMIGRATION AND NATURALIZATION SERVICE,
Los Angeles District Office, January 21, 1994.

Re: INS role during the Northridge earthquake.

INS will not have any role in identifying individuals applying for assistance from Governmental Agencies during this emergency period.

People who need to come forward and apply for any essential emergency services from all local, state, and Federal Agencies providing assistance to quake victims are encouraged to do so.

INS will not request any information from other Governmental Agencies which have requested confidentiality by law.

INAUGURAL PRAYER BREAKFAST ELECTION SERMON FOR VIRGINIA GOVERNOR GEORGE ALLEN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1994

Mr. WOLF. Mr. Speaker, I had the pleasure of witnessing the inauguration of our former colleague George Allen as the Governor of the Commonwealth of Virginia on Saturday, January 15. As part of the inaugural activities, I attended the inaugural prayer breakfast and heard the moving election sermon delivered by David Barton which I commend to the attention of our colleagues. Mr. Barton of Aledo, TX, is president of Speciality Research Associates, an organization which specializes in societal, legal, and historical research.

INAUGURATION OF VIRGINIA GOVERNOR-ELECT GEORGE ALLEN

As part of the inaugural activities of this new administration, we have gathered here this morning as people of faith—people who believe in one God, the Creator and Governor of the universe, and the God Who has ordained certain standards for conduct by which both man's relationship to man and man's relationship to God should be governed. What God broadly expects from man may be summarized very simply in these words:

"He hath shewed thee, O man, what is good; and what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God?"—MICAH 6:8

"The first of all the commandments is . . . The Lord our God is one Lord: and thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind, and with all thy strength: this is the first commandment. And the second is like, namely this, thou shalt love thy neighbor as thyself. There is no other commandment greater than these."—MARK 12:29-31

Although this is the broad overview of what God expects, He does give us many more specifics. We shall consider a few of these specifics in the same format followed by Governor Allen's ancient precedessors from the founding of the nation up to and even after the time of the Civil War. That format was traditionally termed an "Election Sermon," and Virginia's long tradition of election sermons began 375 years ago, with Virginia's first election sermon being delivered in 1619.

This book[1] from 1809 was written by a foreign visitor to America and describes election sermons and what typically occurred as part of elections here. For example, concerning the election of 1807, it states:

"[In] the state-house . . . the members of the assembly and others awaited the coming of the governor. At about eleven o'clock, his excellency entered the state-house, and shortly after took his place at the head of a procession, which was made to a . . . church. . . . The procession was . . . composed of . . . the governor, together with the lieutenant-governor, assistants, high-sheriffs, members of the . . . house of assembly, and, unless with accidental exceptions, all the clergy of the state. . . . The pulpit . . . was filled by three, if not four clergymen. . . . [O]ne opened the service with a prayer, another delivered a sermon; and third made a concluding prayer, and a fourth pronounced a benediction. . . . The sermon, as will be supposed, touched upon matters of government. When all was finished, the procession returned to the statehouse."[2]

Let me here interject a description from a similar procession witnessed by Dr. Benjamin Rush, signer of the Declaration. He commented:

"The Clergy formed a very agreeable part of the procession. They manifested by their attendance their sense of the connection between religion and good government. . . . The Rabbi of the Jews locked in the arms of two ministers of the gospel was a most delightful sight. There could not have been a more happy emblem."[3]

Footnotes at end of article.

Returning to the first description, the procession returned to the statehouse to a special banquet, and then:

"This done, the lieutenant-governor administered the oath to the governor-elect, who, being sworn, proceeded to administer their respective oaths to the lieutenant-governor and the rest; and here terminated the affairs of the election day."[4]

Only relatively recently in our history has this type of election day activities been abandoned. Why did election sermons so long form a part of election activities? Because we were a republic (recall from Article 4, Section 4 of the U.S. Constitution that each state must "maintain a republican form of government"); and in a republic, both the people and their rulers must be co-laborers; a republic will not survive unless both the elected and the electorate live up to their responsibilities. Consequently, election sermons offered instruction from God's word to both groups: to the elected officials and to the electorate.

Under this new administration, what should be expected from both the elected and the electorate? Many famous voices of experience from America's past—as well as the Sacred Scriptures themselves—offer answers to this question.

THE RESPONSIBILITIES OF LEADERS

1. The first responsibility of leaders is that they should rule in the fear of God. An excellent discussion of this responsibility is given by Founding Father Noah Webster. Webster served as a soldier during the American Revolution and as a legislator in two states after the Revolution; he was the first Founding Father to call for a Constitutional Convention; and he was personally responsible for Article 1, Section 8, of the Constitution. As an educator, he helped establish Amherst College, and he became one of the most prolific textbook writers of any of the Founding Fathers. He published his first school text in 1782 and continued authoring them for the next sixty years, including numerous texts on history, civics, and government. This text from 1823[5] contained the qualifications for elected officials that Webster had often set forth in other works; Webster told students:

"[T]he Scriptures teach. . . . that rulers should be men 'who rule in the fear of God, able men, such as fear God, men of truth, hating covetousness'."[6]

These qualifications for rulers which Webster set forth were taken directly from Exodus 18:21, but why were these qualifications important? He continued:

"[I]t is to the neglect of this rule . . . that we must ascribe the multiplied frauds, the breaches of trust, peculations and embezzlements of public property, which . . . disgrace a republic government."[7]

As James Madison explained, duty to God was seen as the basis of duty to society:

"Before any man can be considered as a member of civil society, he must be considered as a subject of the Governor of the Universe."[8]

Duty to God was the first duty of a ruler; and even though the Scriptures required it, Abigail Adams, wife of President John Adams, explained from a pragmatic view why it was essential for rulers to fear God. She said:

"[H]e who neglects his duty to his Maker, may well be expected to be deficient and insincere in his duty towards the public."[9]

The first responsibility of a leader is to rule in the fear of God.

2. The second responsibility of leaders is to rule in integrity. An excellent definition of integrity is given by Founding Father Benjamin Rush. Benjamin Rush was one of America's most influential Founding Fathers, not only signing the Declaration of Independence, but also serving in the Presidential administrations of John Adams, Thomas Jefferson, and James Madison. Furthermore, he was recognized as one of America's top educators, founding five universities, authoring numerous textbooks, and being one of the first Founding Fathers to call for free, national public schools. Of integrity he said:

"I think I have observed that *integrity* in the conduct of both the living and the dead takes a stronger hold of the human heart than any other virtue. . . . By integrity I mean . . . a strict coincidence between thoughts, words, and actions.[10]

Integrity is when what one thinks and says does not differ from what one does; integrity, very simply, is the ability to keep one's word—a valuable character trait as noted in Psalms 15:

"Lord, who shall abide in Thy tabernacle? Who shall dwell in Thy holy hill? . . . He that sweareth to his own hurt and changeth not"—PSALMS 15:1, 4.

"Swearing to one's own hurt and changing not" is merely keeping one's word, no matter what the cost. Our country's history is replete with numerous examples of leaders of integrity—leaders who kept their word at all cost. A mere cursory examination of those fifty-six who placed their hand to the nation's birth certificate—the Declaration of Independence—quickly reveals leaders of integrity—leaders who kept their word at all costs.

One excellent example is Robert Morris, one of only six men who signed both the Declaration and the Constitution. At the time he pledged "his life, his fortune, and his sacred honor" in the Declaration, he was one of America's wealthiest individuals. He was appointed the financier of the American Revolution—and unenviable position, for it was his task to secure financial backing for the Revolution.

Consider: the American Revolution was simply a group of individuals pledging themselves to overthrow the world's greatest military, naval, and economic power. If we were to try to replicate that feat today and get fifty-six here to make such a pledge, what bank in its right mind would make a loan to that group for that purpose? And so it was in the American Revolution; it was not until three years into the Revolution, after our victory at Saratoga, that loans began to come. So how did they finance the Revolution during the first three years?

Much of the finances came from Robert Morris: he personally gave over two million to the cause of the Revolution, and it was not money off the top, it was most of what he had. He gave so much that in his latter years, he did not have enough left to meet his own obligations, thus causing him to even spend time in debtors' prison. Morris was never repaid; still, he had given his word—he had pledged "his life, *his fortune*, and his sacred honor"; and he kept his word.

This, then, is integrity, and this is a responsibility of a ruler: to guard carefully his word, but when once given, to keep it even if it is to his own hurt.

3. The third responsibility of leaders is to be statesmen rather than politicians. Before going further, it is important to define these two terms. Founding Father John Adams has already done this. In his diary entry for February 9, 1772,[11] Adams defined a politician as someone who would compromise his principles in order to advance—whether with his party, his constituents, or a powerful committee head, etc. However, a statesman would not compromise principles, regardless of what it might cost him. What made the difference between the two?

According to Adams, a statesman embraced the Biblical conviction of the reality of future rewards and punishments. That is, he realized that he must stand before God Almighty and account to Him for his behavior while in office. The awareness of this unescapable truth served as a restraint on personal misbehavior—something especially important for an office-holder; for although termed "public officials," most of their official activities actually occur in private.

So was John Adams a politician or a statesman? Was he willing to compromise principles; or was he willing to stand firm, even if it cost him? Adams was definitely a statesman—he refused to compromise his principles. As he explained:

"Such compliances [compromises] . . . of my honor, my conscience, my friends, my country, my God, as the Scriptures inform us must be punished with nothing less than Hell fire, eternal torment. And this [eternal punishment] is so unequal a price to pay for the honors and emoluments [profits] . . . of a [state] minister or Governor, that I cannot prevail upon myself to think of it [compromise]. The duration of future punishment terrifies me."[12]

Because he understood that he would answer to God, John Adams guarded his private behavior and carefully weighed his public policy decisions. And this is the third responsibility of a leader: to be a statesman, refusing to compromise principles for political expediency.

4. The fourth responsibility of a leader is to recognize the principle of collective accountability to God. As John Adams just pointed out, the belief in individual accountability to God was important—it was so important that it frequently appeared in state constitutions. Notice, for example, the Pennsylvania constitution—authored by Benjamin Rush and James Wilson. Benjamin Rush has already been mentioned, but what of James Wilson? James Wilson was a signer of both the Declaration and the Constitution, and he was the second-most active member of the Constitutional Convention, speaking 168 times on the floor of the Convention. He was appointed by President George Washington as an original Justice on the U.S. Supreme Court, and Wilson—who understood so well what was Constitutional and what not—authored the following provision:

"And each member [of the legislature] before he takes his seat, shall make and subscribe the following declaration, viz.: 'I do believe in one God, the creator and governor of the universe, the rewarder of the good and the punisher of the wicked.'"[13]

The Tennessee constitution, authored by signer of the Constitution William Blount, contained an almost identical provision:

"No person who denies the being of God, or a future state of rewards and punishments, shall hold any office in the civil department of this State."[14]

The same requirement was found in numerous other state constitutions authored by our Founding Fathers. They grasped the important consequences on human behavior arising from an understanding of personal accountability to God.

However, they also fully understood the concept of collective accountability to God—that is, a state or a nation being accountable to God; for as surely as God holds individuals

accountable for what they do, He also holds nations and states accountable. However, there is a difference between individual and collective accountability—a difference explained by Virginia's own George Mason—the father of the Bill of Rights—in his speech on August 27, 1787, at the Constitutional Convention. He reminded the delegates the difference between individual and collective accountability:

"As nations cannot be rewarded or punished in the next world, so they must be in this. By an inevitable chain of causes and effects, Providence punishes national sins by national calamities."[15]

Collective accountability to God—whether it be His rewards for the right or His punishments for the wrong—is administered to states and nations in the present. Thomas Jefferson understood this truth, and he—in words now inscribed inside his memorial in Washington—explained:

"And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated but with His wrath? Indeed I tremble for my country when I reflect that God is just; that his justice cannot sleep forever."[16]

Thomas Jefferson—like most of the Founding Fathers—understood the important role that religion played in the life of a nation and in the function of civil government. Interestingly, Jefferson's words in three of the four panels which adorn the inside of the Jefferson Memorial contain overt and clear acknowledgments of God. Many today mistakenly celebrate his famous Statute on Religious Liberty[17] as though he intended a freedom from religion; he did not. His statute simply disestablished a single denomination from ruling the state and placed all denominations on an equal footing under the law—as had already happened in the states surrounding Virginia.

Convincing evidence of Jefferson's strong belief in the vital connection between religious principles and civil society is supplied not only by his own letters and writings but also by the records of the historical society of Washington, D.C. According to the Columbian Historical Society, Thomas Jefferson—while President—authoried the original plan of education for Washington, D.C.'s public schools, and in that plan he placed the Sacred Scriptures as a primary reading text for Washington, D.C.'s public schools![18]

However, returning to the present, it is an important responsibility for our leaders to understand—as Jefferson so well understood—the truth of collective accountability to God and thus to take stands by which God can honor and bless the entire state. Hereby is the meaning of the Scripture fulfilled which declares:

"When the righteous rule, the people rejoice; when the wicked rule, the people groan."—PROVERBS 29:2

So, then, the fourth responsibility of leaders is to recognize—for the sake of the state and its citizens—the ramifications of collective accountability to God.

While these have been some of the responsibilities of leaders in a republic, what are the responsibilities of the citizens?

THE RESPONSIBILITIES OF CITIZENS

1. A citizen's first responsibility is to pray for his or her leaders—a fact made clear by Scriptures in both the Old and New Testaments:

"I exhort therefore, that, first of all, supplications, prayers, intercessions, and giving of thanks, be made for . . . all that are in authority . . . . For this is good and acceptable in the sight of God our Savior."—I TIMOTHY 2:1-3

And when the prophet Samuel was discussing civil government with the people, they asked for his prayers. Samuel responded:

"Moreover, as for me, God forbid that I should sin against the Lord in creasing to pray for you."—I SAMUEL 12:23

For citizens to faithfully pray for their government and its leaders is a clear and succinct directive of God; and in an historical sense, prayer and government have always gone together well in America. For example, in 1774, leaders like Richard Henry Lee, George Washington, Patrick Henry (among others)—seeing that separation from the mother country would become necessary—determined to convene a national congress for the purpose of preparing the states to act together collectively as a unified nation rather than as thirteen separate, disjointed states. The Congressional Record shows that the first act of that Congress was to call for prayer, and so profound was that time of prayer—and so numerous and strong were the letters written by many of the delegates after that prayer—that in 1844 a painting was done to recapture that event, and you will see many whom you will recognize. John Adams wrote Abigail a beautiful letter describing that prayer:

"[The Rev. Mr. Duché] . . . read several prayers . . . and read . . . the thirty-fifth Psalm. You must remember, this was the next morning after we heard the horrible rumor of the cannonade of Boston. I never saw a greater effect upon an audience. It seemed as if heaven had ordained that Psalm to be read on that morning. After this, Mr. Duché . . . struck out into an extemporary prayer which filled the bosom of every man present. I must confess, I never heard a better prayer . . . . It had an excellent effect upon every body here. I must beg you to read that [the thirty-fifth] Psalm."[19]

The Congress next—as remained a regular practice throughout the Revolution—called the people to prayer for their leaders and their government. John Adams explained to Abigail:

"We have appointed a Continental fast. Millions will be upon their knees at once before their great Creator, imploring His forgiveness and blessings; His smiles on American councils and arms."[20]

So important were the prayers for the leaders and the country that even Benjamin Franklin—considered one of the least religious of the Founding Fathers—commented on its importance during his famous speech of Thursday, June 28, 1787, which he delivered at the Constitutional Convention. Franklin stated:

"In the beginning of the Contest with Great Britain, when we were sensible of danger we had daily prayer in this room for Divine protection. Our prayers, Sir, were heard, and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of a superintending providence in our favor. . . . And have we now forgotten that powerful Friend? or do we imagine we no longer need his assistance? I have lived, Sir, a long time, and the longer I live, the more convincing proofs I see of this truth—that God governs in the affairs of men. And if a sparrow cannot fall to the ground without his notice, is it probable that an empire can rise without his aid? We have been assured, Sir, in the sacred writings, that "except the Lord build the House, they labor in vain that build it." I firmly believe this; and I also believe that without his concurring aid we shall succeed in this political building no better than the builders of Babel."[21]

Prayer for our leaders is important. The Scriptures command it, and historically our leaders have sought and cherished it. Our leaders still need what John Adams described:

"Millions . . . upon their knees at once before their great Creator, imploring His forgiveness and blessings; His smiles on American councils and arms."[22]

The first responsibility of citizens is to pray for their leaders.

2. The second responsibility of citizens is to watch closely their government—to examine it, to be vigilant over it, and to be jealous for it. Benjamin Rush stated it this way:

"[E]very citizen of a republic. . . Must watch for the State as if its liberties depended upon his vigilance alone."[23]

John Adams, too, challenged us to be active and alert. He explained:

"We electors have an important constitutional power placed in our hands: we have a check upon two branches of the legislature. . . . It becomes necessary to every [citizen] then, to be in some degree a statesman: and to examine and judge for himself . . . the . . . political principles and measures."[24]

We ourselves must be statesmen. It is wrong to relax, or to go to sleep, now that our election season is over. Founding Father John Dickinson—a signer of the Constitution—warned us why we needed to stay alert. As he explained:

"Political slavery—servitude—is ever preceded by sleep."[25]

It is the second responsibility of citizens to be statesmen and to be watchful and vigilant over their state government.

3. The third responsibility of citizens is to be involved with their government. This is partly because this is a government of "we the people," but there are other considerations as well. Benjamin Rush presented one such consideration in his 1798 policy paper entitled "On the Mode of Education Proper in a Republic."[26] Recall that Benjamin Rush was one of America's top educators and is considered the father of public schools under the Constitution. He saw three primary purposes for public education: first, to teach youth to love God; second, to teach youth to love their country; and third, to teach youth to love their family.

In today's world, this might seem like an unorthodox order: to love God first, country second, and family third. Today, we would probably place family above country, but Benjamin Rush had a strong reason to place country above family. He understood that if we lost our country, we would lose our families—that unless we watched over government and stayed involved in it that government itself could become an enemy of the family. How correct he was; and today, much of that which undermines the family is often supported, subsidized, or paid for by the government itself.

Reverend Matthias Burnet—in his 1803 election sermon delivered before Governor Jonathan Trumbull and the Connecticut legislature—gave an excellent challenge on why citizens should be involved. He said:

"Let not your children have reason to curse you for giving up those rights and prostrating those institutions which your fathers delivered to you."[27]

For the sake of our children and families, it is the responsibility of citizens to stay actively involved in their government.

4. The final responsibility of a citizen is to be a firm friend to liberty. What does it

mean to "be a friend to liberty"? Founding Father John Witherspoon answered that question. Witherspoon was a signer of the Declaration and served on over 100 different committees in congress. Furthermore, he was the President of Princeton University and is rightly considered the educational father of many Founding Fathers, personally training 87 of them—including James Madison. Witherspoon explained:

"[H]e is the best friend to American liberty who is most sincere and active in promoting true and undefiled religion, and who sets himself with the greatest firmness to bear down profanity and immorality of every kind."[28]

According to John Witherspoon, if you are a friend to liberty, you will promote religion and bear down on profanity and immorality. Why? Because if a citizen understands our form of government, he knows that if the people are profane and immoral, then the government will be profane and immoral; and history proves that profane and immoral governments do not endure. Founding Father Elias Boudinot, President of the Congress, warned us about the effect of the loss of morality. He explained:

"If the moral character of a people once degenerate, their political character must follow."[29]

Morality is important: if we lose our morals, we will lose our government; and according to George Washington, morality cannot be maintained apart from religion. In his famous "Farewell Address; of September 17, 1796, he warned:

"and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds . . . reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle."[30]

Religion and morality not only are vital foundations for our government, they are the only stable foundations for it. As John Adams explained:

"We have no government armed with power capable of contending with human passions unbridled by morality and religion. . . . Our Constitution was made only for a moral and a religious people. It is wholly inadequate to the government of any other."[31]

The Founders understood that the key to a self-governing nation was self-governing individuals, and they further understood that personal self-government was acquired from the principles of morality and self-control taught by religion. If individuals will not govern themselves, then their government must adopt drastic measures to try to control them. Speaker of the House Robert Winthrop—a contemporary of John Quincy Adams and Daniel Webster—explained this truth in these words:

"Men, in a word, must necessarily be controlled, either by a power within them, or by a power without them; either by the word of God, or by the strong arm of man; either by the Bible, or by the bayonet."[32]

Benjamin Rush confirmed this. In his 1791 educational policy paper on the use of the Bible in public schools, he warned what would happen in America if we ever removed the Scriptures from the classroom. He explained:

"In contemplating the political institutions of the United States, [by removing the Bible from schools] I lament, that we waste so much time and money in punishing crimes, and take so little pains to prevent them."[33]

The promotion of religion and morality is the solitary means of attaining the individual self-control necessary for the successful operation of civil society. The fourth responsibility of citizens is to be friends to liberty, that is, to live under and to promote religion and morality.

CONCLUSION

In summary, what, then, can we conclude? That there are God-given, God-established responsibilities both for the elected and for the electorate, many of which center around the simple principle God has set forth in I Samuel 2:30. He declares:

"Them that honor Me I will honor, and they that despise Me shall be lightly esteemed."—I SAMUEL 2:30

Blessings, or cursings, depend upon our response to the principles God has set forth. Abraham Lincoln's 1863 address showed he understood this truth. Lincoln declared:

[T]he sublime truth, announced in the Holy Scriptures and proven by all history, [is] that those nations *only* are blessed whose God is the Lord."[34]

Let our final thought in closing be the same warning which was given to the people by President George Washington in his first inaugural address. He reminded us:

[T]he propitious [favorable] smiles of heaven can never be expected on a nation that disregards the eternal rules of order and right which Heaven itself has ordained."[35]

Governor Allen, may God bless you and the members of your new administration; may He surround each of you with wise and competent staff, aides, and counselors; may He make His wisdom available to you in abundance as you face your new expected challenges and the unexpected ones which will arise during your tenure; and above all:

"The Lord bless thee, and keep thee;
The Lord make His face shine upon thee, and be gracious unto thee;
The Lord lift up His countenance upon thee, and give thee peace."—NUMBERS 6:24–26

God bless you all!

FOOTNOTES

[1] Edward Augustus Kendall, Esq., "*Travel Through the Northern Parts of the United States, in the Years 1807 and 1808*" (New York: I. Riley, 1809).

[2] *Ibid*, Vol. I, pp 3–5.

[3] Benjamin Rush, "*Letters of Benjamin Rush*," L.H. Butterfield, editor (Princeton: The American Philosophical Society, 1951), Vol. I, p. 474, Letter to Elias Boudinot, July 9, 1788.

[4] Kendal, Vol. I, p. 6.

[5] Noah Webster, "*Letters To a Young Gentleman Commencing His Education: To Which is Subjoined a Brief History of the United States*" (New Haven: S. Converse, 1823).

[6] *Ibid*, p. 9.

[7] *Ibid*.

[8] James Madison, "*The Papers of James Madison*", Robert Rutland, ed. (Chicago: University of Chicago Press, 1973), Vol. VIII, p. 299, June 20, 1785.

[9] Abigail Adams, "*Letters of Mrs. Adams, The Wife of John Adams*" (Boston: Charles C. Little and James Brown, 1840), Vol. 1, p. 76.

[10] Rush, "*Letters*," Vol. II, p. 1103, September 4, 1811, to John Adams.

[11] John Adams, "*The Works of John Adams, Second President of the United States*" (Boston: Charles C. Little and James Brown, 1851), Vol II, p. 293.

[12] *Ibid*, Vol. II, p. 294.

[13] "*The Constitutions of the Several Independent States of America," Published by Order of Congress* (Boston: Norman & Bowen, 1785), p. 81.

[14] "*The Constitutions of the United States of America with the Latest Amendments*" (Trenton: Moore & Lake, 1813), p. 342.

[15] James Madison, "*The Records of the Federal Convention of 1787*", Max Farrand, ed. (New Haven: Yale University Press, 1911), Vol. II, p. 370, August 27, 1787.

[16] Thomas Jefferson, "*Notes on the State of Virginia*" (Philadelphia: Matthew Carey, 1794), Query XVIII, p. 237.

[17] Thomas Jefferson, "*The Writings of Thomas Jefferson*," Andrew A. Lipscomb, ed., (Washington, D.C., 1903), Vol. II, pp. 300–303.

[18] J. O. Wilson, "Records of the Columbia Historical Society" (Washington, D.C.: Columbia Historical Society, 1897), Vol. I, pp. 119–170, see especially pp. 122–127 from the article "Eighty Years of Public Schools of Washington—1805 to 1885," delivered before the society on May 4, 1896.

[19] John and Abigail Adams, "Letters of John Adams, Addressed To His Wife," Charles Francis Adams, ed. (Boston: Charles C. Little and James Brown, 1841), Vol. I, pp. 23–24, September 16, 1774.

[20] Ibid, Vol. I, p. 46, June 17, 1775.

[21] Madison, supra note 13, Vol. I, pp. 450–452, June 28, 1787.

[22] John and Abigail Adams, supra note 17, Vol. I, p. 46, June 17, 1775.

[23] Benjamin Rush, "Essays, Literary, Moral & Philosophical" (Philadelphia: Thomas and William Bradford, 1806), pp. 10–11.

[24] Adams, "Works," supra note 9, Vol. 3, p. 437, August 29, 1763.

[25] John Dickinson, "The Political Writings of John Dickinson" (Wilmington: Bonsal and Niles, 1801), Vol. I, p. 277, quoting from Baron de Montesquieu, "Spirit of the Laws" (Philadelphia: Isaiah Thomas, 1802), Vol. I, p. 272.

[26] Rush, "Essays," supra note 21, pp. 6–20.

[27] Matthias Burnet, "An Election Sermon, Preached at Hartford, on the Day of the Anniversary Election," May 12, 1803 (Hartford: Hudson & Goodwin, 1803), p. 27.

[28] John Witherspoon, "The Works of the Rev. John Witherspoon" (Philadelphia: William W. Woodard, 1802), Vol. III, p. 42.

[29] Elias Boudinot, "An Oration, Delivered at Elizabeth-town, New-Jersey . . . on the Fourth of July" (Elizabethtown: Kollock, 1793), pp. 14–15.

[30] George Washington, "Address of George Washington, President of the United States, and Late Commander of Chief of the American Army, to the People of the United States, Preparatory to His Declination" (Baltimore: George and Henry S. Keatinge, 1796), p. 23, September 17, 1796.

[31] Adams, supra note 9, Vol. IX, p. 229, October 11, 1798.

[32] Robert Winthrop, "Addresses and Speeches on Various Occasions" (Boston: Little, Brown & Co., 1852), p. 172, from his "Either by the Bible or the Bayonet."

[33] Rush, "Essays," supra note 21, p. 112.

[34] James D. Richardson, "A Compilation of the Messages and Papers of the Presidents, 1789–1897" (Published by Authority of Congress, 1899), Vol. VI, p. 164, March 30, 1863.

[35] Ibid, Vol. I, pp. 52–53, April 30, 1789.