SENATE—*Tuesday, February 1, 1994*

(Legislative day of Tuesday, January 25, 1994)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee.

PRAYER

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

Let us pray.

Mighty God, help us to hear the word of the Lord.

"Beware that thou forget not the Lord thy God * * * Lest when thou hast eaten and art full, and hast built goodly houses, and dwelt therein; And when thy herds and thy flocks multiply, and thy silver and thy gold is multiplied, and all that thou hast is multiplied; Then thine heart be lifted up, and thou forget the Lord thy God * * * And thou say in thine heart, My power and the might of mine hand hath gotten me this wealth. But thou shalt remember the Lord thy God: for it is he that giveth thee power to get wealth * * * And it shall be, if thou do at all forget the Lord thy God, and walk after other gods * * * As the nations which the Lord destroyeth before your face, so shall ye perish * * *"—Deuteronomy 8:11–14; 17–20.

Sovereign Lord, help us hear this sober warning from Moses, the lawgiver, and the words of George Mason, speaking at the Continental Congress: "Every master of slaves is born a petty tyrant. They bring the judgment of heaven upon a country. As nations cannot be rewarded or punished in the next world, they must be in this. By an inevitable chain of causes and effects, Providence punishes national sins by national calamities."

Help us to hear in the name of the Lord of Life. 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, February 1, 1994.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 o'clock a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader.

SCHEDULE

Mr. MITCHELL. Mr. President, as previously stated by the Chair, there will be a period for morning business which will last until 10 o'clock this morning, at which time there will be a rollcall vote on a pending amendment to the bill which is before the Senate, the State Department authorization bill.

Under an agreement reached last Thursday evening, all first-degree amendments to be in order must first be listed in the unanimous-consent agreement printed at pages 2 and 3 of yesterday's calendar and, second, those amendments must be offered by 6 p.m. today.

As I stated when we entered the agreement last Thursday, the agreement was reached and entered with the intention and understanding that we would complete action on this bill today. So those Senators who have amendments on the list and wish to offer them should do so during the day today prior to 6 p.m. I want to thank the managers for their efforts on both Friday and yesterday and encourage all Senators to be available for rollcall votes throughout the day and into the evening today.

Under an order entered last year, as soon as we finish this bill, we will turn to consideration of S. 1150, the education bill, on which I hope we can have prompt action.

I thank my colleagues for their cooperation. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

A CONTINGENT WORK FORCE

Mr. METZENBAUM. Mr. President, the U.S. Senate is often referred to as "the world's greatest deliberative body." I think most Senators are fairly well informed in the affairs of this country, but sometimes we just miss the boat.

What if I were to tell you that there is a business trend most Senators know nothing about that affects 34 million workers, more than one-quarter of our work force? What if I told you that this trend leaves these workers with substantially lower wages, no health or pension benefits, little job security, and few legal protections? And what if I told you that this trend has a substantial impact on our productivity, our standard of living and our competitiveness as well?

Mr. President, I think the Members of this body and all Americans want to know more about this issue and that is why I am here today.

The problem I have described is a reality and it involves the growth of the contingent work force. It includes millions of part-time and temporary workers, leased employees and independent contractors. Let me give an example of this phenomenon.

When President Clinton took office 1 year ago, he told the Nation that to improve our competitiveness, we must invest more in our own people, in their jobs, in their future. Twelve days later, the Bank of America announced plans to fire thousands of full-time bank tellers and rehire them as part-time workers. The company's action was not driven by economic necessity. In fact, Bank of America had just earned a record $1.5 billion in profits for 1992. But the company slashed the hours of thousands of loyal workers, cut their paychecks in half, terminated their health, pension, and vacation benefits. So much for investing in our work force. Thank you, Bank of America.

But they are not alone. This heartless and cruel action was symbolic of a much larger trend. Many U.S. businesses have been hiring part-time, temporary, and other contingent workers to replace full-time workers as part of a restructuring effort aimed at cutting labor and health care costs.

As this chart shows, for example, the temporary health industry has grown three times faster than the work force as a whole over the past decade. Look

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

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at the difference. One has been almost a straight line with a slight increase and the other has gone up at a meteoric rate. Some predict the contingent workers will outnumber full-time workers by the end of this century. But even today, the largest U.S. employer is not General Motors, it is not IBM, it is not Ford, it is Manpower, Inc., a temporary service firm that employs over half a million people each year. Time magazine has concluded that the growth of the contingent work force is the most important trend in business today and that it is fundamentally changing the relationship between Americans and their jobs.

Many Americans, including many in the Senate and in the House of Representatives, are unaware of the effects of this insidious trend. But look closely and you will realize that its implications are staggering. Companies like Bank of America are cutting much more than just wages and benefits. They are cutting job security. They are cutting worker training. They are cutting opportunities for advancement. In short, they are cutting the heart out of the American work force. True, some workers want temporary or part-time assignments because of other commitments or because they need a stepping stone to a full-time job. But over 1 million full-time workers are losing their jobs each year, including tens of thousands of white-collar workers at previously stable firms like IBM and Procter & Gamble. And a growing number of these workers cannot find new full-time employment.

This problem is not going away. It is insidious. It continues to grow. The fact is most Americans know little about it, and certainly Members of Congress have given it little heed.

Workers find themselves stuck in a holding pattern, typically without fair wages, without benefits, without hope for advancement. Take part-time workers as an example. As the chart shows, part-time workers earn, on average, 62 cents for every dollar earned by full-time workers, leaving many of their families below the poverty line; 65 percent of full-time workers have employer-provided health care benefits as compared to only 15 percent of part-time workers. Nearly half of all full-time workers get pension benefits from their employers as compared to only 10 percent of part-time workers.

These are not just numbers. These are real people. These are your neighbors, your friends, people your children know, with whom they go to school, people like Hilary Atkin, of San Francisco, who lost her full-time job in 1990 and ever since has been working at temporary jobs, living in a trailer and going without health insurance; like Sheldon Joseph, a Chicago advertising executive who was laid off and is now a temporary worker at a community center; like Abraham Keels, of Cincinnati, who had worked for General Electric for 15 years when the company laid him off and rehired him as an independent contractor with no benefits; like Mary Meyers, who lost her job at IBM after 21 years and now she earns $7 an hour at a Wal-Mart store in Fishkill, NY; like Mary Rockymore, of Pittsburgh, who works two part-time jobs as a bakery clerk and a medical secretary, but she has no health insurance for her children notwithstanding her two jobs.

These workers want full-time jobs. The American economic system demands it. The viability of the capitalist system requires it. But they cannot find those jobs. They are struggling. They are decent people trying to make ends meet. Many of them actually have to turn to their Government for help. But the sad truth is that, like corporate America, the Federal Government has turned its back on these workers.

For example, millions of contingent workers find themselves excluded from workers' comp when they are injured on the job. In addition, according to the General Accounting Office, the majority of States exclude independent contractors and part-time workers from their unemployment insurance programs, which are funded in part by Congress. And millions of working Americans are excluded from the protections of Federal employment laws like OSHA, civil rights, the National Labor Relations Act, and our minimum wage laws.

The recently enacted Family and Medical Leave Act, for example, only covers workers who are employed 25 or more hours per week for at least a year. It is no accident that an increasing number of American workers are excluded from these basic protections. American employers are devising new strategies to allow them to hire workers without having to worry about complying with these laws. American workers fought long and hard for these Federal rights, but if this trend continues, we will be right back where we were at the beginning of this century before these statutes were enacted.

We are not talking just about the problems of the individuals who are laid off from permanent, regular, full-time jobs and become part-time workers. We are talking about the viability of the capitalistic system as we know it. We are talking about the strength of our economy. We are talking about the question of whether or not part-time workers are going to have enough money to buy the automobiles that are coming off the line or the new appliances that are being manufactured. The Federal Government, as a matter of fact, has become part of the problem, as the case of James Hudson illustrates. You may remember him. He was written up in the Washington Post in a very large story. Hudson died of a heart attack last year shortly after completing a 16-hour cleanup shift at the Lincoln Memorial after the July 4 Independence Day celebration. He had held his temporary job with the Department of the Interior with no pension or life insurance benefits for 8 years.

After a public outcry, Congress acted to help Hudson's wife and seven children. But that is just the family of James Hudson. There are many other James Hudsons—more than 1,000 at the Department of the Interior who have held temporary assignments for over 2 years and more than 450,000 Federal workers employed in temporary and part-time positions overall.

I hope this short speech that I am making in this Chamber will alert those who are the heads of these various Government agencies to take a look at the propriety of their continuing to employ people on a part-time basis and deny people the benefits they would otherwise be entitled to as full-time employees.

If the Federal Government treats workers like disposable assets, how can we expect business to act any differently? Ultimately, this trend poses a substantial risk to our free enterprise system as a whole. Henry Ford recognized that he had to pay his workers enough so they could buy his cars, but today, as millions of workers find themselves relegated to the contingent work force, their earnings will be slashed and their benefits eliminated. These workers will no longer be able to purchase the very products they are making, to buy a car or afford a mortgage or to contribute much to the economy. It is a simple truth: Disposable workers have no disposable income.

In addition, when companies replace full-time employees with disposable workers to cut labor costs, these costs do not simply disappear; they are borne by workers and by taxpayers. That is why the National Governors Association is worried that if this trend continues, we will create a permanent underclass dependent on Government programs. The more contingent our work force becomes, the more dependent workers will be on Government programs for income assistance, health care, and retirement income.

We need a high wage, high productivity strategy to ensure U.S. competitiveness into the next century. But that strategy cannot succeed without long-term investment in workers' skills. We must, as Labor Secretary Robert Reich has stated, treat our work force as our most precious asset. The increasing use of contingent labor is a central feature of a low-wage strategy, and it takes us in the opposite direction. It devalues workers and breaks the work bonds that have traditionally linked workers and employers, a critical component of a high-productivity workplace. As British author Charles

Handy said, if you treat people as casual labor, they will respond casually.

I intend to sound the alarm on this issue. On February 8, next Tuesday, I will be chairing a labor subcommittee conference on the contingent work force. Participants will include Secretary Reich, corporations such as AT&T, Hewlett Packard, and contingent workers. I intend to seek solutions to this problem through voluntary cooperative initiatives and enforcement of new laws and new legislation to protect contingent workers. In light of this trend we may need to rethink many of our traditional assumptions about work, training, pensions, unemployment insurance, and a host of other issues.

Normally our committee structure is such that, when a committee meets, only members of the committee, whether it is a subcommittee or full committee, are permitted to participate. I invite all of my colleagues to participate. It will be a conference in which you are entitled to participate and ask questions and act as if you are a full member of the committee because I think there is one thing that is certain. This insidious trend is tearing at the social fabric of our Nation, and I do not think anybody is paying attention.

Unless we start to pay attention, it will turn this land of opportunity into a burial ground for the American dream.

Mr. President, I yield the floor.

Mr. HATCH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Utah [Mr. HATCH] is recognized to speak for up to 10 minutes.

Mr. HATCH. Thank you, Mr. President.

THE NEED TO RETAIN THE ANTIGANG PROVISION OF THE CRIME BILL

Mr. HATCH. Mr. President, in my opinion, it is time for President Clinton to call on the Congress to pass certain key provisions that are currently a part of the Senate crime bill and that he has not yet addressed. We cannot afford to have this crime bill follow the pattern of last Congress' crime bill conference where, over the objection of several conferees, a majority of conferees adopted the softest, most liberal provisions passed by either body on a range of criminal issues. I am concerned that without President Clinton's strong, specific support and leadership on several worthy, tough-on-crime provisions, they will be jettisoned in conference or significantly weakened.

One such provision is the Dole-Hatch-Brown gangs amendment. This amendment passed the Senate by an overwhelming vote of 60 to 38. The Senate was responding to the epidemic of gang violence which is gripping our Nation's urban and rural areas. Our Nation's heartland is witnessing an unprecedented growth in gang violence—a scourge known all too well to cities like Los Angeles and New York City.

Once thought to only be a problem of our Nation's largest cities, gangs have invaded cities like Salt Lake City, UT. The problem of gang violence is of great concern to the citizens of my State. According to the Salt Lake Area Gang Project, a multijurisdictional task force created in 1989 to fight gang crime in the Salt Lake area, there are at least 215 identified gangs in our region with over 1,700 members. Juvenile involvement in Utah's gangs is substantial, accounting for 34 percent of gang membership. Members are usually from 15 to 22 years of age.

The young people of our cities need to be steered away from gang involvement. As well, law enforcement needs tools to intervene early in the lives of these troubled minors. Gang intervention efforts are critical to the Salt Lake valley, the entire State of Utah, and every State of the union. Federal involvement is also crucial to our Nation's ability to effectively and efficiently control gang violence. That is why we need to ensure that the Senate antigang title of the crime bill is not weakened in conference.

The Senate crime bill ensures continued funding for antigang intervention projects. It also includes a provision providing for the powerful arm of the Federal Government to be made available to State and local law enforcement agencies to help combat gang violence. This amendment makes it a Federal offense to engage in gang-related crime and subjects gang members to tough mandatory minimum penalties. For example, gang members who recruit others into criminal gangs or engage in criminal conduct shall be subject to a mandatory minimum penalty of 5 years imprisonment. If a gang offense involved attempted murder, the perpetrator faces a mandatory minimum 20 years imprisonment and, if there is a murder, the gang member faces a possible death sentence. As well, our amendment makes it a RICO predicate [Racketeer Influenced and Corrupt Organizations], punishable with up to 20 years imprisonment, to involve juveniles in criminal enterprises. That is, criminal gang leaders who use juveniles in criminal enterprises for financial gain will be subject to the same penalties as organized crime leaders.

The Senate crime bill also provides for adult prosecution of serious juvenile offenders. An amendment offered by Senator MOSELEY-BRAUN and me requires adult prosecution of teenagers who use a firearm to commit a crime. In addition, the Senate bill provides $100 million for additional Federal prosecutors who will be assigned to fight gang violence. These additional prosecutors will make implementation of this gang measure a reality by ensuring that additional prosecutors will be assigned to cities where most needed.

Finally, the Senate crime bill provides $150 million for grant programs to assist in prevention and enforcement programs aimed at fighting juvenile gangs.

Mr. President, I am concerned that this aspect of the crime bill will be gutted in conference, particularly the part that makes gang offenses a Federal crime. This aspect of the bill was opposed by some of my colleagues from the other side of the aisle. Now we learn that some Members of the other body object to this provision.

Those who oppose the Senate gang provisions argue that this amendment unnecessarily federalizes matters that are better left to the States. Yet, I can think of no area where there is a greater Federal interest than in assisting the States in the prosecution and incarceration of violent offenders. This is especially true given that much of the drugs and firearms used by gangs in States like Utah cross State lines.

The first responsibility of government is to ensure the safety of the public. It is true that State and local government now handle over 95 percent of the criminal cases filed each year. The Senate crime bill recognizes this fact by proposing a significant increase in financial assistance to States to hire additional police, build more prisons and jails, and make schools safer. I submit, however, that the Federal Government's role in assisting the States fight against violent crime must be measured by more than just dollars.

The Federal Government, as a result of the Controlled Substance Act, has jurisdiction over virtually all drug trafficking, manufacturing, and distribution offenses. Yet, most drug cases are still prosecuted at the State and local level. This is because the Federal law enforcement agencies have worked in a coordinated manner with local officials so that the United States' resources can be used most effectively.

The Dole-Hatch-Brown antigang amendment does not transfer the exclusive jurisdiction of gang offenses from the States to the Federal Government. Rather, it permits the Federal Government to assist the States in their ongoing effort to fight gang violence. This amendment does not relieve the States of any responsibility for prosecuting gangs or other violent crime. It simply permits Federal assistance.

I fear that, without the President's strong support for this provision, the conferees from the other side of the aisle in both bodies will gut this provision. Absent the President's leadership, I fear the conference will pass a sham

Federal antigang initiative. The original crime bill supported by President Clinton contained a weak provision. It appeared to make gang offenses a Federal crime but was too narrow to be of any practical use to prosecutors. In fact, in order for a gang offender to be prosecuted under their proposal, he or she must have committed a Federal crime and have had a prior felony criminal conviction for drug trafficking or a crime of violence.

I appreciate the fact that Federal judges are opposed to the increased trend toward federalizing crimes. Yet, claims that criminal cases are taking up a disproportionate amount of Federal filings are not supported by the facts. According to the Administrative Office of U.S. Courts, the criminal caseload per judge is nearly 50 percent below that of 1972. The number of criminal cases reached a 40-year peak in 1972 and, despite all of the cries from the defense bar, the number of criminal cases filed in 1992 was actually 14 percent below the 1972 figures. There were fewer criminal cases in Federal courts in 1992 than there were in 1972 even though the number of authorized judges is now 62 percent higher than in 1972.

Mr. President, the choice is clear. If the President truly wants to provide the States the assistance they need in fighting gang violence, both financial support and jurisdictional support, then he should voice his support for the Dole-Hatch-Brown antigang amendment to the crime bill.

THE NATIONAL HOUSEHOLD SURVEY OF DRUG USE AND THE NATIONAL DRUG CONTROL STRATEGY

Mr. HATCH. Mr. President, today is February 1, the statutory deadline for the administration's drug strategy. It is now 1 year late. The results of the just-released Monitoring the Future Survey, which tracks drug use among high school students, are a warning of the dangers we face from the Clinton administration's continuing drift in drug policy. The survey confirms that the ground we gained in the drug war under Presidents Reagan and Bush is in danger of being lost. According to the survey, use of drugs among high school students is increasing alarmingly, and attitudes about drug use are relaxing. The survey shows significant increases in the overall use of all kinds of drugs, in use of marijuana, of inhalants, and LSD. LSD use is nearing the levels of use of the peak years of the 1970s. We need strong leadership from the administration to successfully wage the war on drugs. Mr. President, we must not let any more of this generation of youngsters slide into the horror and chaos of drug-induced debilitation and drug-fueled violence and crime.

So I call upon the administration to do more in this effort, and I am looking forward to their antidrug abuse policy that should be out as of today.

I thank you, Mr. President.

I yield the floor.

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

The ACTING PRESIDENT pro tempore. 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 (Mr. CAMPBELL). Without objection, it is so ordered.

SUPPORT FOR THE DOLE AMENDMENT

Mr. PRESSLER. Mr. President, I rise to support the Dole amendment to reform the United Nations. This amendment, the Peace Powers Act, would reform requirements that U.S. troops serve under the foreign command when they are participating in U.N. peacekeeping armies.

The amendment also provides several other ways to define the relationship between the United States and the United Nations. I have been a supporter of the United Nations, but I also introduced an amendment here on the floor that would require the United Nations to get an Inspector General to clean up some of the fraud and corruption in the United Nations.

Recently, "60 Minutes" and several other national news articles carried stories about how the United Nations cannot deliver food and medicine in many Third World countries. The reason the United Nations cannot deliver the food and medicine is because it is stolen, sometimes by United Nations employees. That is disgraceful. Even more disgraceful is the fact that there is no provision for an independent inspector general; there is no way of either firing these people or prosecuting them.

American taxpayer dollars go to the United Nations and constituents expect us to account for our contributions. We all want to support the United Nations. Senator DOLE's amendment goes even further. It takes a broad foreign policy look at the relationship between the United States and the United Nations. This legislation is a needed thing. I am a cosponsor and have worked on similar amendments in the Foreign Relations Committee.

I think it is time that we insist that the United Nations reform itself, that we clearly define our relationship with the United Nations, and that we move forward. This country pays about 26 percent of the basic assessment at the United Nations and about a third, or 31.7 percent, of the peacekeeping assessments; when you include all of the other assessments, we pay—in some people's view it amounts to about 35 percent. That is one country—the United States. Our rich European allies and Japan do not share that burden equally.

The way the assessment is calculated is not fair to the United States. I was pleased that when President Clinton spoke to the United Nations, he said that the United Nations needed an inspector general; he also raised the issue of assessments. I am glad he has embraced those ideas.

So, Mr. President, I shall be supporting the Dole amendment very strongly. The other day, this Senate passed a binding amendment that I offered that would require that we withhold 10 percent of our dues to the United Nations in 1994, and 20 percent in 1995, unless they create an independent inspector general, and unless the President of the United States can certify that in his judgment it is an independent inspector general who is making real reforms and investigating the waste and fraud that has been taking place.

It is a sad thing when medical supplies go to a country in Africa and are put in a warehouse, the next day it is reported that they have all been stolen, and then the next day they are all for sale on the black market. It is a sad circumstance when the United Nations cannot dispense food without having it stolen and resold. It is also a sad thing that in Yugoslavia, where food and medical supplies are needed desperately, that the United Nations finds its materials disappear and the next day they appear for sale on the black market. Incidents like that show that there is a lack of good management, that there is corruption, and it shows the American taxpayers that their hard-earned tax dollars are being wasted.

So I rise in support of the Dole amendment and I urge its adoption.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

TRIBUTE TO THE REVEREND COLMAN BARRY

Mr. DURENBERGER. Mr. President, I rise today to pay tribute to the life of Father Colman Barry, former president of St. John's University in Collegeville, MN, who passed from this life on January 7.

Father Colman was President of St. John's University, my alma mater, from 1964 to 1971. At that time, St. John's Abbey and University was the largest Benedictine community in the world. Father Colman brought to that

leadership responsibility a vision and creativity that he has enhanced the lives of everyone in Minnesota, and initiated greater understanding among people of all faiths.

Father Colman Barry was a historian who illuminated the past so we could have a better vision of the future. His ministry was education, and he used the gifts he brought to his ministry to enlighten hearts and minds. He was an initiator, an inspirer of ideas, and a host who brought people together to understand and celebrate each other's diversity as well as our similarities.

During his years as president of St. John's, the Center for Ecumenical and Cultural Research, a residential center for religious and social study, was founded. Today, that center brings together people of all faiths.

Father Colman created the Hill Monastic Manuscript Library, which holds a microfilm collection of the rich and treasured monastic manuscripts from around the world. The library grew out of his belief that St. John's could bring treasures of antiquity to enlighten the minds and lives of people far beyond our time.

And Father Colman's vision and commitment to the arts and culture led him to cofound Minnesota Public Radio. MPR has created a sense of community statewide as it broadcasts news, information, public affairs, world events, classical music, and "The Prairie Home Companion" across its 23 stations.

Father Colman had faith that ideas will live longer than the mortals who initiate them. It is part of the Benedictine tradition of nurturing ideas and projects.

Mr. President, Father Colman was also my teacher, my mentor, and my friend. He guided me through American history and church history. He prepared me for a life in which today and tomorrow need not be addressed without the guidance of yesterday.

Father Colman blessed my first marriage and was there for my wife's burial service—while students engaged in 1970 protests occupied his presidential office. He counseled me on my political opportunities and helped put adversity in perspective. Father Colman always lifted me up with his "don't you think?" or his "imagine that"—particularly good for a politician.

Just 4 days before his death, Father Colman's updated edition of "Worship and Work," the history of St. John's, came off the press. It was like a final gift from Father Colman, one that we can hold in our hands—and one that will remind us of the great positive influence St. John's has had in the lives of all of us who learned there.

Mr. President, Father Colman was a remarkable leader. His life among us will be remembered because of the ideas he nurtured in us. I ask my colleagues to join me in paying tribute to this great man and to the example he set for so many.

I ask unanimous consent that the homily preached at Father Colman's funeral by Abbot Timothy Kelly, O.S.B., be included in the RECORD at the conclusion of my remarks.

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

HOMILY FOR FATHER COLMAN BARRY'S FUNERAL, JANUARY 10, 1994

(By Abbot Timothy Kelly, O.S.B.)

When we celebrate any liturgy we listen to the Word of God who reveals what God has done in the past, that we might know what God is doing in the present, and have genuine hope for what is yet to come. Through the prophet Isaiah, God has said: "Do not fear, or be afraid; have I not told you from of old and declared it? Is there any God besides me? There is no other rock; I know not one."[1] The servant of God is the one called by God in righteousness and God has taken him by the hand and protected him. "I have given you as a covenant to the people," God says, "a light to the nations, to open the eyes that are blind, to bring out the prisoners from the dungeon, from the prison those who sit in darkness . . . See, the former things have come to pass, and new things I now declare; before they spring forth, I tell you of them."[2]

Those hear the word of God who act upon that word and shape their lives and their ministries in accord with it. These are the ones who will, at the coming of the Lord, hear the longed for words: "Come, you that are blessed by my Father, inherit the kingdom prepared for you from the foundation of the world; for I was hungry and you gave me food, I was thirsty and you gave me something to drink, I was a stranger and you welcomed me, I was naked and you gave me clothing . . ."[3]

The Spirit of Jesus brings forth many ways of ministering to the needs of people in this world, and all good gifts are directed to the upbuilding of the Body of Christ, the Church, that God may in all things be glorified. The ministry of education for the enlightenment of minds and hearts is a powerful example of a gift that brings light to the nations, opens eyes that are blind, brings prisoners out of the darkness of ignorance, feeds the hungry, gives drink to the thirsty, welcomes the stranger, and clothes the naked. Education is hospitality par excellence, for it not only gives of the wisdom acquired but listens to the wisdom present in the guest.

The historian and the monk have much in common, and when the two meet in one man a dimension of this discipline is revealed that produces a wisdom much needed in the world today. Father Colman Barry was a man of that wisdom, a man of vision who could read the present because he knew the past so well, and this gave him great insight into what will be or could be. As teacher and as administrator he was the listener, as every good monk should be. But he was also the initiator, the one who inspired others, the man of gigantic and myriad ideas, many of which found expression institutionally in ways that will not soon be forgotten. One admirer said: "Father Colman has so many ideas that some of them are bound to turn out well."

His great respect for history and tradition meant that he could discern the living voice of God that wanted to continue to be a living voice. He vigorously promoted the Hill Monastic Manuscript Library, a project very dear to his heart, and kept a lively interest in it right to the end. But he did not believe that monasteries, universities or churches should be museums for antiques, bur rather places where the life-giving Spirit could bring forth the old and the new bring life to people enslaved by ignorance, fear, and insecurity. For Father Colman, to hang on to the past as though God no longer lives would be to create idols in the present, not to represent what was good from the past but to control what is feared in the future. The living God cannot be idolized because an idol can only be blind and deaf, unable to walk or talk—and therefore wholly predictable. The living God continues to hear and see and move and speak a word that enlivens, that gives hope and promises what an idol cannot. God speaks in the past a living word for us now: "return to me, for I have redeemed you." All of creation has been redeemed and by directing itself to the creator shows forth the glory of the living God.

One of his proudest involvements was in the founding of what would become known as Minnesota Public Radio. His support of this project came because he could see how important a role it would play in the ongoing education and cultural development of the thousands who would benefit from it over the years.

As president of Saint John's University he was led by a principle he articulated later in an interview:

"The philosophy at St. John's University and Abbey [he said] was built on the Benedictine tradition of nurturing ideas and projects, based on the faith that these ideas will live longer than the mortals who initiate them. This allowed us the freedom to take risks, to develop ideas and then let go of them to see where they would go. Supporting arts and culture was also an integral part of the Benedictine philosophy."[4]

His work in the university found him to be a man of many interests who could be concerned about the school of theology, fund raising, the building of a library, and the success of the football team. His sense of humor emerged in a letter to Abbot Baldwin who was at Vatican Council II in Rome at the time. In talking about a championship football game he said:

"First half and [St. John's] 6-0 (almost a pattern this year), and then in second half they scored and scored. Wave on wave of student Ostrogoths and Visigoths, Huns and Moabites, left here for the Parade Stadium in Mples. A championship fever has struck."

His spirit of hospitality drew him into the field of ecumenism, not as a theologian which he was not, but as the historian who knew the importance of God's movement at this time. He again wrote to Abbot Baldwin at the Council in 1965:

"The news from the Council about your vote on religious liberty is wonderful? . . . Nothing will help more in the years ahead in easing misunderstanding between Catholics, Protestants and Jews."

He supported dialogue between churches in very practical ways: by his support of the Institute for Ecumenical and Cultural Affairs, the various meetings held on-campus or elsewhere to foster understanding between churches and faiths, and his backing of the project of exchange professors between St John's and Luther College in Decorah, Iowa. He expressed his thinking on the subject in an article published in 1977:

"If the current movements of internal spiritual renewal coalesce with the ecumenical

[1] Footnotes at end of homily.

movement for a shift away from outdated division and creedal discord, a rich variety of religious experience could open up in society during the century ahead. Christianity, so often decried as outworn, reveals in its history a series of pentecostal renewals which have never been stereotyped in advance nor in their eventual development. A community of communions could emerge as an acceptable integration of moral force and spiritual awareness, not as just an impractical dream."[5]

Evidence of the impact Father Colman has had in ecumenism came to me yesterday in a letter from Jaroslav Pelican. He said:

"As a President of Saint John's in a time when it was coming into the modern Academy, he guided it with just the right mixture of boldness and tradition. And as, above all else, a living embodiment of the Benedictine ideal, he exhibited to many who had never seen a monk before how rich the vow of poverty can make someone, how passionately loving a devotee of the vow of chastity can be toward all precisely because no one person can claim that passion, and how free of coercion the vow of obedience can make him."[6]

Father Colman's love and appreciation of history made him the visionary he was. When asked his vision for the church in the 1990s he wrote this:

"American society continues to open steadily to the spiritual dimensions of life in our age of individualism, mobility, new technology, mass communication and overstressed sexuality. More hospitable places will develop in American Catholic religious centers for people of no or all faiths who want to seek, listen, read the Hebrew and Christian Scriptures, be silent or converse about God.

"There will be a need to confess our blindness and deafness before the unending wonder of God's creation, as well as the folly of our prideful personal and institutional infallabilities; and a request that we might see, hear and be faithful stewards and witnesses in our place in the time given to us."

There is with us today a sense of loss of someone very precious to us, and at the same time an understanding of ongoing life. We will miss the kinds of quips he might address to Msgr. Yzermans when he said, "we need his prelature presence!" But who cannot be reminded of Colman with us when looking at the Alcuin Library? We'll remember his puckish humor when after telling a story he'd add: "Isn't that awful?" and then laugh. Or we might know Colman's influence remains in the Hill Monastic Manuscript Library, and still miss his frequent comment: "Imagine." His great appreciation for benefactors that is embodied in the Ecumenical Institute will always remind of us of his words: "Isn't that good of him?" And even as we tune in to MPR, a living monument to his memory, we'll miss that mellow voice that would state a truth to us and then inevitably add: "don't you think?"

Yes, Father Colman, we'll miss you, but we'll also know that so much of what we are today as a monastery and an educational community will continue to carry who you are, simply because in you took root so much of what we are. You took seriously the words of St. Paul to the Romans when he said:

"Let love be genuine; hate what is evil, hold fast to what is good; love one another with mutual affection; outdo one another in showing honor. Do not lag in zeal, be ardent in spirit, serve the Lord. Rejoice in hope, be patient in suffering, persevere in prayer. Contribute to the needs of the saints; extend hospitality to strangers."

May God receive you now into eternal union where one day we'll all enjoy the heavenly hospitality you worked so hard here to anticipate.

FOOTNOTES

[1] Is. 44:8.
[2] Is. 42:6-7, 9.
[3] Matt. 25:34-36.
[4] "Minnesota Monthly" January 1992.
[5] The Catholic Historical Review, Vol XLIII, No. 3, July 1977.
[6] Letter to Abbot Timothy from Jaroslav Pelican, 8 January 1994.

BOSNIA'S SECOND WINTER

Mr. DECONCINI. Mr. President, after a long recess, Congress has now reconvened for the new session. During the recess, the war in Bosnia and Herzegovina continued unabated:

Serb shelling intensified in many places, including Sarajevo.

Croat-Bosnian fighting, brought about by Croation attempts to join with Serbia in taking Bosnian territory, persisted in the central part of the country, with atrocities by both sides reported.

Humanitarian relief operations continue to be deliberately interrupted.

Also during the break, unfortunately, we saw the international community do virtually nothing—certainly nothing effective—to bring an end to the war. NATO repeated its warning of air strikes against the Serbs laying siege to Sarajevo and other civilian centers, but conveniently left a decision on the matter to the United Nations. In the meantime, the major European powers and the United States bicker endlessly over who is at fault for this mess and who should take the lead in cleaning it up. Hopefully, President Clinton's reaffirmation of the air strike option yesterday will encourage more forceful involvement by our European allies.

I was glad to see that this Senate took up the issue soon after its return to Washington. The 87-to-9 vote calling for the lifting of the arms embargo on Bosnia-Herzegovina, made it clear that Bosnia-Herzegovina is the victim in the war, not just one of the so-called warring factions. It recognized Bosnia's right to self-defense, a right that must be respected if the international community is unwilling to defend this U.N. member.

More broadly, the vote made clear that Bosnia is not going to go away, no matter how much the world, the administration, and perhaps some here would like it to do. Morally, we cannot ignore it; it is genocide in our own time.

Strategically, we cannot ignore it; it still threatens to spread and affect our European security interests, directly and indirectly.

Tomorrow, Mr. President, I am hosting a Helsinki Commission briefing with the first official Bosnian representative to the United States, Mr. Sven Alkalaj, who arrived here late last year and has now established an Embassy. I would like to invite all my colleagues in the Senate to attend, even if only for a few minutes.

Given the importance of the Bosnian conflict, and irrespective of one's personal views on it, the briefing will give many of us a first chance to meet Mr. Alkalaj to hear about the situation in his country right now, and to learn the Bosnian Government's views.

The room is H328 of the Capitol, and the time is 2:30 tomorrow, February 2. I hope to see my colleagues there.

THE DEATH OF SHELLY

Mr. DORGAN. Mr. President, 2 months ago, our family suffered a terrible loss with the death of our daughter Shelly. She was a beautiful and wonderful young woman, just entering the prime of life.

She died from complications of corrective heart surgery that was expected to be routine and safe with a 99.5 percent success rate. But, tragically, the surgery was not successful for Shelly. The doctors are still unable to explain Shelly's heart failure. It was a harsh reminder to us that the wonder of modern miracles in medicine is still tempered with a lack of certainty and a continuing mystery about human life.

While Shelly's death is not able to be completely explained, her life provides for me a full explanation of why we miss her so. She was a very special young woman.

Today, I want to express how deeply thankful I and my family have been for the expressions of prayers, support and strength from so many friends in North Dakota and also from those with whom I serve here in the U.S. Congress.

So many have taken the time to call or write and do the little extra things to show they care. I want to tell all of you how much it has meant to me and to my family.

Finally, I would like to share with my colleagues something that I wrote following Shelly's death.

SHELLY, A TREASURY OF MEMORIES

She is a beautiful, bright, witty, wonderful 23-year-old wife, daughter, relative and friend. She lived and she died. And because she lived, our lives are forever changed.

Our sorrow is heavy today because we know our loss. The poet Lord Byron wrote, "There is no joy the world can give like that it takes away." We know that today.

We also know that it is our lot, all of us, to die. We understand that. But, Shelly died too young. We don't understand that.

When a parent dies, they take with them their past. But the death of a 23-year-old takes the future as well.

So what is left? Memories. No matter our status in life, that is all any of us will ever leave. And Shelly, despite her youth, left us a Treasury of Memories.

They included, from here to there, a smile, a tear, a giggle, an act of kindness, a gentle touch, an encouraging word, and a warm embrace. In recent weeks, facing difficult surgery, she left us the memory of a young

woman full of hope, determination, strength, courage, and faith. Would, that we all, could leave such memories.

Her wish today, we are certain, would be for us not only to be strengthened by the memories of her but also to take comfort in the promise that our common fate is to meet Shelly again in eternal life.

Until then her love will never die, and her spirit will forever remain a part of our lives.

These words of an unknown author speak to us for Shelly today.

"Do not stand at my grave and weep
I am not there, I do not sleep,
I am now the thousands of winds that blow
The glint of diamonds in the snow,
I am the sunlight on ripened grain
I am the gentle autumn rain,
When you awaken in the morning hush,
I am the swift uplifting rush
Of quiet birds in circled flight
I am the soft star that shines at night,
So do not stand at my grave and cry,
I am not there . . . I did not die."

And so it is with Shelly. She lives forever in our hearts—until we meet again.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOX SCORE

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend even 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 politicians or editors or commentators 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 $4,526,307,553,267.04 as of the close of business yesterday, Monday, January 31. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,361.40.

JOINT COMMITTEE ON PRINTING, COMMITTEE RULES

Mr. FORD. Mr. President, as chairman of the Joint Committee on Printing for the 103d Congress, 2d session, I ask that a copy of the committee rules be included in the RECORD, as follows:

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

JOINT COMMITTEE ON PRINTING

RULE 1—COMMITTEE RULES

(a) The rules of the Senate and House insofar as they are applicable, shall govern the Committee.

(b) The Committee's rules shall be published in the Congressional Record as soon as possible following the Committee's organizational meeting in each odd-numbered year.

(c) Where these rules require a vote of the members of the Committee, polling of members either in writing or by telephone shall not be permitted to substitute for a vote taken at a Committee meeting, unless the Ranking Minority Member assents to waiver of this requirement.

(d) Proposals for amending Committee rules shall be sent to all members at least one week before final action is taken thereon, unless the amendment is made by unanimous consent.

RULE 2—REGULAR COMMITTEE MEETINGS

(a) The regular meeting date of the Committee shall be the second Wednesday of every month when the House and Senate are in session. A regularly scheduled meeting need not be held if there is no business to be considered and after appropriate notification is made to the Ranking Minority Member. Additional meetings may be called by the chairman as he may deem necessary or at the request of the majority of the members of the Committee.

(b) If the chairman of the Committee is not present at any meeting of the Committee, the vice-chairman or ranking member of the majority party on the Committee who is present shall preside at the meeting.

RULE 3—QUORUM

(a) Five members of the Committee shall constitute a quorum which is required for the purpose of closing meetings, promulgating Committee orders or changing the rules of the Committee.

(b) Three members shall constitute a quorum for purposes of taking testimony and receiving evidence.

RULE 4—PROXIES

(a) Written or telegraphic proxies of Committee members will be received and recorded on any vote taken by the Committee, except at the organization meeting at the beginning of each Congress or for the purpose of creating a quorum.

(b) Proxies will be allowed on any such votes for the purpose of recording a member's position on a question only when the absentee Committee member has been informed of the question and has affirmatively requested that he be recorded.

RULE 5—OPEN AND CLOSED MEETINGS

(a) Each meeting for the transaction of business of the Committee shall be open to the public except when the Committee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public. No such vote shall be required to close a meeting that relates solely to internal budget or personnel matters.

(b) No person other than members of the Committee, and such Congressional staff and other representatives as they may authorize, shall be present in any business session which has been closed to the public.

RULE 6—ALTERNATING CHAIRMANSHIP AND VICE CHAIRMANSHIP BY CONGRESSES

(a) The chairmanship and vice chairmanship of the Committee shall alternate between the House and the Senate by Congresses. The senior member of the minority party in the House of Congress opposite of that of the chairman shall be the Ranking Minority Member of the Committee.

(b) In the event the House and Senate are under different party control, the chairman and vice chairman shall represent the majority party in their respective Houses. When the chairman and vice chairman represent different parties, the vice chairman shall also fulfill the responsibilities of the Ranking Minority Member as prescribed by these rules.

RULE 7—PARLIAMENTARY QUESTIONS

Questions as to the order of business and the procedures of the Committee shall in the first instance be decided by the chairman, subject always to an appeal to the Committee.

RULE 8—HEARINGS: PUBLIC ANNOUNCEMENTS AND WITNESSES

(a) The chairman, in the case of hearings to be conducted by the Committee, shall make public announcement of the date, place and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the Committee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the chairman shall make such public announcement at the earliest possible date. The staff director of the Committee shall promptly notify the Daily Digest of the Congressional Record as soon as possible after such public announcement is made.

(b) So far as practicable, all witnesses appearing before the Committee shall file advance written statements of their proposed testimony at least 48 hours in advance of their appearance and their oral testimony shall be limited to brief summaries. Limited insertions or additional germane material will be received for the record, subject to the approval of the chairman.

RULE 9—OFFICIAL HEARING RECORD

(a) An accurate stenographic record shall be kept of all Committee proceedings and actions. Brief supplemental materials when required to clarify the transcript may be inserted in the record subject to the approval of the chairman.

(b) Each member of the Committee shall be provided with a copy of the hearings transcript for the purpose of correcting errors of transcription and grammar, and clarifying questions or remarks. If any other person is authorized by a Committee member to make his corrections, the staff director shall be so notified.

(c) Members who have received unanimous consent to submit written questions to witnesses shall be allowed two days within which to submit these to the staff director for transmission to the witnesses. The record may be held open for a period not to exceed two weeks awaiting the responses by witnesses.

(d) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Committee. Testimony received in closed hearings shall not be released or included in any report without the approval of the Committee.

RULE 10—WITNESSES FOR COMMITTEE HEARINGS

(a) Selection of witnesses for Committee hearings shall be made by the Committee staff under the direction of the Chairman. A list of proposed witnesses shall be submitted to the members of the Committee for review sufficiently in advance of the hearings to permit suggestions by the Committee members to receive appropriate consideration.

(b) The Chairman shall provide adequate time for questioning of witnesses by all members, including minority members, and the rule of germaneness shall be enforced in all hearings.

(c) Whenever a hearing is conducted by the Committee upon any measure or matter, the minority on the Committee shall be entitled, upon unanimous request to the Chairman before the completion of such hearings, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

RULE 11—CONFIDENTIAL INFORMATION FURNISHED TO THE COMMITTEE

The information contained in any books, papers or documents furnished to the Committee by any individual, partnership, corporation or other legal entity shall, upon the request of the individual, partnership, corporation or entity furnishing the same, be maintained in strict confidence by the members and staff of the Committee, except that any such information may be released outside of executive session of the Committee if the release thereof is effected in a manner which will not reveal the identity of such individual, partnership, corporation or entity in connection with any pending hearing or as a part of a duly authorized report of the Committee if such release is deemed essential to the performance of the functions of the Committee and is in the public interest.

RULE 12—BROADCASTING OF COMMITTEE HEARINGS

The rule for broadcasting of Committee hearings shall be the same as Rule XI, clause 3, of the Rules of the House of Representatives.

RULE 13—COMMITTEE REPORTS

(a) No Committee report shall be made public or transmitted to the Congress without the approval of a majority of the Committee except when Congress has adjourned; *Provided*, That any member of the Committee may make a report supplementary to or dissenting from the majority report. Such supplementary or dissenting reports should be as brief as possible.

(b) Factual reports by the Committee staff may be printed for distribution to Committee members and the public only upon authorization of the chairman either with approval of a majority of the Committee or with the consent of the Ranking Minority Member.

RULE 14—CONFIDENTIALITY OF COMMITTEE REPORTS

No summary of a Committee report, prediction of the contents of a report, or statement of conclusions concerning any investigation shall be made by a member of the Committee or by any staff member of the Committee prior to the issuance of a report of the Committee.

RULE 15—COMMITTEE STAFF

(a) The Committee shall have a professional and clerical staff under the supervision of a staff director. Staff operating procedures shall be determined by the staff director, with the approval of the chairman of the Committee, and after notification to the Ranking Minority Member with respect to basic revisions of existing procedures. The staff director, under the general supervision of the chairman, is authorized to deal directly with agencies of the Government and with non-Government groups and individuals on behalf of the Committee.

(b) The chairman and vice chairman, on behalf of their respective bodies of Congress, shall be entitled to designate two senior staff members each. During any Congress in which both Houses are under the control of the same party, the Ranking Minority Member, on behalf of his party, shall be entitled to designate two senior staff members.

(c) All other staff members shall be selected on the basis of their training, experience and attainments, without regard to race, religion, sex, color, age, national origin or political affiliations, and shall serve all members of the Committee in an objective, non-partisan manner.

RULE 16—COMMITTEE CHAIRMAN

The chairman of the Committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee. Specifically, the chairman is authorized, during the interim periods between meetings of the Committee, to act on all requests submitted by any executive department, independent agency, temporary or permanent commissions and committees of the Federal Government, the Government Printing Office and any other Federal entity, pursuant to the requirements of applicable Federal law and regulations.

THE BIG BUDGET LIE

Mr. DOLE. Mr. President, on the op-ed pages of last Sunday's Washington Post, our colleague from New Mexico, Senator PETE DOMENICI, turned the spotlight on the important principle of truth-in-budgeting as it relates to the Clinton health care plan. In my view, this opinion piece by the ranking Republican member on the Senate Budget Committee is a valuable addition to the upcoming debates over health care and the budget, and I ask unanimous consent that Senator DOMENICI's op-ed from the January 30, 1994 edition of the Washington Post be included in the RECORD.

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

[From the Washington Post, Jan. 30, 1994]

THE BIG BUDGET LIE—HOW CAN THE ADMINISTRATION LEAVE THE HEALTH CARE PLAN OFF THE BUDGET?

(By Pete V. Domenici)

On Feb. 7, President Clinton is scheduled to submit his first real budget. What is in that budget will be, in one important way, less interesting than what is left out: the full budget impact of the president's sweeping proposals for reforming the country's health care system.

How the health care plan is reflected in the federal budget is more than an academic question. The administration's insistence that the plan's mandated premiums and benefits not be displayed as federal taxes and spending is ample testimony to the large political and practical consequences.

Excluding the reforms from the budget will not only obscure the health care debate for the American people, it will also establish a dangerous precedent: the enactment of major new federal programs with no apparent impact on taxes, spending or the debt. Indeed, the decision could determine whether the federal budget continues to be a meaningful document at all.

Governing and budgeting are inextricably linked. A budget determines how much of the private economy will be extracted for funding public purposes, and how those funds will be allocated among many competing objectives. It is not only a policy document, but a historical record book documenting the successes or failures in achieving the hopes and dreams that it embodies. As the president stressed in his State of the Union message, his health reform plan would be a signal change in American social policy. Excluding it from the budget process would be an extraordinary violation of well-established budget principles that have served both Democratic and Republican presidents and congresses over the years.

The first principle is that the budget should be comprehensive, including all federal fiscal activities. This principle, referred to as the unified federal budget, was established and affirmed with President Johnson's Commission on Budget Concepts in 1967.

Even in 1985 and 1989, when the Social Security trust funds and the Postal Service program were moved "off-budget" to avoid their calculation in the Gramm-Rudman sequester process, the federal budget presentation showed their receipts and payments in aggregate budget figures. That accounting practice continues to this day.

By this measure, there can be no question that the Clinton health care plan is a federal program and so should be part of the unified budget.

All essential ingredients of the president's plan would be established by federal statute. The roles, responsibilities and characteristics of the regional health alliances that administer the program would be determined by the federal government. Universal health coverage would be compelled by the federal government. By federal law, every legal resident of the United States would be required to participate in the program. The program would go into effect in every state even without the state's consent.

A new National Health Board would be created to oversee and regulate the entire system. It would establish requirements for states plans and approve state health plans. It would establish a "national budget for health care spending." The National Health Board would issue federal regulations governing benefits, procedures, reimbursements and cost-sharing requirements for qualified health plans, among other things.

If this isn't a federal spending program, what is?

And yet, Clinton administration proposes to exclude from the federal budget roughly $1.4 trillion in health care spending over the next five years (as estimated by a recent Lewin-VHI study) that would be subject to federal control. Over $100 billion of this spending would be from firms that do not now insure their workers. When expenditures of this magnitude are excluded, how seriously will anyone take federal budget controls in the future?

The second well-established principle of federal budgeting, again from President Johnson's commission, is that collections arising from the sovereign power or the government, involving regulations or compulsion, should be reported as receipts.

The Clinton health care plan would require the regional health alliances to administer the collection of compulsory social insurance premiums and use those proceeds to finance the purchase of medical care. Employer payments are compulsory; no one can choose not to participate. The employer's payment to the regional alliance is determined by a formula based on the "class of family enrollment" in the firm. A limit would be set on the employer's premium payments not to exceed 7.9 percent of total wages. The alliances would also be given the authority to borrow money from the Treasury, should benefits and receipts not match at certain times. (The image of "private" savings and loan associations with federal guarantees haunts my budgetary memory!) But none of these transactions would be reflected on the federal books, presumably on the argument that the alliances are "not federal entities."

It is true that most employers currently provide health insurance to their employees and, if the plan works as the administration

hopes, they will save somewhat less than $1 billion as a group over the next five years. But even if those savings are realized on average, the companies and their employees will lose the control over costs and benefit choices that they now have under current private employer-employee voluntary agreements or independently negotiated business-labor contracts. Except for very large firms, and then with some limitations, responsibility for determining benefits and monitoring costs and quality, would be transferred to the health alliances.

As for employers who do not now provide health insurance to their workers, they would have to make payments of more than $100 billion over the next five years to these "non-federal alliances." Those employers will not be persuaded that these are not new federal payroll taxes—nor should the public be.

The basic tenet underlying the budgetary principles that the administration's health plan would violate is that unless the budget includes all sources of federal revenues and all types of federally controlled spending—and any gap between the two—there is no way of measuring the overall impact of federal activity on the economy. For that reason, when the Social Security and unemployment programs were created in 1935, the mandatory employer and employee "contributions" that financed them were correctly counted as federal receipts. Thus, the budget identifies for all who want to know how much the federal government is extracting from the economy and allocating to those two major social programs.

More recently, Congress bailed out health benefit funds for certain coal miners in part by mandating that coal companies pay premiums to two new privately managed funds. Although the mechanism employed was defined as a private, multi-employer benefit plan, because this is actually a federal program compelled by the government's sovereign power it is included in the federal budget. President Clinton's health care financing mechanism is virtually identical. The fact that employer premiums flow to a regional health alliance and not the U.S. Treasury is no justification for removing them from the federal books.

As a very simple practical matter, imagine what would happen if the Clinton health care plan were "off-budget." Congress could raise the 7.9 percent cap on the employer payroll tax and never show it as a tax increase—in fact, it would be recorded as a spending cut because it would reduce the "on-budget" federal subsidy payments to the alliances. Further, Congress could include new health benefits in the mandated standard insurance plan and those new costs would be excluded from the budget. Private resources extracted for public purposes need to be accounted! If that principle is violated, even for the politically popular objective of reforming the nation's health care system, the costs will not only be measured in dollars but in the ability to govern effectively.

STATE DEPARTMENT RESORTS TO MISLEADING COMMENT REGARDING PEDOPHILES

Mr. HELMS. Mr. President, last week, the Senate unanimously approved my amendment to this bill withholding some $119 million in U.S. contributions to the United Nations until the President certifies that no U.N. agency grants any official status, accreditation, or recognition to any organization which promotes, condones, or seeks the legalization of pedophilia, that is, the sexual abuse of children.

As I explained at that time, the amendment was a response to the ill-advised decision by the Clinton administration to support, along with 21 other countries, the granting of consultative status to the International Lesbian and Gay Association [ILGA], a worldwide federation of homosexual organizations. Among ILGA's U.S. affiliates is the notorious North American Man/Boy Love Association [NAMBLA], an avowed pedophile group.

Since that amendment was passed, there has emerged what I must assume is a deliberate campaign to misconstrue the very clear language of the amendment—as well as the intent behind it. As described in articles in the Washington Times and in the Washington Blade, spokesmen for the State Department and for homosexual organizations have tried to suggest falsely that expelling NAMBLA from ILGA would take care of the problem.

Nothing could be further from the truth. It has been more than amply documented that ILGA itself is an organization that promotes, condones, or seeks the legalization of pedophilia in the language of the Amendment. ILGA falls under the purview of the amendment—whether or not NAMBLA is expelled from ILGA—as any honest examination of the record will reveal.

For example, in 1985 ILGA officially resolved that young people have the right to sexual and social self-determination and that age of consent laws often operate to oppress and not protect. Then in 1990, under the heading of "Man/Boy, Woman/Girl Love," ILGA called on all members to treat all sexual minorities with respect and to engage in constructive dialog with them. Furthermore, ILGA expressed their support for the right of every individual, regardless of age, to explore and develop his or her sexuality. These resolutions are precisely what NAMBLA advocates and prove without a doubt ILGA's own approval of pedophilia. Indeed, ILGA never displayed any concern about NAMBLA until it became a public issue. ILGA is now like the little boy who got caught stealing and said he was sorry—not sorry he was stealing, just that he got caught.

It is my hope and expectation that in consideration of the unanimous rollcall vote in support of this amendment in the Senate, a House/Senate conference committee will get this legislation to President Clinton's desk and that he will sign it into law. I cannot imagine that the conferees or the President would consider any other course with respect to ILGA's and NAMBLA's despicable agenda. Once approved, I hope the administration will not be taken in by false claims by homosexual spokesmen that ILGA, in the event of NAMBLA's expulsion, would no longer constitute a pro-pedophile organization: Both ILGA's record and the plain language of the amendment are crystal clear.

Unless ILGA has been stripped of its consultative status by the time this amendment becomes law, the President will have no choice but to withhold the funds specified. I urge all Americans opposed to the sexual abuse of children to monitor this issue carefully and make sure the House and the administration follow through on the Senate's lead.

TRIBUTE TO EMILY TAFT DOUGLAS

Mr. DASCHLE. Mr. President, I rise today to pay tribute to someone whom I have admired for many years, Emily Taft Douglas, a writer and former Member of the House of Representatives, who died of cardiac arrest on Friday at the age of 94.

Mrs. Douglas was the daughter of sculptor Lorado Taft, a distant cousin of William Howard Taft, the former U.S. President and Chief Justice, and the widow of former Senator Paul H. Douglas. But having served in the House of Representatives from 1945 to 1947, she was the first American woman to precede a husband to Congress, and a path breaker in her own right.

As a member of the House Foreign Affairs Committee, Mrs. Douglas was an active proponent of post-war U.N. Relief and Rehabilitation Agency programs. Immediately following the war she traveled extensively in war-ravaged Europe, backing the relief efforts of the United Nations.

Continuing her campaign for the underserved, Mrs. Douglas introduced legislation for library bookmobiles to bring library services to rural America. In her name, a bill ultimately passed as the Hill-Douglas Act following her husband's election to the U.S. Senate in 1948. The positive effects of her legislation are still felt throughout South Dakota.

Following her term in the House of Representatives, Mrs. Douglas was active in the civil rights movement, participating in the 1964 Selma, Alabama, civil rights march and serving as a representative to UNESCO and other U.N. conferences.

Mrs. Douglas extended her contribution to the Nation through her literary work as the author of three well-received novels. A fine person and a true pioneer, Mrs. Douglas will be missed by all whose lives she touched.

FOREIGN RELATIONS AUTHORIZATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will 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 U.S. 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:

(1) Helms Amendment No. 1290, to give fullest possible consideration to asylum applications from Chinese nationals fleeing coercive population control policies.

(2) Helms Amendment No. 1291, to express the sense of the Senate that certain conditions should be met before the People's Republic of China is accorded nondiscriminatory most-favored-nation treatment.

(3) Lott/Helms Amendment No. 1315, to establish a prohibition on security assistance for countries that consistently oppose the United States position in the United Nations General Assembly.

(4) Helms Amendment No. 1316 (to Amendment No. 1315), in the nature of a substitute.

(5) Cohen Amendment No. 1317, to require a report on Russian military operations in the independent states of the former Soviet Union.

(6) Cohen Amendment No. 1318, to encourage Germany to assume full and active participation in international peacekeeping activities.

(7) Helms Amendment No. 1320, to maintain the current number of Assistant Secretaries of State and State Department officials compensated at level IV of the Executive Schedule.

(8) Dole Amendment No. 1323, 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.

(9) Kerry (for Mitchell) Amendment No. 1324 (to Amendment No. 1323), to express the sense of the Congress regarding United States participation in United Nations peacekeeping activities.

VOTE ON AMENDMENT NO. 1318

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to vote on the Cohen amendment, No. 1318.

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 Illinois [Ms. MOSELEY-BRAUN] and the Senator from Alabama [Mr. SHELBY] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 13 Leg.]

YEAS—96

Akaka	Breaux	Coats
Baucus	Brown	Cochran
Bennett	Bryan	Cohen
Biden	Bumpers	Conrad
Bingaman	Burns	Coverdell
Boren	Byrd	Craig
Boxer	Campbell	D'Amato
Bradley	Chafee	Daschle
DeConcini	Inouye	Murray
Dodd	Jeffords	Nickles
Dole	Johnston	Nunn
Domenici	Kassebaum	Packwood
Dorgan	Kempthorne	Pell
Durenberger	Kennedy	Pressler
Exon	Kerrey	Pryor
Faircloth	Kerry	Reid
Feingold	Kohl	Riegle
Feinstein	Lautenberg	Robb
Ford	Leahy	Rockefeller
Glenn	Levin	Roth
Gorton	Lieberman	Sarbanes
Graham	Lott	Sasser
Gramm	Lugar	Simon
Grassley	Mack	Simpson
Gregg	Mathews	Smith
Harkin	McCain	Specter
Hatch	McConnell	Stevens
Hatfield	Metzenbaum	Thurmond
Heflin	Mikulski	Wallop
Helms	Mitchell	Warner
Hollings	Moynihan	Wellstone
Hutchison	Murkowski	Wofford

NAYS—1

Danforth

NOT VOTING—3

Bond Moseley-Braun Shelby

So, the amendment (No. 1318) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina [Mr. HELMS], is recognized to offer an amendment.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KERRY], is recognized.

Mr. KERRY. Mr. President, I ask unanimous consent that the order with respect to recognition of Senator HELMS be vitiated.

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

Mr. KERRY. Mr. President, let me explain the parliamentary situation to colleagues while the Senator from New Jersey is preparing to offer an amendment.

We have about five amendments that are currently stacked, several of which will need a vote. It is our intention to begin the process of ordering them for votes somewhere after the caucuses, approximately 2:15 in the afternoon. It is hoped that a few of those amendments will be worked out without votes, so we are proceeding to try to do that. We currently have only Senator LAUTENBERG and Senator HELMS backed up waiting to offer amendments.

There are still a number of other Senators who have amendments on the list, and amendments must be offered by 6 p.m. tonight or they will be cut off, according to the previous unanimous consent agreement. So this is a good time for Senators to come to the floor and, hopefully, we can proceed expeditiously to move through a good many of these amendments.

Mr. HELMS. Will the Senator yield?

Mr. KERRY. I am happy to yield.

Mr. HELMS. Did the Senator contemplate, with his unanimous consent request to recognize Senator LAUTENBERG instead of me, as the previous order was, that my recognition will automatically become the pending business?

Mr. KERRY. I will be happy to do it in any way that accommodates the Senator. Is that the Senator's preference?

Mr. HELMS. Yes.

Mr. KERRY. Mr. President, I ask unanimous consent that, after the amendment of the Senator from New Jersey is disposed of or set aside temporarily, the Senator from North Carolina be recognized for the purpose of offering his amendment which is on the list.

Mr. HELMS. Reserving the right to object, and, of course, I shall not object, what I want us to do, I will say to the distinguished Senator, is to have my amendment ready to go, provided no Senator wants to offer one.

Mr. KERRY. I understand that.

Mr. HELMS. I want to encourage Senators on my side, and I know the Senator from Massachusetts feels the same way about his side, to come to the floor and offer their amendments so we can get through with this bill.

Mr. KERRY. I understand the Senator is prepared to set his amendment aside at any moment any other Senator is here, so we are inviting the process to move forward as rapidly as possible. We are ready to go forward with that.

The PRESIDING OFFICER. Without objection the unanimous consent request is agreed to.

AMENDMENT NO. 1326

(Purpose: To extend certain adjudication provisions)

Mr. SIMON. Mr. President, I send, on behalf of Senator LAUTENBERG and myself, 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 Illinois [Mr. SIMON], for himself and Mr. LAUTENBERG, proposes an amendment numbered 1326.

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

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

The amendment is as follows:

On page 179, after line 6, add the following new section:

SEC. 714. EXTENSION OF CERTAIN ADJUDICATION PROVISIONS.

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167), is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "1993 and 1994" and inserting "1993, 1994, 1995, and 1996"; and

(B) in subsection (e), by striking out "October 1, 1994" each place it appears and inserting in lieu thereof "October 1, 1996"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking out "September 30, 1994" and inserting in lieu thereof "September 30, 1997".

AMENDMENT NO. 1327 TO AMENDMENT NO. 1326

(Purpose: To extend certain adjudication provisions)

Mr. LAUTENBERG. Mr. President, I send a second-degree amendment to the desk offered by myself, Senator SIMON, Senator FEINSTEIN, and Senator BINGAMAN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] for himself, Mr. SIMON, Mrs. FEINSTEIN, and Mr. BINGAMAN, proposes an amendment numbered 1327.

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

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

The amendment is as follows:

In the pending amendment, strike all after "SEC" and insert the following:

SEC. 714. EXTENSION OF CERTAIN ADJUDICATION PROVISIONS.

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167), is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "1993 and 1994" and inserting "1993, 1994, 1995, and 1996"; and

(B) in subsection (e), by striking out "October 1, 1994" each place it appears and inserting in lieu thereof "October 1, 1996"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking out "September 30, 1994" and inserting in lieu thereof "September 30, 1996".

Mr. LAUTENBERG. Mr. President, this amendment extends for 2 years a provision in current law which facilitates the granting of refugee status for certain historically persecuted groups.

The existing law formally recognizes that the historic experience of certain persecuted religious minorities in the Soviet Union and Indochina, and a pattern of arbitrary denials of refugee status to members of these minorities, entitles them to a relaxed standard of proof in determinations about whether they are refugees.

The law, which now is set to expire at the end of this fiscal year, lowers the evidentiary standard required to qualify for refugee status for Jews and Evangelical Christians from the former Soviet Union, certain Ukrainians, and certain categories of Vietnamese, Laotians, or Cambodians. Once a refugee applicant proves he or she is a member of one of these groups, he or she only has to provide a "credible basis for concern" about the possibility of persecution. Refugee applicants normally must prove a "well-founded fear of persecution."

The law has had a real and positive impact on refugee adjudication. This liberalized standard is still necessary because conditions for the persecuted groups in the former Soviet Union and Indochina still exist, and in some cases, have worsened.

The strong showing of Zhirinovsky—who received 23 percent of the popular vote in the recent elections—has heightened concern about the safety and well-being of historically persecuted groups in the former Soviet Union.

There is nothing ambiguous about the themes Zhirinovsky espouses and which he rode to victory: virulent xenophobia, ethnic hatred and contempt for democratic norms. During the campaign, the ultranationalist candidate blamed the Jews themselves for providing a higher level of anti-semitism. On the stump and on his recent swing through Europe, Zhirinovsky repeated Nazi themes and openly proclaimed his ties with German and Austrian neo-Nazis.

Recent events back up Zhirinovsky's admission of a new anti-semitism in the country. In a 2-week period following the mid-December election, fires damaged two Jewish buildings in Moscow. The second fire gutted an historic Moscow synagogue. A week before that conflagration, an antisemitic slogan appeared on one of its walls. During 1993, Jewish graves in St. Petersburg have been desecrated, vandals have attacked Moscow's main synagogue, and the hardline newspaper Pravda has accused Jews of ritual murder.

It is not only Jews in Russia who are fearful; Jews throughout the former Soviet Union are worried. Given the current climate, Jews in the former Soviet Union have good reason to fear that they will be scapegoated if economic conditions worsen, as Jews have historically been singled out for that role.

Evangelical Christians have legitimate fears as well. There are reports of growing harassment of Evangelical Christians in the Islamic republics of the former Soviet Union. Evangelical Christians remain concerned about religious freedom; a law approved last year by the Parliament, which Yeltsin ultimately vetoed, would have placed restrictions on all religious groups other than Russian Orthodox.

This law is working as intended in the former Soviet Union. It has replaced an arbitrary and slow process of refugee adjudication in the former Soviet Union with a stable, consistent, and fair process. It has meant that people already terrorized by longstanding hatred and persecution in their native lands are not further traumatized by a system that does not recognize their historical suffering, or makes arbitrary distinctions among people who have suffered similar fates.

In light of the current election and nagging questions about stability in the republics of the former Soviet Union, it would be unwise to let the law expire at this time.

Uncertainty pervades the lives of the historically persecuted in the republics of the former Soviet Union. An extension is also necessary to facilitate the processing of refugee applicants from Vietnam, Cambodia, and Laos. Conditions have improved somewhat in these countries, but certain groups continue to suffer as a result of their previous association with the United States, their political actions in opposing hard-line Marxist governments which permit no political dissent or freedom of expression, and for their religious beliefs.

This law was originally approved by the Senate by a vote of 97 to 0 in 1989 and became law as part of the fiscal year 1990 Foreign Aid Appropriations Act. It was extended in the fiscal year 1991 Foreign Aid Appropriations Act and in the fiscal year 1992 Foreign Aid Appropriations Act.

Mr. President, this provision has no impact on the number of refugees entering the United States annually. We are not going to allow any more as a result of this amendment. The number of refugees we accept is determined annually through a consultation process between the administration and the Congress. What this provision does is simply facilitate the refugee designation. It facilitates their ability to come to this country and get out of the realm in which they live, persecution and harassment.

This amendment has been endorsed by several organizations: The Hebrew Immigrant Aid Society; the Council of Jewish Federations; the National Conference on Soviet Jewry; and the Union of Councils of Soviet Jewry.

It has been endorsed by the United States Catholic Conference and the Ukrainian National Association.

It has also been endorsed by the Institute on Religion and Democracy and the Baptist Joint Committee on behalf of the Alliance of Baptists, the American Baptist Churches in the USA, Baptist General Conference, the Cooperative Baptist Fellowship, the National Baptist Convention of America, the National Baptist Convention USA, Inc., National Missionary Baptist Convention, North American Baptist Conference, Progressive National Baptist Convention, Religious Liberty Council, Seventh Day Baptist General Conference, and the Southern Baptist State Conventions and Churches.

I ask unanimous consent that copies of their endorsement letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MIGRATION AND REFUGEE SERVICES, NATIONAL OFFICE,
Washington, DC, January 28, 1994.

Hon. FRANK R. LAUTENBERG,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: I am writing to express the support of the U.S. Catholic Conference's Migration and Refugee Services

for your efforts to extend the Lautenberg Amendment, facilitating the granting of refugee status for certain historically persecuted groups. Two refugee populations which have, for humanitarian and historical reasons, long been of particular importance in the United States refugee program continue to experience special difficulties which call for the emphasis provided by the language of this legislation.

In the case of the Soviet Jews and other persecuted minorities in the former Soviet Union, the changed situation clearly offers hope of democratic governments, and greater ethnic tolerance in Russia and the newly independent republics. However, there continue to be worrisome indications of renewed anti-semitism and lingering intolerance and suspicions of Evangelical Christians and Ukrainian Catholics. Additionally, the outcome of the recent elections in Russia inevitably raises fears of renewed nationalism with a strong bias towards anti-semitism and ethnic intolerance. These factors make it imperative that current programs continue undiminished.

The screening of Vietnamese asylum applicants for refugee status under the terms of the Comprehensive Plan of Action (CPA) has been so restrictive at locations in Southeast Asia that it has called down the criticism of numerous human rights and refugee advocacy groups, such as Amnesty International and the Lawyers Committee for Human Rights. Former re-education camp prisoners, after years of brutal confinement in forced labor camps, have been rejected, as well as numerous other well qualified cases, including religious and community leaders. Despite such rigid screening in which only about 10 percent of the applicants are now being found qualified as refugees, many of those who survived such screening have been rejected by INS officers as not political refugees.

Reports of such economic liberalization in Vietnam should not mislead anyone to think that there is no longer repression in Vietnam. The Communist Party has repeatedly reaffirmed its role as the only legitimate political party and treats extremely harshly any who dare to question this policy. Many persons continue to be arrested for expressing opposition to policies or actions. Numerous religious leaders remain in prison or under house arrest. The Catholic Church is denied the right to act in many matters necessary to the proper functioning of the Church, such as the naming of seminarians, assignment of Bishops, and the like. The Buddhist Church and the Cao Dai and Hoa Hao sects are even more restricted in their actions and many members of all three have been arrested or rearrested over the past year. Clearly, Vietnam remains a place where the attempts to live one's own life and enjoy respect for his human rights, free of the dictates of the government and party, carries with it severe penalties.

As the Comprehensive Plan of Action (CPA) for dealing with the Vietnamese boat refugee problem comes to an end and the remaining asylum seekers in camps in Southeast Asia are increasingly pressured to return home, we have a growing concern for those persons whom we believe have been denied refugee status unfairly. A quite limited number of such cases are so compelling that we believe their situation has to be reviewed and they need to be given resettlement prior to their return to Vietnam.

There are a larger number of cases, less urgent perhaps, but which we believe have been unfairly decided, which might safely return temporarily to Vietnam. We believe these cases, which the voluntary agencies can call to the attention of the Department of State, should be given access to the Orderly Departure Program. If this were done, the application of the Lautenberg Amendment to such cases could be particularly appropriate.

I would wish to call to your attention one serious concern which we have. It is our strong impression, shared by many of our colleagues in the voluntary agency community, that Immigration and Naturalization Service (INS) officers are not applying the Lautenberg Amendment properly in Southeast Asia and, in fact, in many cases, appear to be ignoring it. In fact, it seems clear that the Amendment has never been applied with respect to Orderly Departure Program (ODP) cases leaving Vietnam which would amount to a veto of the Amendment by the bureaucracy. This should not be permitted to continue.

In the extension of the Amendment, either the legislation or the report language should make clear its application to ODP cases. INS officers should be required to review rejected cases falling within Lautenberg categories to assure those unjustly rejected are received into the program as intended. We believe that the use of Public Interest Parole, which only this month was halted with respect to the ODP, should be continued at least in former political prisoner cases.

Your assistance in assuring that this provision of law, now scheduled to expire on October 1, 1992, is further extended for two years will be greatly appreciated.

Sincerely,

REV. RICHARD RYSCAVAGE, S.J.,
Executive Director.

UKRAINIAN NATIONAL ASSOCIATION, INC.,
Washington, DC, January 27, 1994.

Hon. FRANK R. LAUTENBERG,
U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: Your leadership on the issue of refugees in the former Soviet Union is to be commended. The passage of the "Lautenberg Amendment" addressing the plight of Soviet Jews, Pentecostals, Ukrainian Catholics, and Ukrainian Orthodox has provided a haven to individuals with a well-founded fear of persecution.

It is our understanding that the law will be expiring this year. With the demise of the Soviet Union there have been tremendous changes since the original passage of the "Lautenberg Amendment." Many of the nations which replaced the Soviet Union are striving to establish democratic institutions and policies to protect human rights and minorities. However, the region is still in transition and there remains a great deal of instability in the area.

In Ukraine, the government has pursued an exemplary policy toward minorities. There is no evidence of persecution of any ethnic or religious minority. However, we remain concerned about those Ukrainian Catholic and Ukrainian Orthodox believers living in other nations which emerged from the Soviet Union and which have not adopted the same protection of minorities which Ukraine has. For this reason, we support any effort to extend the provisions of the "Lautenberg Amendment" until such time as the institutions required to guarantee religious and minority rights are firmly established in all the newly independent nations of the former Soviet Union.

Sincerely,

EUGENE M. IWANCIW.

THE HEBREW IMMIGRANT AID SOCIETY,
New York, NY, January 26, 1994.

Hon. FRANK R. LAUTENBERG,
U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: We are writing on behalf of the Council of Jewish Federations, The Hebrew Immigrant Aid Society and the National Conference of Soviet Jewry in support of your efforts to reintroduce the "Lautenberg/Morrison/Berman Amendment" to achieve a two year extension of the policy that facilitates the granting of refugee status to certain historically persecuted groups, including Jews and Evangelical Christians from the former Soviet Union, Ukrainian Catholics and certain classes of Indochinese.

The post-cold war era in the former Soviet Union is characterized by precarious economic, social and political instability, lack of effective authority and social order and the backlash unleashed toward the non-native populations. The recent elections in Russia are an example of the negative trends in the region where people are seeking solutions by turning to the extremes of the right and the left. Anti-Semitism has surfaced to the point where it is now an accepted form of political rhetoric. We are concerned that the social grievances that led to this outcome in Russia are even more profound in Ukraine. Experts predict further division and civil conflict and the deepening of ultra-nationalist sentiment in addition to the actual and ongoing civil conflicts that are existent in many areas of the region.

It is an extraordinary irony, but not altogether surprising, that the demise of the Soviet regime should be followed by regional turbulence that inspires comparison to the Weimar Republic or the pre-1917 era in imperial Russia. The volatility of the current situation makes it all the more imperative that historical context continue to be a factor in the evaluation of the current well founded fears of persecution experienced by applicants to the U.S. refugee program.

We now have a consistent and fair process in place to thwart arbitrary denials and to address the adverse conditions that continue to exist for persecuted groups, especially in the former Soviet Union. Renewal of the legislation would signal the United States' continued interest in the human rights of minority groups at this crucial time of uncertainty and discouraging developments in the former Soviet Union.

Thank you for your leadership and your continuing efforts on this important issue. We fully support your initiative, and we will work with you to ensure its passage.

Sincerely,

MARTIN KESSELHAUT,
President, HIAS.

MAYNARD I. WISHNER,
President, Council of Jewish Federations.

RICHARD L. WEXLER,
Chairman, National Conference on Soviet Jewry.

MARTIN A. WENICK,
Executive Vice President.

MARTIN S. KRAAR,
Executive Vice President.

MARK B. LEVIN,
Executive Director.

UNION OF COUNCILS,
Washington, DC, January 3, 1994.

Hon. FRANK LAUTENBERG,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: In the struggle to protect and rescue the Jewish commu-

nity of the former Soviet Union, the Morrison-Lautenberg Amendment stands as one of the most important contributions of the United States Congress. This vital legislation would not have been possible without your insightful leadership.

While the provisions are not scheduled to expire until the end of September 1994, we urge you to consider an early campaign to renew the Amendment in light of the recent election victories of the fascist and communist movements in Russia. The 23 percent of the vote received by Vladimir Zhirinovsky's "Liberal Democratic" Party is a grave threat to political and economic reform, to international stability and particularly to ethnic minorities in Russia.

We would like to propose that the Morrison-Lautenberg Amendment be renewed for three years, through September 1997. By extending the Amendment through 1997 the United States would 1) provide a strong statement in support of refugees from the former Soviet Union at a particularly dangerous moment, and 2) offer protection to these refugees through the end of the first year of the next Russian Presidential term, an office that Vladimir Zhirinovsky has pledged to win.

We understand that the State Department Authorization bill will be on the Senate floor on January 25, and suggest that this bill may be a good vehicle for a Morrison-Lautenberg extension. While this legislation does not provide much time to prepare a campaign, we cannot count on any other available foreign policy vehicle later in the year. Additionally, if we wait too long, we may lose the boost provided by the Russian election and be restricted by domestic election concerns.

Due to the limited time before Congress reconvenes, we hope we can schedule a time within the next week or two to discuss this crucial legislation. Your staff can contact one of us, or Gideon Aronoff, our Assistant Director for Government Relations.

Once again we are grateful for your longstanding support of the Soviet Jewry movement, and of human rights in the former Soviet Union.

Respectfully,

PAMELA B. COHEN,
National President.
MICAH H. NAFTAIM,
National Director.

BAPTIST JOINT COMMITTEE,
Washington, DC, January 26, 1994.

DEAR SENATOR LAUTENBERG: This is to affirm and endorse the extension for another two years of the Lautenberg Amendment, legislation which facilitates the granting of refugee status for certain historically persecuted groups.

The Baptist Joint Committee came into existence in 1936 to support the religious freedom and human rights of persecuted Baptists and other evangelicals in Eastern Europe. We have been steadfast in that advocacy and in seeing our role as a consistent biblical witness.

The Baptist bodies listed on this letterhead stand for maximum religious pluralism. We also stand for those whose basic freedoms are violated.

The Helsinki Commission says that although churches are no longer forced to operate underground, the central government has taken sides with one of the three Orthodox factions against the other two. Interdenominational violence has become common and in some cases supported by the state. Catholics, for instance, have been unable to secure government permission to build a church after repeated applications.

We believe that under these changing circumstances, it would be a serious blunder to lift the Lautenberg guidelines.

Thank you for considering our perspective.

Sincerely,

JAMES M. DUNN.

THE INSTITUTE ON RELIGION AND DEMOCRACY,
Washington, DC, January 25, 1994.

Senator FRANK LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: I am writing to express our strong support for your efforts to extend for another two years the Lautenberg Amendment, legislation which facilitates the granting of refugee status for certain historically persecuted groups.

There are growing reports of increased harassment of evangelical Christians in the Islamic Republics of the Newly Independent States (with the exception of Kazakhstan). Our organization has received substantial reports of physical abuse to the point of murder in Kirghizia, Tajikistan and Uzbekistan. Furthermore, in the "orthodox" countries of Ukraine and even Russia, harassment of evangelical Christians is increasing. As represented in the proposed legislation last summer of the now dissolved People's Congress of Deputies of the Russian Federation, evangelical Christians—as well as other protestant Christian groups—were very nearly targets of government sanctioned discrimination. While the legislation remains dormant for the immediate present, the spirit of the threat remains.

Our organization is dedicated to furthering the cause of human rights and religious liberty for all people throughout the world. We have had a long history of involvement in the countries of the former Soviet Union. We have recently increased our efforts to promote religious freedom in the Islamic world.

We also have great concern regarding the safety of Christians in China and Vietnam. At present, Church relations with Hanoi are virtually non-existent, as the state continues to disavow the presence of religion in its society. We also recently hosted a government delegation from the People's Republic of China, who ignored our questions about the corroborated reports of persecuted Christians in China.

Again, please know of our support of the Lautenberg Amendment. It offers hope to those who are persecuted for their religious beliefs through U.S. recognition of their victimized circumstances.

Sincerely,

J. PATRICK GRAY.

Mr. LAUTENBERG. Mr. President, I hope that my colleagues will approve this amendment. I surrender the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois [Mr. SIMON] is recognized.

Mr. SIMON. Mr. President, Senator LAUTENBERG has summarized this well, but let me just add a word or two.

First of all, all we are doing is asking for the extension of existing law. We are not increasing numbers; we are not changing anything like that. Both the State Department and INS have indicated informally they have no objection to this extension of the law.

I wish there were no problem with anti-Semitism in Eastern Europe. The reality is there is a problem. There is also a problem, a less severe problem, but no less severe for some of the people involved, for some Evangelical Christians. The Eastern part of Europe is not accustomed to the kind of religious diversity that is part of our country and part of the culture of so many countries.

What adds a fear factor is Vladimir Zhirinovsky's emergence. My hope is that he will be like this fellow who ran against Lech Walesa who, all of a sudden was out there for a few weeks and months and then he just kind of disappeared from the scene. Frankly, I hope Zhirinovsky will be a similar phenomenon, that people will recognize that he is just bad medicine for Russia, for everybody. You cannot have that kind of poison out there without harming everyone.

It seems to me what our colleague from New Jersey—and I am pleased to join him in sponsoring this—what we are asking for is just to keep that door open because there may be problems arising. There are some problems now. Those problems could get more serious. We are just asking for an extension of the present law. I am pleased to join him in supporting this extension.

Mr. KERRY. Mr. President, we were prepared to accept this amendment. I think it is the current law and we have no objection, obviously, to continuing it. In fact, we think it has salutary rationale and are prepared to accept it as I say. However, I understand Senator SIMPSON wants to speak in opposition to it and is on his way to the floor now.

I see the Senator from California. Mr. President, I ask the Senator if she is waiting to speak on this bill or to offer a different amendment?

Mrs. FEINSTEIN. Mr. President, I would like to speak on behalf of this amendment.

Mr. KERRY. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California [Mrs. FEINSTEIN] is recognized.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the Lautenberg amendment to extend for 2 years an existing law that allows greater opportunities for historically persecuted groups to enter the United States. I am happy to cosponsor this important amendment.

The existing law, which will expire later this year, lowers the evidentiary standard required to qualify for U.S. refugee status. Specific groups include Soviet Jews, Soviet Evangelical Christians, religiously active Ukrainian Catholics, and certain categories of Vietnamese, Laotians, and Cambodians.

I believe that it is very important that this law be extended for an additional 2 years. Though the end of the cold war has greatly reduced tensions between East and West, it has also given rise to fierce regional conflicts, ultranationalism, and old hatreds.

As was evidenced by the Russian elections last December, Communists and ultranationalists fared surprisingly well. The now infamous Vladimir Zhirinovsky—and his ironically named Liberal Democratic Party—scored a major victory, receiving 23 percent of the popular vote. Together with the Communists, the hard-liners in Russia almost took control of the parliament, with a total of 43 percent of the vote.

Zhirinovsky, who some dub "the Russian Hitler," has aspirations of becoming president of Russia. He has talked about sending 300,000 troops into Germany, blockading Japan, and taking back Alaska. All this on top of his antisemitic rhetoric.

The Lautenberg amendment is important because it will provide an extension of existing law through the next Russian elections in 1996. We must all remember that Hitler was first elected with only 18 percent of the vote, and then rose to power a few years later.

In addition to Soviet Jews and other historically persecuted groups in the New Independent States, many refugee applicants from Indo-China still suffer as a result of their previous associations with the United States, their political actions against the hard-line Marxist government, and for their religious beliefs. It is also important that existing law be extended to apply to these groups of persecuted people as well.

The Lautenberg amendment has no impact on the number of refugees entering the United States annually. These numbers are still determined every year through consultations between the administration and Congress. Nor will this amendment confer automatic refugee status on any applicant who falls within its designated groups.

The Lautenberg amendment simply establishes guidelines for the adjudication of refugee status. It allows an individual from a specific group of historically-persecuted peoples to provide a credible basis for concern about the possibility of persecution.

Mr. President, in summary and just briefly, I associate myself with the remarks of both Senator LAUTENBERG and Senator SIMON. This amendment asks for nothing new. What it simply does is extend a status beyond the next Russian election. The impact of this should be obvious. I think it is very clear in the minds of historically persecuted people that there is reason for fear, with the ascension of Vladimir Zhirinovsky in the Soviet Union and the fact that his rather ironically named Liberal Democratic Party scored a major victory, receiving 23 percent of the popular vote. Now, together with the Communists, the hardliners received that was a total of 43 percent of the vote in the last Russian election.

What is reverberating throughout historically persecuted people is that if there is a change of vote in the next election in 1996, the people who have been persecuted may not be able to leave once again. That is not an unfounded fear. It is a fear that has been founded in the reality of totalitarianism, in the reality of ultranationalism. If both of these combine in an election, it bodes ill for people who fear for their individuality, their ability to worship as they please, whether they be Evangelical Christian or whether they be Jews.

The purpose of this amendment is simply to extend that deadline beyond this next election and, therefore, give these people the right to leave and the ability to have the status that is necessary for protection. With this in mind, I am proud to be a cosponsor of the amendment and to support both statements of my colleagues, Senator LAUTENBERG and Senator SIMON.

Let us not forget history. I urge my colleagues to support the Lautenberg amendment.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I appreciate the endorsement by the Senator from California. Her support is deeply appreciated, as is the support of my colleague from Illinois.

We have worked on matters dealing with refugee admissions for some time now. Both of my colleagues have amply described what might take place if support for Mr. Zhirinovsky grows. There is a certain madness that accompanies his rhetoric that, frankly, scares all of us, not just those who might be subject to the repression that he would bring into the Russian Republic. Simply put, he espouses hatred.

I think it is important for the United States to stand up in this significant way and say we will continue to accept refugees. If you continue to harass them, if you continue to persecute them, we want it to be known that the United States will accept these people.

As clearly indicated by my own comments and by the Senator from Illinois, this amendment does not increase the numbers of people who will be permitted to come to this country. What we want to do is facilitate the process for those who live in constant fear of persecution, harassment and sometimes violent assault.

So, Mr. President, I thank my colleagues and I thank the distinguished Senator from Massachusetts, the manager of this bill, for permitting me to bring this up at this time.

Mr. HATFIELD. Mr. President, in 1989, I joined with my colleague, Senator LAUTENBERG, in support of the retention of the standard of proof long required for certain categories of Soviet and Indochinese refugees who have faced continuing persecution. The so-called Lautenberg amendment, which passed the Senate unanimously in 1989, allowed Soviet Jews, Evangelical Christians, and certain categories of Southeast Asians—Vietnamese, Laotians, and Cambodians—to qualify for refugee status by asserting a fear of persecution and presenting a "credible basis for concern about the possibility of such persecution," rather than a "well-founded fear of persecution."

The need for the enactment of the Lautenberg legislation emerged after the Immigration and Naturalization Service changed its longstanding screening practice of presuming these groups had a well-founded fear of persecution. After the change in policy, the denial rate of these groups soared dramatically upward. Within a 3 month period in 1988, the denial rate for the Vietnamese Orderly Departure Program rose from under 10 percent to a denial rate of 80 percent. This change occurred even though conditions in Southeast Asia had not changed.

I am pleased to support the amendment before us to extend this provision for an additional 2 years. It is likely to be argued in the Senate today that world conditions have changed and the Lautenberg provisions are no longer necessary or applicable. I disagree.

I'd like to explain why it is important for us to continue to include Indochinese in this law. The individuals awaiting resettlement interviews have been waiting years for their interviews. They continue to suffer the possibility of persecution in their countries because of their associations with the United States during the Vietnam war, their religious beliefs, and their involvement in political activities in opposition to repressive Marxist governments in power in their countries.

In particular, Vietnam continues to repress freedom of speech, expression, and religious beliefs. It was recently reported in the State Department's "Country Reports on Human Rights Practices for 1992" released in 1993 that "a number of * * * Buddhist clergy arrested soon after the 1975 Communist victory remained in prison or under house arrest, throughout 1992." Religious repression does not affect only Buddhists, but extends to Catholics and Protestants as well. In addition, Vietnamese citizens can be sent to reeducation camps at any time, where they face inadequate medical care, nutrition and severe punishments for minor infractions. While Vietnam is moving toward economic liberalization and normalization of relations with the United States—and I supported the steps the Senate took last week to encourage normalization with Vietnam—it is unfortunately true that many groups continue to face persecution at the hands of their government.

It is important to remember that extending the Lautenberg amendment

will not increase the number of refugees allowed from the countries included in the law. Refugee admissions are set each year by the administration in consultation with Congress. The credible basis standard is not irrefutable, and it is still up to the INS interviewer to make the decision of whether or not to grant refugee status to these individuals.

I urge my colleagues to support the extension of the Lautenberg Amendment for an additional 2 years. The groups that are protected under this legislation continue to face persecution despite changes in world affairs. The Lautenberg amendment has proven successful. Under the Lautenberg provision, processing time is shortened and refugees are judged by a more consistent standard. Therefore, we must continue in our commitment to these refugees by extending the Lautenberg amendment for another 2 years while the liberalizations in the former Soviet Union and Vietnam are assessed.

Mr. KERRY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. HELMS. I ask the Chair what is the pending business?

The PRESIDING OFFICER. The pending second-degree amendment is Simon-Lautenberg.

Mr. HELMS. I ask unanimous consent to lay that amendment aside most temporarily so that I can lay down an amendment. If Senator SIMPSON or anybody else who wants to speak on the pending amendment comes, I will, of course, yield and permit that to happen. So I do ask unanimous consent to lay this amendment aside.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered. The Senator is recognized.

AMENDMENT NO. 1328

Mr. HELMS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1328.

Mr. KERRY addressed the Chair.

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

The PRESIDING OFFICER. The clerk will call the roll. The bill clerk proceeded to call the roll.

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

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

Mr. KERRY. Mr. President, I ask unanimous consent that at 2:15 p.m. today, the Senate return to the Lautenberg amendment No. 1327 and without intervening action or debate, the Senate vote on or in relation to amendment No. 1327.

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

Who yields time?

Mr. KERRY. Mr. President, I believe that the Senator from North Carolina had temporarily set aside the amendment No. 1327. I would ask for——

Mr. HELMS. Call for regular order.

Mr. KERRY. Regular order at this time. Regular order.

Mr. President, I ask unanimous consent that we proceed now and the Senate return to amendment No. 1327, the amendment of the Senator from New Jersey.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1327

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. SIMPSON] is recognized.

Mr. SIMPSON. Mr. President, I believe we are in the order of business speaking on the Lautenberg amendment; is that correct?

The PRESIDING OFFICER. We are currently dealing with 1327, the Lautenberg amendment.

Mr. SIMPSON. Mr. President, I speak in opposition to the amendment. This is an extension of a measure first introduced in 1989. It is something that declares entire groups in the former Soviet Union and in Southeast Asia as subject to persecution and thus entitled to refugee status under our laws. I have been on this one a long time, as I say, and I know people are tired of it. You cannot pick an issue more fraught with emotion, fear, guilt, and racism than when you are in the area of refugees and immigration.

I know there will be smatterings of that in this debate. It never is ever far removed.

Debate about who is a political refugee and who is an economic migrant has proceeded vigorously in recent years, but very little is said about the slide of U.S. refugee policy into pure politics, just as illustrated by this amendment by my friend from New Jersey. And I respect FRANK LAUTENBERG thoroughly. He and I have worked together on many issues. The pressures he has on this amendment are total. I have watched it over the years.

Under our Refugee Act and under the United Nations Convention and Protocol, a refugee is a person with a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. That is a refugee. The way we determine refugees is on a case-by-case basis, which is the only sane and sensible way to determine who is a refugee. That is why Senator KENNEDY did yeoman's work in 1980 on the Refugee Act, new legislation, with which I assisted. But under this amendment, any member of a group or category covered can establish eligibility as a refugee just by being a member of the group without any case-by-case determination. They do that by "asserting"—that is the word, asserting—a well-founded fear of persecution and asserting a credible basis for concern about the possibility of persecution.

In other words, admission to the United States as a refugee is made then on the basis of two assertions that do not in themselves involve any test of credibility at all. Every other refugee applicant to this country is required to establish his or her eligibility. But those who benefit from this amendment need only "assert" a claim. Accordingly, once an individual is asserting that he or she is a member of a covered class and asserts that he or she has been persecuted or has a fear of persecution, then that person is deemed to be a refugee.

Special categories of aliens from the former Soviet Union who are entitled to refugee status under this amendment are Jews and Evangelical Christians, for the most part. About 80 percent of the refugee admissions go to Jewish applicants, and most of the balance are awarded to Evangelicals. Not surprisingly, a wave of dubious conversions have been reported in the latter group.

In the last human rights report submitted to the Committee on Foreign Relations, the State Department, in reviewing the situation in Russia, noted that there was some "unofficial discrimination against Jews." I do not dispute that ghastly and unfortunate fact, not one bit.

It is also a fact that there is unofficial discrimination against groups in this country. I do not dispute that one bit, and I do not see how anyone can. But it does not make that person here, or in the Soviet Union, a refugee. Refugees are persons fleeing official political persecution and not discrimination. I have often said, if you want to change the definition of a "refugee," let us do that in open debate, but not like this.

All applicants for refugee status, excepting only those covered by this amendment, go through a case-by-case interview process to determine whether or not a well-founded fear of persecution exists. The applicant has the burden of establishing that well-founded fear of persecution, as it should be. This is not a new thing here.

The categories were established by Senator LAUTENBERG in his original amendment in 1989, and there was no way to stop that then, nor would we have perhaps wanted to do anything with that debate, because in 1989 there was a clear history of persecution

under the Communist Soviet state apparatus.

Happily, I think to all concerned, that apparatus no longer exists. Russia is our friend of friends, the one we support with our money and our words and our deeds. That is who we are dealing with here. This is not the Soviet Union; this is Russia and the Ukraine. These are our allies, our friends. How can you possibly call 50,000 of those people refugees? It is impossible to do that. It is a leap of all logic.

It is now anomalous, to say the least, to include such category groups as current members of the Ukrainian Catholic or Ukrainian Orthodox Church. The 1994 Human Rights World Watch Report does not even include an entry on the Ukraine. The 1993 Amnesty International report mentions only "one known prisoner of conscience, a conscientious objector to military service." The Amnesty International report said, "A civilian alternative to military service was open only to religious beliefs." In other words, the only prisoner of conscience in the Ukraine is in prison because of a lack of religious affiliation. I point all this out only to show how unnecessary this amendment is and the violence that it does to the integrity of the Refugee Act of 1980, where we would do these things on a case-by-case basis.

The Southeast Asian category groups established by the Lautenberg amendment were devised back in 1983—11 years ago. Has anyone inquired to check to see whether any conditions may have changed since then? Of course, they have. That is what the refugee designation is all about, changing conditions in a country. That is why the State Department is involved, along with the Justice Department.

Is every Catholic in Vietnam a refugee? Is every Vietnamese of Chinese origin a refugee? Of course not. It is done on a case-by-case basis.

What this well-intended amendment does is it creates a bottleneck in refugee processing for the former Soviet Union. Hundreds of thousands of persons from the Lautenberg category groups have joined the queue for the 40,000 to 50,000 resettlement places per year from the former Soviet Union. This has caused a backup in processing. It makes it extremely difficult for these noncategory members, persons who do not get this special treatment provided by the Lautenberg amendment, to be considered for U.S. resettlement. An Armenian/Azerbaijani family of mixed ethnicity, for example, is at a great disadvantage here, without question.

This amendment causes us to lock ourselves in to act on behalf of specified groups—powerful specified groups—resulting in multiyear commitments on their behalf, creating what is known as a "pipeline." This effectively restricts our refugee program in its ability to respond flexibly to the fast-changing patterns of human rights violations in Eastern and Central Europe.

Is there really a justification for designating some groups and not others as category groups? Should certain categories of Bosnians be included? Certain categories of Haitians? Why should we designate some groups and not others? The answer is we should not designate any groups. That is why, with Senator KENNEDY's good tutelage and efforts and skill—and he will not be able to participate in this debate; that is the way this works, too, when you get to an issue like this—we changed our refugees laws in 1980, to take the politics, the pressure, the ideology, the parole use, which was so misused, to take it out of the refugee program so that we can offer refuge to those persons truly fleeing political persecution and who are of special humanitarian concern to the United States.

The sad part of it is—and this amendment will pass like a dose of salts; that is the way it works in this place—this amendment has essentially turned a very fine refugee program into an immigrant program, an immigration program, with one important exception, and do not miss this: The beneficiaries under this program are then resettled in the United States at taxpayers' expense, although they come to join family members in the United States, for the most part, they are not subject to the "public charge exclusion."

Mr. President, no one, no sensible, compassionate, caring person would deny that there are persons suffering political persecution in the former Soviet Union. I do not deny in any way that some of them are in the categories covered by the Lautenberg amendment. And I deeply believe we must always maintain a generous refugee quota for those true refugees in the former Soviet Union.

We should keep a functioning, supportive refugee processing team in Moscow. Please hear this. I am not in any way saying cut back on what we are doing there. But we should keep this very able, supportive, functioning refugee processing team in Moscow to handle the admission of those determined to be refugees, but only on a case-by-case basis.

To do otherwise is absurd. This is what the Refugee Act of 1980 was all about. I know my good friend from New Jersey is aware that many of these people who are admitted as refugees solely as a result of this amendment continue to live in the former Soviet Union for months, in some cases even years, after they have been approved for admission to the United States. Hear that. On the one hand, these folks are asserting a fear of persecution, while on the other hand they stay for months or years to wind up their affairs, or to remain with a relative, or some such reason.

It just does not make sense. If there was a well-founded fear of persecution, I tell you what you would do. You would get out. You would get out in a minute. And the minute you set your foot in another country you are home free. You have found refuge. You cannot stay in the country 6 months or a year to wind up your affairs and yet claim to be fleeing persecution.

Gertrude Stein said it best, if I may paraphrase, a refugee is a refugee is a refugee.

You get out as swiftly as you can to save your hide. That is what you do when you are a refugee. And the sad part of it is we will now categorize and continue to do it with a country we are totally at peace with who we fund and support and is our friendliest of allies. We are courting, cooperating with, and supporting Russia at every turn, a country that has made tremendous strides as it struggles toward an open society, and here we are.

There may be 16 million or more people waiting in the real world who are refugees, and we should deal with them and accept our fair share on a case-by-case basis; but not on some blanket proposal that may have been at least more valid several years ago, but is certainly not valid with what we know of the former Soviet Union today.

So I am ready again to take my lumps on this one. I have had knots on my head from speaking on these subjects for some time. But I hope you will all understand that this is not 1989 in any sense, and it is a totally different situation. You are using precious numbers for groups presumed to be refugees, and it will be paid for by the United States of America, and many of these people are simply immigrants and should come under our existing immigration laws.

I yield the floor.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from Illinois.

Mr. SIMON. Madam President, first, I want to praise our colleague from Wyoming. The Immigration and Refugee Subcommittee has three members, and both Senator SIMPSON and Senator KENNEDY have just done yeoman service, and it is a subcommittee where you have to say no to a lot of people. Senator SIMPSON has been willing to stand up, and I applaud him for it. He gets no votes in Wyoming for being on this subcommittee, let me tell you. He is doing a service to this body and to this Nation.

He is correct when he says specialized groups get preference. I think the question we face is, Do these specialized groups face special problems that justifies this? And I think the answer is yes.

There is, in addition to the anti-Semitism and the anti-evangelical Christian thrust that is part historically of

some of these areas, this fear of this new leader who is emerging that is causing a lot of anxiety out there. In terms of those who assert their fear and then get that ticket for admission and stay there for months, and according to Senator SIMPSON for years, and I do not question that, I think you have to recognize there are people who would prefer to stay in Russia or some other country, but as long as things do not get too bad they are going to stay there, but they want that ticket to the United States if things disintegrate.

What we are saying to people is if you are being persecuted because of the situation that you face you have a possibility of coming to the United States, and the Lautenberg amendment just extends the present law.

I would finally point out that neither INS nor the State Department oppose the Lautenberg amendment. So my hope is that we will adopt it.

Again, Senator SIMPSON has been superb on this subcommittee, but I think in this instance the judgment of our friend from New Jersey is correct.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, I was made aware of the objection of the Senator from Wyoming to this amendment, and I would like to point out from the beginning that I do not believe that he is anti any persons, anti any group. In this case, I think it is fair to say anti-Semitism does not rank at all in the thoughts of the Senator from Wyoming. He is not that kind of a person.

I think in this case he may—if the Senator from Wyoming would do me the courtesy of listening—be antisemantic in this question in terms of the phraseology that we are using. Certainly, this is intended to be somewhat humorous.

We are kind of an odd couple. We are good friends, but we disagree on lots of things, and in this case we decidedly disagree. The fact is that there is not a presumption that if you belong to group A, group B, or group C, you are automatically entitled to refugee status. The fact of the matter is that in the statute it is very clear. It says applicants must prove, and I here quote, "a credible basis for concern," in various ways, including the assertion of, No. 1, actual past persecution or discriminatory or prejudicial actions taken against the individual personally, No. 2, acts of persecution committed against similarly situated individuals in the applicant's geographical locale, or No. 3, instances of mistreatment or prejudicial actions based on the individual's request to depart the countries covered by this law. In the case of applicants citing discriminatory or prejudicial action taken against them personally, INS guidance requires the applicant to assert a cumulation of such actions.

So, Madam President, I disagree with my friend from Wyoming. Applicants must have a credible basis of fear and persuade the INS.

We have a well-founded basis for assuming some of the worst coming out of one of the regions we are discussing, the former Soviet Union. And I must tell you that I found it somewhat perplexing when the Senator from Wyoming described Russia as our good friend, perhaps the friend of most attention at this point. There is considerable trepidation about stability in the former Soviet Union and no one knows it better than the distinguished Senator from Wyoming. The fact is we do not know which way the countries of the former Soviet Union are going to go. They could go up in smoke. We dare not let down our guard, because no one knows what is going to happen.

Still, we want to help. I, for one, have pledged to support the President in his quest to help the present Government continue with the reform process. However, we are more anxious since we have heard from Mr. Zhirinovsky, because the madness that he espouses is familiar. It is the kind of hatred that was espoused before the United States entered earlier wars, the last one being World War II. It is that kind of maniacal view that gets us in the position that we know we have to guard against.

The people who have been constantly the scapegoats, the subject of persecution, the subject of harassment with unrelenting pace are some of the Catholic groups, the Ukrainian Catholics. The Evangelicals are harassed constantly. So are the Jews and certain Indochinese. We are asking for a 2-year extension of the law that facilitates the designation of refugee status for these people. We are not making permanent law.

The committee on which the distinguished Senator from Wyoming sits is the committee that helps shape the decision about the overall number of refugees our country accepts. So I hear what my friend says, but I sharply disagree. This is no time to change law which facilitates the process for historically persecuted groups.

I do want to respond to one other thing the Senator from Wyoming made mention of, because, in a very friendly letter to me describing his disagreement with my position, he made some of the points that he has just made on the floor. He talks about people, almost describing them as languishing, if you will, in the former Soviet Union, in Russia, and just awaiting a convenient time to depart.

Madam President, I sharply disagree. There is a process that goes on. It takes months, as much as 5 months, to clear our own books and records to permit these people to leave once we designate them as refugees. These are requirements imposed by the U.S. Government.

Anyone who has ever been to Russia, in either its former condition or present condition, knows very well that things do not happen fast. If you think our bureaucracy is a little slow in moving, the bureaucracies there do not move at all. It takes months and months to clear the papers with which one has to comply with the rules in order to leave.

So, Madam President, the 2-year extension that our amendment proposes will carry through the Russian Presidential elections in 1996. In the meantime, there is more and more concern that Mr. Zhirinovsky and his group will continue to gain power and strength. Allowing this amendment to expire this year would simply play into the politics of hatred Zhirinovsky propounds.

Madam President, I hope that my colleagues in the Senate will continue to support this fairminded, equitable program that facilitates designation as refugees for people who have long been—and continue to be—subject to persecution. I think we have to continue to be the good guys and to hold out our hand, as we so often have, to people who want to come.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Madam President, I believe this to be a good amendment, and I support it. I agree that it should be part of the bill.

With the unsettled situation in Russia, the Ukraine, and other parts of the former Soviet Union, this is not the time to change the rules to make it harder for Jewish residents to qualify for refugee status. The same continues to be true for Vietnam and other parts of Indochina.

No one is denied refugee admission to the United States because of this bill. Rather it states the obvious. Certain groups deserve special recognition for refugee purposes. In the Russian area, you have the question of anti-Semitism. In my own experience, having lived in that part of the world, anti-Semitism in Slav countries is more prevalent than it is in other parts of the world. In view of that, I think this provision should remain.

When it comes to Southeast Asia, in Cambodia, Vietnam, and Laos, people suffer because they oppose the regimes. I think we deserve to give them a special little push. It does not mean there will be a larger number of refugees. It just means we recognize that certain groups of refugees should be recognized as such. That is what this amendment accomplishes.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Madam President, there is a reason why the groups do not wish this to get to the floor and to debate it like we are just doing. The rea-

son is the word "anti-Semitism." I will not have any part of that, in humor or not. That is personally very offensive to me. This is not anti-Semitism.

I know that my good friend was not indicating in any sense any activity on my part, and he was saying that in good humor. But I am saying that is what is underlying this tremendous pressure that gets this to this point because no other group in the world receives this special treatment.

If it were the Soviet Union of 1989, I would not be here. In fact, I have sat, while my friend from New Jersey has gone forward, and I have visited in my office with people from the groups who press this. They say, "Couldn't you just accept this, please, so we do not have to go through a debate?"

I said, "What's wrong with going through a debate?"

"Well, you know, it could get into things about anti-Semitism."

"Well," I said, "if we are limited in our debate about things that go and find avenues and vents that are unknown, then we would not get anything done."

It goes back to what I have said 3,000 times. You either pass or kill a bill on this floor with the use of emotion, fear, guilt, or racism. That is the only reason I stay in this issue, not because I am totally perverse and ornery.

But this is not the Soviet Union of 1989. This is the former Soviet Union of 1994. Does anyone doubt who our friends are in that part of the world as we curry the favor of every one of the Independent States, and our citizens are there doing business and working and taking visas? There is anti-Semitism in Russia. There is anti-Semitism in the Ukraine. There is anti-Semitism in Vietnam. There is anti-Semitism in the United States of America. Where do you not find it?

Now, if every time we are going to be frozen in place and give up 50,000 numbers on a powerhouse play, when there are 60 million people waiting to get into the United States on a case-by-case basis, if they could stand face to face with one of our consular people and one of our people in the United States, they would hear what is a true refugee—a true refugee—not someone who is just covered by a blanket and, when covered by the blanket, decides to stay in this place of hideous persecution for a year or 6 months.

I did not say they were languishing there. I am saying they are there. I say change the definition of refugee and get it done as soon as you can so that you can remove the phrase "fleeing persecution," because you cannot be fleeing persecution and stay in the country that is persecuting you to get your affairs together.

If you are a refugee, you are running. I think most people think of a refugee as "the hounds of hell are after you." And once you get to the country of first asylum, once you get to that precious land, you are no longer a refugee. You have sanctuary. You have refuge. That is what it is about.

So just know that when you do this—and as I say it will pass pretty well, but I am going to have a rollcall vote. And by God, if I find somebody running up a list when it is all done that those who voted against this somehow had a smattering of anti-Semitism, I will hit the road and I will go find the forums and I will be very pleased to debate the issue with reasonable, responsible people.

I think our friend from Illinois—and there is no one tracking the issue better, as he sits on the committee with TED KENNEDY as chairman and me as ranking member—stepped into the hornets nest. It is the only three-member subcommittee in the U.S. Senate because nobody else will get on it, so the three of us labor. But I think it was very interesting what my friend from Illinois said. What he says is exactly right, because he is saying the persons benefiting from this amendment are looking for and receiving a "ticket to the United States." A ticket to be used at any time. This is not about having a "ticket to the United States," because that is what the Refugee Act was all about. It is about giving the precious right of a refuge, or sanctuary, if you will, that follows, to persons who are fleeing persecution. It is not about providing insurance policies or alternates or tickets to the United States. That is not what it is about.

So, I know the Senator from New Jersey acts from the best of motives, and I do enjoy him. He is a delightful friend. And he is not considering—I think he really believes, and I can say this because he is here, that is the joy of the debate—he may not consider his legislation to provide a presumption for persons in the former Soviet Union or Vietnam, but remember that all that is necessary here is something totally out of the mainstream of what we do. You do not have to establish any refugee status. You just simply "assert a well-founded fear of persecution," and then you "assert a credible basis."

You can go on all you want to, but I prefer to stick with the English language and that is what it says. Asserting a well-founded fear of persecution and asserting—and there is no other group in the world, whether it is Evangelicals or Ukrainian Catholics or Jews, or whoever, who have this special, special status that uses up other precious numbers that are not used by the people you see in the nightly news, who are really refugees: People from Yugoslavia, people from Somalia. How many people would like to leave there? We do not give them enough numbers. We should give them more numbers.

How do we get more numbers when we have this pipeline clogged with 50,000—and do not think they will not fill it. It will be filled. It will be filled.

I must say, I have nothing more than sheer puzzlement when my friend speaks of friendship. Do we have friendship with Russia? I think we must, when we stood by and approved when they lobbed shells into their own White House and never said anything. I think that is an act of true friendship. You cannot be any friendlier than that, than to watch your ally lob shells into his house of government, and not say much about it—Republicans and Democrats alike. That is not a partisan statement. Boy, that is friendship. There is an old song about that one. You could do a tap dance.

So let us remember what we are doing. Things have changed and so has this amendment, and the purpose of it. That is why I am here.

In 1989 I was not here. In 1994 I am here. You are using precious numbers that are given to a country that is our friend, as far as I know—unless I am missing something—and using a number of someone that preciously needs to be determined as a refugee on a case-by-case basis. And we have effectively turned our back on case-by-case designation, turned our back on the Refugee Act of 1980, and gone into a presumptive status based on nothing more than an assertion.

I think that is wrong. I think we should have a rollcall vote. I think the vote will be 85 to 15, and I think we will move on. But there will be something on the RECORD to show that this is not right, it is not sense, and it takes away precious numbers from pathetic, truly pathetic people, not on a basis of a presumption of refugee status but a hard, gut, sinew-tough, case-by-case real knowledge that they are refugees. We use 150,000—numbers, and 50,000 of them go here on a presumption. It is wrong.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, at the peril of prolonging this debate, I will just respond to my colleague from Wyoming. I want to make sure the RECORD is absolutely clear in terms of what it was that I said a few minutes ago, when I confirmed or affirmed my belief that the Senator from Wyoming does not harbor the kind of "anti" feeling suggested by anti-Semitism or anti-any other group. I know him well. I have talked to him in private moments and I have never heard any kind of a racial or religious slur come from him.

So when I tried some humor—which apparently passed by—and I accused him of being against the "semantics" of the bill, that is strictly what I was talking about, a word game, and in no way his feelings about any groups or individuals. So I hope the RECORD reflects that clearly.

But I do want to discuss the issue because I think he is wrong on the issue. The fact that he declares that our bud-

dies in the Soviet Union, or former Soviet Union, Russia, are OK because we did not intervene when they were shooting shells at one another, we did not intervene in Armenia when Azerbaijanis threatened to cut off their fuel supplies in the middle of this winter, we did not intervene in Georgia when they tried to take down the government there in their civil war play, or Tadzhikistan, or many of the other republics where tensions are almost at a boiling point—and heaven forbid that the war in former Yugoslavia expands, it could go like a tinderbox—we are not talking about any of those things.

What we are talking about is an amendment that was passed in this body 97 to 0. Apparently the Senator has already gotten a body count and he is at 85-15. But we are going to have the vote. And I do not want it to be suggested in any way that there is some surreptitious program underway where people are coming in the office and the blame is going to say you are an anti-Semite because you voted against it. That is nonsense. We discuss lots of issues here and, yes of course there is emotion. I am shocked that the Senator from Wyoming would suggest that emotion, fear—or there was another adjective—noun that he used to describe it, I am not sure what the other one was— but fear, constantly.

We are continually talking about crime and the fear that permeates our society and the phone calls that come and the letters that come and the pleas that we have from people who feel helpless out there because they are afraid. But we respond in here because we are afraid if we do not pay attention to those voters there is going to be something to pay out there.

So, let us dismiss that kind of rhetoric. We are discussing an issue that has to be decided on the merits of the issue. There have been people persecuted in this condition, in this area, this region, for almost centuries. I know it because my grandmother and grandfather were chased out of there. This is not a new discovery. We are talking about using numbers that have been said—if the Senator from Wyoming wants to reset the numbers, he is a ranking member of the important subcommittee that makes decisions on this issue, then go to the subcommittee and expand it. And if he wants my endorsement to let people in from Bosnia while we stand on the side and see that slaughter and do not do a damn thing, it might—he has my cosponsorship.

We are not talking about those things at all. We are not expanding the caps. We are not increasing the numbers. We are talking about people who have been subject to persecution and harassment for years, who carry name plates or tags that identify them as a Jew or another part of the religious community.

This is not some pipedream. We are not talking to people who can otherwise live without fear, free to practice their religion. They are desecrating cemeteries; they are trying to destroy objects that relate to the practice of one's religion. That is scary.

Let it happen here in this country—I know when a swastika is painted on a synagogue or a cross is burned on someone's lawn that we respond; we are outraged and we are fearful and we do not let it go unnoticed. We ought not let this go unnoticed. We ought to move off this.

I respect the Senator from Wyoming. He just happens to be wrong. Thank you very much, Madam President.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Madam President, I realize that our colleagues are waiting with more amendments because the deadline is 6 o'clock tonight, but I cannot resist. In response to the Senator from Wyoming, he would agree there are two kinds of refugees: Economic and political. The general understanding is we are talking about political refugees, not economic ones. More of the numbers will go to political refugees.

Is that not the purpose of it, as opposed to having them all go for immigration purposes?

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Madam President, indeed, there is great confusion in the land sometimes between political refugees, refugees under the United Nations and United States, and economic refugees. But remember that a political refugee in every other country of the world and all other applicants throughout the world must establish a well-founded fear of political persecution, if you will, on a case-by-case basis. That is all the Senator from Wyoming is saying. Nothing more. Do not read much more into it.

This you can call an assertion or a presumption or whatever, but it means that simply by being a member of one of these groups—they have added enough groups to make it more palatable—then you are automatically presumed to be a refugee, even if you have no fear of political persecution. Hear that. You may live in a community in the former Soviet Union where you have no fear. I do not know that. I am sure that would be unique, but I do know this: That we have taken a huge number, and I have helped do it right here on this floor. I want the number—I will get it for the RECORD—of how many Soviet Jews we have brought to the United States. I have traveled there with my friends to bring them here, and we have brought a huge number. I was right at the forefront of that. I am still there.

Now I am saying continue to do it on a case-by-case basis and not enter into this exercise where we give a presumption of refugee status. Remember, there are political refugees and economic refugees and then there are immigrants. No one knows that better than my friend from Rhode Island. Most of the persons entering under this amendment are like immigrants: They are coming to join people in the United States. Let us find out on a case-by-case basis.

The rich heritage of persecution of the relatives and family and loved ones of FRANK LAUTENBERG I could not even imagine, but that is not what this is about. Again, I have been here too long. I am not jaded. The issue is not about racism or the past or the Holocaust. The issue is about 1994 and refugees to the United States.

I say to my friend that the White House sets the figures on refugee numbers. Whatever they set, they know that will carry in the U.S. Senate. So we just sit and kind of twaddle our thumbs. Even Senator KENNEDY and I have sent letters to the Reagan White House and to the Bush White House and I think to the Clinton White House saying: Your numbers do not fit anymore with the reality of life.

The original normal flow of refugees was 50,000, and now this single amendment takes 50,000. It needs to be brought to the attention of the American people. They will not hear it today. It will pass big, but maybe someday they will go back and look at the debate. Even some of the voluntary agencies who do God's work on the ground say this is absurd, and "You will not get to first base, Simpson," and they are right.

But this is about 1994 and Russia and the Ukraine and Vietnam, for whom we just the other day urged the President, I guess—I voted for it—to normalize relations with Vietnam, and yet that is listed here. This does not fit—it will fit today by a nice vote, but it will not fit. That is why I think we needed this debate.

I appreciate the courtesies of my friend from New Jersey, a splendid friend, and the courtesies of the managers of the bill.

Mr. HELMS. Madam President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote taken will be by yeas and nays.

The Senator from North Carolina.

AMENDMENT NO. 1329

(Purpose: To instruct U.S. Executive Directors to international financial institutions to vote against financing countries whose governments expropriate U.S. property)

Mr. HELMS. Madam President, I have an amendment which I send to the desk and ask that it be stated.

The PRESIDING OFFICER. Under the previous order, the pending amend-

ments are set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1329.

Mr. HELMS. Madam 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:

SEC. 714. OPPOSITION TO FINANCING BY INTERNATIONAL FINANCIAL INSTITUTIONS FOR COUNTRIES EXPROPRIATING UNITED STATES PROPERTY.

(a) PROHIBITION.—The President shall instruct the United States Executive Director of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the African Development Fund, the Asian Development Bank, the African Development Bank, The European Bank for Reconstruction and Development, and the International Monetary Fund to vote against any loan or other utilization of the funds of the bank for benefit of any country which—

(1) has before, on, or after the date of enactment of this Act—

(A) nationalized or expropriated the property of any United States person,

(B) repudiated or nullified any contract or agreement with any United States person, or

(C) taken any other action (such as the imposition of discriminatory taxes or other exactions) which has the effect of seizing ownership or control of the property of any United States person, and

(2) has not, within a period of 3 years (or where applicable, the period described in subsection (b)), returned the property or provided adequate and effective compensation for such property in convertible foreign exchange equivalent to the full value thereof, as required by international law.

(b) EXTENDED PERIOD FOR COMPENSATION IN THE CASE OF NEWLY DEMOCRATIC GOVERNMENT.—In the case of a democratically elected foreign government that had been a totalitarian or authoritarian government at the time of the action described in subsection (a)(1), the 3-year period described in subsection (a)(2) shall be deemed to have begun as of the date of the installation of the democratically elected government.

(c) EXCEPTED COUNTRIES AND TERRITORIES.—This section shall not apply to any country established by international mandate through the United Nations or to any territory recognized by the United States Government to be in dispute.

(d) REPORTING REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, and every 180 days thereafter, the President shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate, a report containing the following:

(1) A list of all countries against which United States persons have outstanding expropriation claims.

(2) The total number of outstanding expropriation claims made by United States persons against any foreign country.

(3) The period of time in which each claim has been outstanding.

(4) A description on a case-by-case basis of each effort made by the United States Government, or the country in which the expropriation claim has been made, to return the property or provide adequate and effective compensation for such property.

(5) Each project a United States Executive Director voted against as a result of the action described in subsection (a).

(e) DEFINITION.—For purposes of this section, the term "United States person" means a United States citizen or corporation, partnership, or association at least 50 percent beneficially owned by United States citizens.

Mr. HELMS. Madam President, I yield to the Senator for a unanimous consent request we have agreed to.

Mr. PELL. I thank the Senator from North Carolina.

Madam President, I ask unanimous consent that upon disposition of amendment 1327 and without intervening action or debate, the Senate proceed to vote on amendment 1326, as amended, if amended.

I further ask unanimous consent that it be in order for the Simon amendment No. 1326 to be considered, notwithstanding the unanimous-consent agreement governing this bill.

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

Mr. PELL. Madam President, I now ask unanimous-consent that the previous unanimous consent agreement regarding the 2:15 vote on the Lautenberg amendment No. 1327 be changed to reflect the vote occurring at 2:30 p.m. today, and the previously ordered recess for the party conference luncheons extend until 2:30 p.m. today.

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

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Madam President, the pending amendment which, by the way, is essentially a rewrite of the so-called Gonzalez amendment, tracks the improved Hickenlooper amendment, as it has come to be known down through the years. The Senate adopted the Hickenlooper amendment yesterday, as modified. I will discuss various aspects as I go along.

For those not familiar with the Gonzalez amendment, it requires the United States to vote against certain multilateral bank loans to any country which confiscates without compensation the property of a U.S. citizen, unless the President of the United States determines that progress is being made to resolve the claim and so notifies the Congress.

The problem is that the President almost never makes such a determination regarding the lack of progress in the resolution of such property claims. To my knowledge, and I have become a little bit of an expert on it, the issue of confiscated American properties hardly ever comes up when the State Department and the Treasury Department decide how to vote on a proposed loan to a country. All too often, these property claims are viewed as insignificant little problems which do not merit the serious attention of the State Department or the Treasury Department officials.

The point is that years of experience have demonstrated that, as with the Hickenlooper amendment, the concept of progress has been abused and obfuscated. It has become a loophole allowing foreign countries receiving the foreign aid money furnished by American taxpayers to deceive the bureaucrats at the State Department and the Treasury Department into taking little or no action to help U.S. citizens whose property has been confiscated.

It is an arrogant situation. I will get into that in just a little bit.

Making progress and resolving these claims often appears as one small step forward when actually it turns out to be two big steps backward. Here is what happens. A foreign government forms a new commission to study the problem or the foreign country invents new forms for the American citizens to fill out if they want to be considered for compensation for their property. Or these foreign countries send American citizens on wild goose chases throughout the bureaucracy of the offending country.

That is what American citizens are putting up with all over the world. I have sort of a compilation here.

Nicaragua alone has 1,200 instances of seized property owned by American citizens, meanwhile, the United States has supported $142,400,000 in loans to Nicaragua through the Inter-American Development Bank. Honduras has 50 such instances. Panama has a couple, Venzuela has a couple, Brazil has a couple, Costa Rica has 17, and so on. Everybody sits on their thumbs at the State Department and says, "Well, we will get to that tomorrow. It's really not important."

You try to get information or you try to get some movement out of the State Department. It is not going to happen unless the Congress of the United States says to the State Department "make it happen."

Madam President, the long and short of it is that both the State Department and the Treasury Department refused to obey the law when they refused to implement the Gonzalez amendment. The Gonzalez amendment has been used against only two countries—two instances—from 1976 to 1987, once against the Congo and 17 times against Ethiopia. All the rest have gone scot-free. They have kept the property and they have thumbed their nose at the American citizen. I resent it, and I am sympathetic with the American citizens who are caught in such a trap.

I am not aware that the Gonzalez amendment has been implemented even one time since 1987, and we have searched the records very carefully. I find it incredible, considering the hundreds of cases that my office has handled from Central and South America,

that the Gonzalez amendment has not been used even once against an arrogant country begging for our foreign aid, a country that has seized property clearly owned by American citizens. Yet these offending countries seek loans at the Inter-American Development Bank, and they are getting them. My position and my amendment says cut it out, cut off the loans, vote against the loans.

If the pending amendment becomes law, this will change. You will see a toning down of that arrogance, and it ought to have been toned down a long time ago. This amendment will require the United States to vote against loans by all of the multilateral banks to any country that has appropriated property of a U.S. citizen or citizens and has not returned that property or fairly compensated the legitimate owner within 3 years—3 years.

It allows for the transition of a new democratically elected government in a country which was previously ruled by a totalitarian dictatorship. A newly elected government will have a period of 3 years upon the date of the installation of the new government to settle the property claims of American citizens. Furthermore, it will not affect nations internationally mandated by the United Nations or territories recognized to be disputed by the U.S. Government. This amendment is fair.

Mr. PELL. Madam President, I share the Senator's concern over the expropriation of U.S. citizens' properties.

I believe current law already adequately addresses this issue by requiring the United States to vote against loans to countries that have nationalized or expropriated the property of U.S. citizens without prompt, adequate, and effective compensation. I fear that this amendment goes too far in trying to address this issue.

The only multilateral development bank that does not currently have such a requirement is the EBRD. The Foreign Relations Committee has attempted to rectify this and accepted a Helms amendment in the fiscal year 1994 foreign assistance authorization bill to extend the same expropriation requirements to the EBRD as all the other banks. I supported this amendment and I hope it will eventually become law.

Unlike current law, the amendment being offered by the Senator from North Carolina today requires the United States to vote against a loan to countries that have not provided adequate compensation within a period of 3 years. Resolving expropriation cases is an extremely complicated and lengthy process that could involve local courts and international arbitration. Just as in the United States, these judicial proceedings often take far more than 3 years to resolve.

This amendment would also require the United States to vote against a loan regardless of whether the U.S. citizen has a valid claim, regardless of whether the claim has been resolved, regardless of whether the country is taking steps to resolve outstanding expropriation cases, or regardless of whether a claim is currently in the courts. It would require the United States to vote against a loan even if there is only one outstanding claim by a U.S. citizen, regardless of its value or validity.

The amendment includes a provision that would give a newly democratic government a period of 3 years from the date that government was installed. In the case of Russia, that period would expire in June. Certainly, it is unrealistic to expect that Russia would have resolved all outstanding claims, which could go back as far as 70 years ago, by that time.

Many of these loans are to support economic reforms and privatization—important steps in establishing private property rights and turning around a country's economy so that it can compensate expropriation claims. Denying a country of those loans would only defeat our goal of helping all U.S. citizens receive compensation.

I urge my colleagues to defeat this amendment.

AMENDMENT NO. 1330 TO AMENDMENT NO. 1329

(Purpose: To instruct U.S. Executive Directors to multilateral development banks to vote against financing to countries that expropriate property of U.S. citizens, except for basic human needs)

Mr. HELMS. Madam President, under the unanimous consent it is in order for me to offer a second-degree amendment to the pending amendment

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. HELMS. I send it to the desk and ask that it be stated.

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 1330 to amendment No. 1329:

At the appropriate place in the amendment, insert the following:

(f) WAIVER.—The President may waive the prohibition in subsection (a) if he so notifies Congress twenty-one days in advance of any vote that a loan or other utilization of the funds of the bank under consideration is directed only to programs which serve the basic human needs of the citizens of such country.

Mr. HELMS. Madam President, bear with me just a moment.

Madam President, we have had so much confusion here this morning, and as the Chair will recall I offered the underlying amendment earlier, and then we had the interruption and I was trying to accommodate the Senator from New Jersey and others, so I laid it aside.

The point is, I have offered the same amendment twice, and I ask unanimous consent that Amendment No. 1328 be eliminated.

The PRESIDING OFFICER. Without objection, it is so ordered. Without objection, Amendment No. 1328 will be eliminated.

The amendment (No. 1328) was withdrawn.

Mr. HELMS. Now we are straight again. I ask the Chair, are we all in sync?

The PRESIDING OFFICER. Yes.

Mr. HELMS. Very well. I thank the Chair.

Now, the second-degree amendment to the underlying amendment is obviously a Presidential waiver. This waiver allows U.S. executive directors to the banks to support financing only for basic human needs projects to countries which have confiscated without compensation the property of U.S. citizens.

Now, I do not want to stand in the way of financing for basic human needs, people who are hungry or sick or whatever, projects that will feed hungry children or care for expectant mothers, and the waiver amendment, in the second degree, takes care of that.

Let me say this: I am not being picky about this subject, but I am reaching the point of obsession about it. I asked the U.S. State Department months ago for a list of all the confiscation claims by American citizens in this hemisphere. I was told by the administration that a review of this issue is underway and that I would be informed about the review. Since that time, the Senate has overwhelmingly approved a Helms amendment to the foreign operations appropriations bill which was intended to close the loopholes in the Hickenlooper amendment which was adopted. The Senate adopted virtually the same amendment yesterday. Just the same, I still received no information whatsoever from the State Department.

(Mr. BREAUX assumed the chair.)

Mr. HELMS. So I must take the position that since the State Department will not honor a request for a review of the problem, I have added a reporting requirement to this amendment. And this, I hope, will force the bureaucracy to find out and report to Congress, not just to me, precisely which countries have expropriated U.S. citizens' property, how many claims are outstanding, how long the claims have been outstanding, what efforts have been made to return the property or provide compensation, and each project a U.S. executive director at a bank voted against as a result of this amendment. That is only fair to the American citizens, and it is only information that the Congress ought to be furnished as a matter of course. That is all this amendment does.

By now, I think Senators have discovered that my associates and my of-

fice are continually working on the expropriation claims of hundreds of American citizens in many countries. They are not just North Carolinians; they are from all over the country and various parts of the world. People come to us because time and time again I have signaled my interest in this matter. We are glad to help anybody we can, but I think the Senate ought to insist, and the House ought to join us, on making sure that the State Department gets off the dime and does what it is supposed to do.

I say again that very few of these citizens are from North Carolina. I have done everything in my power to resolve these cases, but the State Department always jumps to the defense of the offending foreign governments, and I resent it. And as long as I am in the Senate, I am going to urge the State Department to do what is right and be attentive to the needs of American citizens.

I cannot make any progress on these cases unless and until pressure is brought to bear on the offending governments—I just identified some of them—by the State Department and the Treasury Department, which, up to now, have been talking in seven languages when the travail of American citizens comes to the forefront. And in my book, bringing pressure to bear means hitting them where it counts—in their wallet. If these countries learn that they are not going to get the loans, if they learn they are not going to get the U.S. foreign aid, except for compassionate aid, then they will begin to try to do something that they ought to have been doing a long time ago.

I mentioned yesterday that I have not forgotten Secretary Christopher's pledge at his confirmation hearing to have an "American desk" at the U.S. State Department. Well, I am still waiting, and a lot of Americans are still waiting. It is high time for the interests of American citizens to come first, and this amendment will require the State Department and the Treasury Department to put those interests of the American people first.

I imagine that some Senators might wonder which countries will be affected by this amendment. Well, I can tell you what the folks in North Carolina would say to that. They would say "who cares." And I agree with the folks back home. Given the choice between financing foreign governments and helping an American citizen in need, I side with helping the American every time. My first duty is to protect the rights of American citizens.

Furthermore, those who are worried about the implications of blocking loans to a certain country should consider what happens when these countries have no respect for private property rights. Governments which do not respect property rights do not gain foreign investment, or any investment for that matter. No amount of money from the multilateral banks will purchase economic stability for these countries.

Mr. President, we were each elected to the U.S. Senate to defend and protect American citizens. Bureaucrats at the State and Treasury Departments ought to defend and protect American citizens as well. All too often they do not.

If this amendment becomes law, the administration will no longer be able to make excuses for foreign governments as to why those governments have not settled thousands of property claims by U.S. citizens. The U.S. Executive Directors at the multilateral banks, in consultation with the State Department, will have to start defending and protecting the rights of Americans.

Countries which depend on U.S. support at the multilateral banks will know that their loans may be in jeopardy until all American claims are settled. They can give the property back, fairly compensate for it, or risk not getting their loan. It is that simple, and since the U.S. contributes the largest share to these banks, it is fair to American taxpayers.

Mr. President, Americans are sick and tired of foreign aid. They have always considered it a waste of their tax dollars—whether the money was funneled through AID or the multilateral banks. At the very least, Congress should insist that countries which receive foreign aid respect the rights of U.S. citizens. If they abuse the rights of Americans, then they should not receive one dime from the taxpayers.

Mr. President, the fact is that the American people are sick and tired of this whole foreign aid concept anyhow. I find myself wishing that somehow we could put it on a national ballot and say: What do you think of this? Do you want to continue? It began in 1946 and, since that time, if you figure all of the money that has been distributed under the foreign aid program since 1946 and you rolled over the interest year after year, you would come to $2 trillion or $3 trillion that this program is costing the American taxpayers.

In conclusion, let me say that yesterday the Senate adopted a Helms amendment which strengthened the Hickenlooper provision as it applies to bilateral foreign aid. Passage of the pending amendment and second-degree amendment would strengthen the Gonzalez provision and should force the bureaucracy to use U.S. leverage at the multilateral banks to help Americans in need of protection abroad.

Mr. President, I ask for the yeas and nays on the second-degree amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, I ask for the yeas and nays on the underlying amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. PELL. Mr. President, I share the concern of the Senator from North Carolina concerning the expropriation of the properties of U.S. citizens. Personally, I believe that the current law already adequately addresses this issue by requiring the United States to vote against loans to countries that have nationalized or expropriated the property of U.S. citizens without prompt, adequate and effective compensation.

I fear this amendment goes a bit too far in trying to address this issue. The only multilateral development bank that does not currently have such a requirement is the EBRD, European Bank for Reconstruction and Development. The Foreign Relations Committee has attempted to rectify this and actually accepted the Helms amendment in the fiscal year 1994 foreign assistance authorization bill to extend the same expropriation requirements to the EBRD, as all the other banks. I supported this amendment and hope it will become law.

Unlike current law, the amendment being offered by the Senator from North Carolina today requires the United States to vote against a loan to countries that have not provided adequate compensation within a period of 3 years. Resolving expropriation cases is an extremely complicated and lengthy process that could involve local courts and international arbitration. Just as in the United States, these judicial proceedings often take far more than 3 years to resolve. This amendment would also require the United States to vote against a loan regardless of whether the United States citizen has a valid claim, regardless whether the claim is being resolved, regardless of whether the country has taken steps to resolve outstanding expropriation cases, or regardless of whether a claim is currently in the courts.

It would require the United States to vote against a loan even if there is only one outstanding claim by a United States citizen, regardless of its value or its validity. The amendment includes a provision that would give a newly democratic government a period of 3 years from the date that government was installed. In the case of Russia, that period would expire in June. Certainly it is unrealistic to expect that Russia would have resolved more outstanding claims, some of which can go back as far as 70 years ago by that time.

Many of these loans are to support economic reform and privatization, important steps in establishing private property rights and turning around a country's economy so that it can compensate expropriate claims. Denying a country those loans would only defeat

our goal of helping all U.S. citizens receive compensation.

I urge my colleagues to defeat this amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HELMS. Mr. President, I am sure Senator PELL feels as I do. I hope Senators with amendments will come onto the floor and offer them or let us know if they are not going to offer the amendments that are on the list.

Mr. PELL. That is right. Here we are ready for business, but we do recess for the mutual caucuses at 12:30.

Mr. HELMS. I will stay here and I know the Senator will also and allow Senators to call up their amendments, and we will lay amendments aside in order. I would like to keep this ball rolling; otherwise, we are going to have a legislative traffic jam here around 4 or 5 o'clock.

Mr. PELL. It is already predictable. It is a question of how big a traffic jam.

Mr. HELMS. Exactly.

I hope staff members and/or Senators who may be listening on the television in their offices will look at what they have reserved on the list that is covered by the unanimous consent request and, if they really wish to offer their amendments, let us know and we will cooperate in any way we can.

Mr. PELL. Absolutely.

Mr. HELMS. Very well.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1324

Mr. DECONCINI. Mr. President, I rise in strong support of the majority leader's second degree amendment to the Dole amendment No. 1323, which deals with several aspects of United States participation in United Nations peacekeeping operations.

As Chairman of the Intelligence Committee, I am one of several committee chairmen who were asked by the majority leader last October 22 to look at possible revisions to the War Powers Act. It would be the purpose of this review, as I understand it, to consider what the involvement of the Congress should be in decisions to deploy U.S. Military Forces into hostile situations abroad, whether as part of U.N. peacekeeping forces or as ordered by the President of the United States.

This is an extremely important issue; very complicated. It is one that has to be dealt with in a very, very thoughtful way. It is not something that should be decided here by an amendment on the floor, certainly as far-reaching as the amendment by the minority leader. Rather, it is something that we need to hold some hearings on in the Intelligence Committee, as well as others, to be careful and to be certain, if we can, that what we put forward is workable and gets us where we want to get.

So I support the sense of the Senate amendment of the majority leader setting a time certain for the Senate to consider these important issues in a more deliberate way.

I have a particular problem with section 815 of Senator DOLE's amendment which deals with intelligence sharing with the United Nations and if the majority leader's second degree amendment were defeated, it would be my intention to offer a second degree amendment of your own to strike this particular section.

Section 815 would prohibit the U.S. Government from sharing intelligence with the United Nations except pursuant to an annual agreement entered into between the President and U.N. Secretary General, specifying precisely what types of information may be shared. Such agreements must be referred to the Congressional Intelligence Committees for a period of 30 days before they may go into effect. Section 815 would exempt from this requirement information pertinent to protect American citizens serving with the United Nations and United States Nationals whose safety is threatened.

Mr. President, the administration is opposed to this provision on the grounds that it infringes upon the President's constitutional power and because it simply is unworkable. I share some of these apprehensions. But I believe that we need to address this matter—and I know the minority leader's amendment is to do just that—to be sure that Congress plays a meaningful role in this so-called war powers discussion.

I am not interested in just opposing it because the administration may feel it is a separation of powers. I think there is a workable solution.

A fundamental problem is also apt to be getting any Secretary General of the United Nations to enter into any agreement with the United States or any member state which makes the United Nations a partner in intelligence-sharing per se. While the United Nations is interested in obtaining information from its members to support its peacekeeping operations, I think it would clearly shy away from any sort of agreement that pertained specifically to the sharing of intelligence which made distinctions among who had access to what intelligence. So if this provision were enacted, and the Secretary General refused to enter into any such agreement, as I read section 815, the United States would be precluded from sharing any information to support U.N. peacekeeping forces.

I have other reservations. To begin with, this legislation is squarely within the jurisdiction of the Select Committee on Intelligence, which I am privileged to chair.

I appreciate the minority leader's interest in addressing this War Powers Act, trying to find a resolution that involves Congress. But I have to say that the committee would like to hold some hearings on it.

And we will do that, as I said to begin with, under the request of my majority leader.

It is unnecessary, in my judgment, to proceed now with this particular amendment. Among other things, these arrangements ensure careful screening of all information furnished to the United Nations. The United States goes to great lengths, in fact, to protect the sources and the methods of its intelligence gathering. Unless the Senator from Kansas has information to the contrary, I am told the United Nations has done a very good job of protecting information provided by the United States. Sensitive United States information has not gotten to countries like Libya or Iran, at least to this Senator's knowledge.

The provision also may be dangerous and could be ill advised for a number of reasons:

First, it would impose a cumbersome, I believe unworkable framework, of control over what intelligence might be shared with the United Nations. There is no way that such a framework could accommodate emergency situations where it became necessary to share intelligence on an urgent basis which did not meet the terms of the agreement, something that was left out of the agreement or unforeseen when the agreement was entered into. Lives could depend upon such information getting through. Perhaps not United States lives, which are exempt from that control of it, but lives of other allied and friendly nations.

Let me just provide a hypothetical situation of a U.N. peacekeeping operation and how this provision would—could—result in very dangerous situations. Suppose the United States, Canadian, and Polish soldiers are jointly involved in a peacekeeping operation. Suppose the United States obtains information that a terrorist attack on these forces is being planned. Suppose the release of this information is not covered by the agreement because the agreement had not foreseen this—with the United Nations. Then, under the Dole provision, the information can only be shared with U.S. forces. It

could not be shared with the Poles or the Canadian forces because they were not specifically covered by the agreement.

I cannot believe that is what we want to achieve here, but I could see how that might happen if we do not do a thoughtful preparation as we enact war power legislation.

The framework created by this section would, in my estimation, require a minimum of several months to change. Unanticipated deployments of U.N. peacekeeping forces to meet emergency situations would have to wait months before the United States could, under these provisions, support them with information that might save their lives or spell the success or nonsuccess of a particular operation. This makes no sense to me at this time.

The United Nations has no intelligence apparatus of its own. It is dependent upon public media and information it receives from member nations to support its peacekeeping operations. The United States has a great deal to offer in support of these operations, short of giving away the so-called "family jewels" of important intelligence sources; for example, tactical information, information about opposing military forces, about civilian infrastructures in the countries of concern. As a practical matter, section 815 of the Dole amendment could preclude the United States from sharing even this type of logistical information unless the annual agreement were amended and allowed for such sharing. So, in my view, this could leave us in a helpless, ineffective position at precisely the time when our assistance is most needed.

What might happen, too, is they would just go ahead and share it, particularly if lives were at stake. That, of course, would then be in violation of the agreement. I do not think we want to walk into that area.

I am also concerned about some other aspects of the amendment. I urge we put this off for a little bit and do what we can to have hearings and to proceed, as the majority leader has suggested, on the basis of having the committees who have any jurisdiction over this matter proceed with hearings and make suggestions, and have the ranking members involved in that.

Hopefully, we can develop real legislation that would put Congress back clearly in this process, which is something I want, and I am sure that is what the minority leader has in mind in this particular amendment he has offered. So that is why I rise in support of the majority leader's second-degree amendment.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. LOTT. Mr. President, will the distinguished Republican leader yield for a unanimous-consent request at this point?

Mr. DOLE. I am happy to yield.

AMENDMENT NO. 1315

Mr. LOTT. Mr. President, I ask unanimous consent it be in order for me to ask for the yeas and nays on my amendment offered yesterday.

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

Mr. LOTT. 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. DOLE. Mr. President, I want to assure the Senator from Arizona, who certainly has a direct interest in this, I think in this case hearings may be helpful. We do not want anything to rush through here—particularly in the intelligence area—without a careful consideration.

So I think we will not have any problem with the Senator's request and the concerns he has expressed.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:30 p.m.

Thereupon, at 12:39 p.m., the Senate recessed until 2:29 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KOHL).

FOREIGN RELATIONS AUTHORIZATION ACT

The Senate continued with the consideration of the bill.

VOTE ON AMENDMENT NO. 1327 TO AMENDMENT NO. 1326

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1327 offered by the Senator from New Jersey, [Mr. LAUTENBERG]. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, before we proceed with the vote, I ask unanimous consent that the distinguished Senator from Arizona, [Mr. MCCAIN] be recognized after this vote to call up an amendment.

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

The question is on agreeing to amendment No. 1327. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 85, nays 15, as follows:

[Rollcall Vote No. 14 Leg.]

YEAS—85

Akaka	Bingaman	Boxer
Baucus	Bond	Bradley
Biden	Boren	Breaux
Brown	Graham	Mikulski
Bryan	Gramm	Mitchell
Bumpers	Grassley	Moseley-Braun
Burns	Harkin	Moynihan
Byrd	Hatch	Murray
Campbell	Hatfield	Nickles
Chafee	Heflin	Nunn
Coats	Hollings	Packwood
Cohen	Hutchison	Pell
Conrad	Inouye	Pryor
Coverdell	Jeffords	Reid
D'Amato	Johnston	Riegle
Danforth	Kennedy	Robb
Daschle	Kerrey	Rockefeller
DeConcini	Kerry	Roth
Dodd	Kohl	Sarbanes
Dole	Lautenberg	Sasser
Domenici	Leahy	Shelby
Dorgan	Levin	Simon
Durenberger	Lieberman	Specter
Exon	Lott	Stevens
Feingold	Mack	Warner
Feinstein	Mathews	Wellstone
Ford	McCain	Wofford
Glenn	McConnell	
Gorton	Metzenbaum	

NAYS—15

Bennett	Helms	Pressler
Cochran	Kassebaum	Simpson
Craig	Kempthorne	Smith
Faircloth	Lugar	Thurmond
Gregg	Murkowski	Wallop

So the amendment (No. 1327) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the Simon amendment No. 1326, as amended.

The amendment (No. 1326) was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HELMS. Mr. President, I yield to the Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask the Senator from Virginia [Mr. ROBB] if he intends to—we will proceed momentarily, by agreement, with the Senator from Arizona. I want to inquire of the Senator from Virginia if he intends to introduce an amendment on North Korea.

Mr. ROBB. Mr. President, if I may respond to the Senator from Massachusetts, I was just conferring with the Senator from Arizona about the prospect of jointly introducing an amendment or a second-degree amendment. We have not completed that conversation. As soon as that is complete, I will be able to respond.

Mr. KERRY. I thank the Senator from Virginia.

Let me say to colleagues that we have a couple of potential votes backed up, which we are trying to hold temporarily. If there are any other Senators

on the list who are permitted to bring amendments, we would greatly appreciate their coming forward now so we can begin to put an order together and try to fit as many people in before the 6 o'clock deadline and try to arrive at some agreement, if that is possible.

Mr. PRYOR. Mr. President, if I may ask the Chair, precisely what is the business before the Senate at this moment, the pending matter before the Senate?

The PRESIDING OFFICER. Regular order.

Mr. PRYOR. Is the Senator from Arizona next to be recognized?

The PRESIDING OFFICER. Yes.

Mr. PRYOR. I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona, Mr. MCCAIN, is recognized.

AMENDMENT NO. 1331

(Purpose: To express the sense of Congress regarding United States policy toward the development of nuclear weapons by North Korea)

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 legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. DOLE, Mr. NICKLES, Mr. BOND, Mr. D'AMATO, Mr. MACK, Mr. GRAMM, Mr. KEMPTHORNE, and Mr. CRAIG, proposes an amendment numbered 1331.

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:

On page 179, after line 6, insert the following new section:

SEC. 714. POLICY REGARDING THE NORTH KOREAN NUCLEAR WEAPONS PROGRAM.

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

(1) On February 10, 1993, North Korea refused to permit the International Atomic Energy Agency (IAEA) to conduct special inspections, as permitted under the terms of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), of two undeclared nuclear-related sites to clarify discrepancies related to North Korea's nuclear program, and on March 12, 1993, North Korea announced its intention to withdraw from the NPT effective on June 12, 1993, due to the insistence of the IAEA on exercising inspection rights under the NPT.

(2) On April 1, 1993, the IAEA declared North Korea to be in noncompliance with the NPT, on April 2, 1993, the IAEA voted to refer North Korean violations of the Treaty to the United Nations Security Council; and on April 7, 1993, the IAEA issued a formal censure on North Korea for its noncompliance with the NPT, the first censure in the history of the IAEA.

(3) On May 11, 1993, the United Nations Security Council passed a resolution asked North Korea to allow IAEA inspection under the NPT, and on May 12, 1993, North Korea rejected the request of the United Nations Security Council and has since impeded or refused access to any of its sites by IAEA inspectors.

(4) On June 2, 1993, the United States and North Korea initiated a series of meetings in New York to discuss the impasse in nuclear site inspections, which continued until January 4, 1994, when Under Secretary of State Lynn Davis announced that North Korea had agreed to inspections of seven declared nuclear-related sites.

(5) Discussions between the IAEA and North Korea to implement the announced agreement to permit inspections in North Korea have reached an apparent impasse, and the issue is anticipated to be discussed at the IAEA Board of Governors meeting on February 21, 1994.

(6) The People's Republic of China (PRC) has repeatedly stated it would not support any action of the United Nations Security Council to impose sanctions on North Korea, and the PRC may not be cooperating fully and effectively in seeking a resolution of this issue.

(7) The United States must clearly communicate its firm resolve to compel North Korea to comply with the inspections required under the NPT and has instead offered to cancel 1994 Team Spirit joint military exercises with South Korea; indications are that numerous other concessions, such as diplomatic recognition and economic assistance, are also being considered.

(8) The development of nuclear weapons by North Korea would significantly increase the already serious threat to the safety and security of South Korea and the stability of the Pacific region posed by North Korea's military forces, which include—

(A) an army of 1,200,000 men, much of which is positioned near the border with South Korea;

(B) an estimated 250 tons of biological and chemical weapons; and

(C) extended range SCUD–C missiles reportedly armed with chemical warheads, No Dong missiles, and possibly a much longer range intermediate-range ballistic missile in development.

(b) POLICY.—It is the sense of the Congress that—

(1) North Korea must halt its nuclear weapons program and fully comply with the terms of the NPT and the January 30, 1992, full-scope safeguards agreement agreed to by North Korea and the IAEA;

(2) the President should seek international consensus to isolate North Korea economically until North Korea halts its nuclear weapons program and reaches acceptable agreement with the IAEA on inspections of its nuclear facilities and those inspections have begun;

(3) the President should support United States-South Korea joint military exercises as an expression of commitment to the United States-Republic of Korea Mutual Defense Treaty of 1954;

(4) the President should ensure that sufficient United States military forces are deployed in the Pacific region, including the deployment of Patriot batteries in South Korea, in order to be prepared to effectively defend South Korea against any offensive action by North Korea;

(5) the President should make resolution of this issue a matter of urgent national security priority; and

(6) an "acceptable agreement" between the IAEA and North Korea should include regular inspection of all declared nuclear sites as well as special inspections of any suspected nuclear-related site, as agreed to by North Korea in the January 30, 1992, full-scope safeguards agreement with the IAEA.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "IAEA" means the International Atomic Energy Agency;

(2) the term "NPT" means the Treaty on the Non-Proliferation of Nuclear Weapons, done on July 1, 1968 at London, Moscow, and Washington; and

(3) the term "safeguards" means the safeguards set forth in an agreement between a country and the IAEA, as authorized by Article III (A)(5) of the Statute of the International Atomic Energy Agency.

Mr. MCCAIN. Mr. President, I want to say, as I proceed with my remarks, that the Senator from Virginia brings up a very important point about the possible reintroduction of nuclear weapons in the event of our failure to bring about a halt in the North Korean nuclear capability. Perhaps by the time I finish my remarks, the Senator from Virginia and I will be able to incorporate his proposal into my amendment, but we will also have the Senator from Massachusetts look at it. There is a puzzled look on the face of the Senator from Massachusetts, and I understand that. I say to him that I recognize he has agreed to accept just my amendment. The Senator from Virginia has the right to either modify my amendment or propose an amendment in the form of a second degree, as is proper parliamentary procedure. Or the Senator from Virginia suggests that perhaps he just propose his amendment following mine. Would that be the easiest?

Mr. KERRY. First of all, I do not know if the microphone of the Senator from Arizona is working. I am having a hard time hearing.

Mr. MCCAIN. I thank the Senator.

Mr. KERRY. Mr. President, if my friend will yield for a moment, I can answer his question. I think the Senator from Virginia is disposed to proceed separately after the Senator. We remain prepared to accept the amendment. I will discuss it in a moment.

Mr. MCCAIN. Mr. President, I ask the indulgence of my friend from Virginia. I have an amendment on Thailand which will be accepted at the end of this particular amendment.

I rise on behalf of myself, Senator DOLE, and others, to offer this amendment regarding the United States policy with respect to the North Korean nuclear program.

Mr. President, this amendment expresses the sense of Congress regarding the continued intransigence of North Korea in refusing to comply with the terms of the Nuclear Non-Proliferation Treaty. For nearly a year, North Korea has refused to allow access to its nuclear-related facilities, as required under its safeguard agreements with the International Atomic Energy Agency.

The International Atomic Energy Agency has not formally declared a break in the continuity of safeguards on nuclear-related facilities in North Korea, but inspections have not been permitted since last January. This

raises serious questions as to the possibility of diversion of nuclear material to a weapons development program—a situation which cannot be permitted to stand unchallenged and unexplored.

The administration has been unsuccessful in resolving this issue, and this amendment sets forth a firm new policy approach designed to demonstrate United States resolve and to encourage North Korea's agreement to permit inspections at all of its nuclear-related sites.

In general, this amendment urges the President to use strong measures to accomplish the primary objective—halting the North Korean nuclear weapons program and implementing the full-scope safeguards agreement between North Korea and the International Atomic Energy Agency.

Let me briefly explain the most significant points of the policy which this amendment urges the President to adopt:

First, the amendment urges the President to seek international consensus to impose sanctions and other measures to isolate North Korea economically until IAEA inspections resume. While the administration has threatened to impose sanctions through the U.N. Security Council, they have effectively left the decision to seek such sanctions to the IAEA. Unless the International Atomic Energy Agency admits defeat in its efforts to gain North Korea's agreement to resume inspections, the United States will not press for U.N. action to impose economic sanctions. Instead, the administration should take the lead now in seeking a multilateral economic embargo on North Korea in order to compel them to agree to inspections and stop building nuclear weapons.

(Mr. LIEBERMAN assumed the chair.)

Mr. McCAIN. Second, the President is urged to support United States-South Korea joint military exercises as a demonstration of our commitment to our South Korean allies. The amendment rejects the administration's ill-advised linkage of these exercises with North Korea's willingness to live up to its international commitments.

Third, the amendment calls on the President to ensure that sufficient United States forces, including Patriot missiles, are deployed in South Korea to adequately defend our ally against any aggressive action by the North. General Luck, commander of United States forces in Korea, has requested Patriot systems in order to counter Scud missiles from the North. The administration should immediately approve the deployment of these systems to better defend our troops against possible attack.

This amendment does not specifically authorize the President to use military force to compel North Korea's compliance with the NPT. The President should, however, use all means necessary to achieve that goal, and there are many such options available to him. In addition to continued diplomatic pressure, the President should seek multilateral support for an economic embargo against North Korea. He should urge Japan to stop the flow of hard currency from resident North Koreans to their homeland. He should seek full cooperation from the Chinese in any multilateral sanctions on North Korea, by making clear to China that renewal of most-favored-nation status will be conditioned upon China's demonstrated efforts to compel North Korea to comply with the NPT.

This amendment states that resolving the stalemate on nuclear inspections in North Korea is a matter of the highest national security priority. I believe that the President should very seriously consider the use of all necessary means, including military force, in the event that all other measures fail to achieve the desired result of halting the North Korean nuclear weapons program. I do not say this lightly, and I do not advocate the use of force at this time. But I believe that it must be made very clear to the North that their refusal to comply with their freely undertaken international obligations will not be tolerated by the United States.

THE NORTH KOREAN THREAT

Mr. President, the greatest challenge to U.S. security and world stability today is the proliferation of weapons of mass destruction. The most dangerous and immediate expression of that global threat now confronts American forces across the Korean DMZ.

There can be no serious doubt that our vital national interests are imperiled by North Korea's nuclear program and the war they have threatened to protect it. If North Korea possesses or soon obtains nuclear weapons, the threat it poses to the region will multiply exponentially, as will proliferation in Asia.

Every action taken in Washington should reaffirm to Kim Il Song that the price of North Korea's lawlessness and belligerency is too great for even the most inhumane regime to endure. So far, the administration has signaled an accommodationist mentality that will only embolden North Korea and encourage other nations to engage in proliferation.

CIA Director Woolsey has stated publicly that United States intelligence indicates that North Korea has extracted enough plutonium from its reactors to build two bombs. There are some estimates that they possess 12 kilograms of plutonium. Yet, the administration seems not to recognize the urgency of a situation wherein North Korea may possess nuclear weapons and may be purposely delaying resumed inspections in an effort to extract additional plutonium and produce additional nuclear bombs.

My colleagues should also know that North Korea's Scud missiles are capable of carrying primitive nuclear warheads to Seoul. North Korea is continuing to develop its No Dong series of missiles which could carry nuclear warheads to Japan.

The administration's efforts have been aimed at securing North Korea's agreement to allow the IAEA to resume inspections under the safeguards agreement, including maintaining recording devices at Yongbyon that will reduce the likelihood that the plutonium will be diverted to weapons production. The administration has yet to address the possibility that North Korea may have other means to obtain weapons-grade nuclear material beyond those currently in question, such as centrifuges, calutrons, or chemical separation. As we belatedly discovered in Iraq, these means of producing fissionable material are harder to detect. It is also unclear whether the IAEA can provide absolute assurances that the Yongbyon reactor does not have concealed chambers to produce additional small amounts of plutonium in ways that normal inspections will not detect.

Another important consideration is the military threat to our allies in South Korea.

Canceling military exercises with our South Korean allies is quite possibly the worst signal the United States could send to an increasingly bellicose North Korea, indicating in advance to North Korea the profits to be realized in proliferation and saber rattling. By canceling Team Spirit exercises, the administration has taught would-be aggressors throughout the world that, if you want American military exercises canceled, violate an international treaty.

According to the International Institute for Strategic Studies, the North Korean Army has increased its tank force by 40 percent and its artillery pieces by 50 percent. Much of the North's 1.2 million-man army is massed on the border, with combat ready units poised for attack at strategic locations.

Experts have estimated North Korea's current stockpile of biological and chemical weapons at 250 tons, with 13,000 North Korean troops trained to use them. North Korea has reportedly armed its Scud missiles with chemical warheads, and we do not yet have Patriot batteries in place to protect our forces from their use.

Unfortunately, the administration has shown a willingness to bargain with North Korea separately from South Korea. It has issued vague promises about normal relations and economic assistance, while broadly hinting at our willingness to cancel military training exercises with our South Korea allies.

Initially, President Clinton responded to this crisis by emphatically stating that the United States would not allow North Korea to possess nuclear weapons. After CIA Director Woolsey indicated North Korea's probable possession of weapons-grade plutonium, the administration then seemed content to oppose the North's emergence as a serious nuclear power. This dangerous vacillation by the Clinton administration will only encourage North Korea to dismiss the President's latest opposition as quickly as it dismissed his original pronouncement.

THE NEW POLICY

Now is the time for the administration to reverse its image abroad as vacillating and insecure. There is nothing to be gained and much to be lost by being frightened into appeasement for the sake of a single concession which in the end may not matter very much. North Korea is testing our resolve. Let us make certain they understand how grave are the consequences of their unlawful ambitions.

We should emphatically make clear that we do not rule out any potential response to North Korea's continued intransigence, including a military response. We should insist that North Korea discontinue its nuclear weapons program immediately and that it open all of its nuclear-related facilities to international inspection.

The United States should begin devoting its energies to building an international consensus to further economically isolate North Korea. Our diplomacy should be conducted with forceful representations of our seriousness. We should make it as difficult as possible for other nations to resist our efforts.

To make sanctions effective against the insular economy of North Korea, President Clinton must insist on full cooperation from China—now. Secretary of State Warren Christopher dismissed China's repeated opposition to sanctions as something less than China's final word on the subject. The Secretary should focus his immediate efforts on making certain that China's next pronouncement on the subject proves his current optimism to be well-founded.

We should put the case plainly to China: All benefits derived from their relationship with the United States—from most-favored-nation trade status to licenses for the transfer of supercomputers and satellite technology—will be directly connected to China's full implementation of sanctions, should they prove necessary, and its central involvement in efforts to prevent North Korean proliferation and aggression. Currently, United States policy toward China is primarily focused on human rights and trade disputes. These are appropriate concerns for United States diplomacy, but proliferation, and more specifically, Chinese aid and comfort to North Korean proliferation, should be treated by the administration as the most urgent problem in our relations.

The United States should begin making all the force improvements necessary to enhance our conventional and rapid deployment capabilities in South Korea, including the immediate deployment of Patriot batteries to protect United States soldiers. Our forces should be fully ready to repel aggression irrespective of whether North Korea's bellicosity is real or contrived to intimidate American diplomacy. Joint military exercises are a necessary determinant of our readiness. Finally, we should make unambiguously clear to Pyongyang that any use of weapons of mass destruction against South Korea will be met with greater retaliation in kind.

URGENCY

Almost a month ago, Under Secretary of State Lynn Davis announced triumphantly that North Korea had agreed to discuss with the IAEA the resumption of inspections, despite well-founded fears that North Korea would permit only one-time inspection of its seven declared nuclear sites. Further, North Korea steadfastly refused access to its nuclear waste sites. Now these discussions with the IAEA have apparently run into another intentional roadblock set up by the North Koreans, and they are refusing inspections of even the declared sites.

On February 21, the IAEA board of governors will meet, and if an agreement with North Korea has not been reached at that time, the IAEA will consider appropriate action. The IAEA may vote to refer this issue to the United Nations to seek economic sanctions or other measures to compel North Korea to comply with the NPT.

How much longer can we tolerate North Korean intransigence on this vital national security issue? Every day that North Korea stalls inspections is another day's advance toward acquiring additional nuclear weapons. This amendment recognizes the need for decisive action now, to prevent any increase in the North Korean threat.

CONCLUSION

Mr. President, I urge my colleagues to vote for this important amendment. I have worked with my colleagues on the other side to craft this amendment so that it would have broad bipartisan support. Although my remarks have been critical of administration policy to date, they were not made, nor was this amendment offered, to score partisan political points. I feel very strongly that U.S. policy on this question is in urgent need of revision. I sincerely hope the administration recognizes the weakness of its previous response to this crisis, and takes immediate action to recover the advantage in our test of wills with North Korea.

The clear and present danger which a nuclear North Korea poses to the United States and our allies does not automatically confer on North Korea a position of greater strength in this contest with us. Only a failure of nerve on the part of U.S. policymakers can do that.

North Korea's economy is tottering on the verge of total collapse. Pyongyang desperately needs to open its economy to the West to forestall complete economic ruin and the political changes that will likely accompany it. And despite their bellicose posturing, North Korea's military leaders must recognize that they are unlikely to win a war with South Korea and the United States or even emerge from the conflict with their regime intact.

The United States and our South Korean allies still occupy the better ground in this crisis. But we are squandering that advantage every day we allow North Korea to believe that it can extract from us military, diplomatic, and economic concessions without abandoning its nuclear program entirely.

Mr. President, a Wall Street Journal article dated January 31 fairly summarizes the current dilemma facing the United States, and quotes the critical assessment of the administration's current policy by David Kay, the leader of United Nations inspection teams in Iraq. Kay charges that:

> By negotiating inch by inch, North Korea has gotten what it apparently wanted: more time to work on its nuclear weapons—and the missiles to carry them—without outside interference.

Mr. President, I ask unanimous consent that this Wall Street Journal article be printed in the RECORD following the conclusion of my remarks, along with a column by Charles Krauthammer that appeared in the Washington Post on January 7, 1994.

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

(See exhibit 1.)

Mr. McCAIN. By our reluctance to aggressively challenge North Korea's nuclear program—a reluctance which can be fairly criticized as a failure of nerve—we have gone a long way to build the confidence of North Korean leaders what they can intimidate the United States into tolerating their nuclear power pretensions while allowing economic lifelines to be thrown to their dysfunctional economy. We may have gone a long way as well toward reinforcing their suspicions that the United States no longer has the will to defend our interests in Korea and the rest of Asia by whatever means necessary.

Despite the ground we have already conceded, we can recover some of it by immediately returning to a zero tolerance policy. Yes, Seoul is uniquely vulnerable. It is within reach not only of North Korean artillery, but quite possibly within reach of its nuclear weapons. However, Pyongyang is well within reach of ours.

We should make abundantly clear to Kim Il Song that as economic ruin and political collapse will accompany their continued intransigence on this issue, utter destruction will accompany their resort to force. We have served up enough carrots to North Korea. The time has come to show them the stick.

To paraphrase Churchill, let it not be said one day that in a definite cisis, the United States faced a choice between accommodation and the prospect of war; that we chose accommodation first and got war later.

Mr. President, I yield the floor.

[From the Wall Street Journal, Monday, Jan. 31, 1994]

EXHIBIT 1

CHECK OF NORTH KOREA NUCLEAR SITES WON'T PROVIDE COMFORT CLINTON WANTS

(By John J. Fialka)

WASHINGTON.—Earlier this month, Undersecretary of State Lynn Davis was asked on the "MacNell-Lehrer" program how the U.S. could be confident that a diversion of nuclear materials wasn't going on at North Korea's Yongbyon research facility.

"Well, because we've had this safeguards regime in place over the past year, and, indeed, had an inspection in August, so it isn't that we haven't been carrying out this regime," she answered.

But officials of the International Atomic Energy Agency, the Vienna-based group that actually carried out that August inspection, paint a vastly less rosy picture. Its inspectors, the group says, were literally left groping in the dark. They were permitted to leave their barracks-like guest quarters at Yongbyon, 60 miles north of Pyongyang, only after 6 p.m. As night fell, they were escorted into the pitch-black innards of several buildings. There, using flashlight because the buildings' lights were kept out, the inspectors only replaced the batteries and videotape in cameras that they use to monitor some parts of the facility. End of inspection.

"Our August inspection was not a good one. It was something we launched unwisely," says David Kyd, a spokesman for the IAEA.

U.S. ACCENTUATING THE POSITIVE

As the IAEA negotiates for a fresh look at seven declared nuclear sites at Yongbyon, the administration is again accentuating the positive. Ms. Davis, for instance, has predicted that the agreement the U.S. has won from North Korea will allow the IAEA to "tell the rest of the world that there are no dangerous activities occurring in North Korea with respect to nuclear weapons."

But while outside experts disagree over just how to handle the North Korean situation, there is widespread agreement on one thing: It is probably impossible now for the IAEA to ensure anything like the level of comfort the administration is promising.

David Kay, a former Central Intelligence Agency analyst who led United Nations Inspection teams in Iraq, says the possibility that North Korea may already have at least one nuclear weapon makes an IAEA declaration that there are no dangerous activities under way in North Korea extremely unlikely.

"The agreement calls for the inspection of only seven declared sites. Now no one believes that the bomb is going to be in the basement of any of those sites," Mr. Kay asserts.

'THIS IS A JOKE'

Administration officials express hope that further bargaining will gain IAEA access into other sites where they suspect bomb-making activity has gone on. To that, Albert Wohistetter, a sometime Pentagon consultant who is considered the dean of U.S. thinkers on how to contain the spread of nuclear weapons, has a short answer: "This is a joke." The administration, Mr. Wohistetter thinks, has vastly oversold the ability of IAEA inspections to penetrate the deep secrecy of North Korea, where Stalinist dogma approaches Orwellian levels of control.

"A lot of this stuff becomes a dream if you're not talking about an open society. You're talking about a society where whistle-blowers commit suicide. * * * I really feel that people are getting off the point."

The point that he and others are focusing on is that if North Korea has the bomb or has drawn off enough plutonium from its "peaceful nuclear research" to make one or two nuclear devices—as the CIA has suggested—then the relationship between the isolated regime of Kim Il Sung and its neighbors has already changed, and IAEA-style inspections won't be able to reduce the perception of danger.

Critics say the extravagant claims for the IAEA are in keeping with the administration's uncertain handling of the entire North Korean nuclear issue. The Nuclear Nonproliferation Treaty, says Mr. Kay, requires that "either you completely give up your bomb program the way South Africa has, with intrusive inspections to prove you have given it up, or else you get out" of the treaty. But by negotiating inch by inch, North Korea has gotten what it apparently wanted: more time to work on its nuclear weapons—and the missiles to carry them—without outside interference.

Kongdan Oh, a Rand Corporation analyst who closely follows North Korea, says that the U.S. "showed the worst aspect of negotiators. We showed them Americans are impatient for results. They [North Koreans] played the game much tougher. Now we look like we are giving things away. It's a very sad situation."

By hanging tough, Pyongyang appears to have won the termination of this year's Team Spirit joint exercise between U.S. and South Korean forces. This was the carrot that was originally dangled before Pyongyang as a lure to get them back into the treaty, but the Pentagon didn't enhance it much by failing to put the funds for the exercise in its 1994 budget.

U.S. Intelligence estimates see North Korea with, at best, a primitive nuclear device. First-generation nuclear weapons weight at least 1,100 pounds. North Korea has Scud missiles capable of carrying such a load to Seoul and is developing the Nodong-1, which could carry such a warhead to parts of Japan North Korean engineers are still trying to perfect the guidance system for the missile, a process that could take several more months.

Meanwhile, North Korea continues to lay the groundwork for further delays. At Pyongyang's request, the IAEA has twice written lengthy explanations of what it wants to inspect. Last week, North Korea asked for a third. So far, it has refused to resume diplomatic dialogue with South Korea. Both the inspection and the dialogue are prerequisites for talks leading to a "package solution" outlined by the U.S.

After U.S. officials made it known last week that they are considering sending Patriot air defense missiles to protect ports and airfields that would be needed for U.S. forces to reinforce South Korea, Pyongyang issued a statement saying that the real reason for the missiles "is to impede the progress of the DPRK [North Korea]-U.S. talks for a fundamental solution to the nuclear issue."

According to U.S. officials, the IAEA can end the impasse by simply declaring that it can no longer assure the continuity of its safeguards efforts. If the delays continue, such a statement is likely on Feb. 22, when the agency's board of governors holds its next meeting. That would send the matter back to the U.N. Security Council, which would then consider imposing economic sanctions.

Although U.S. negotiators are feeling heat from the White House to resolve the North Korean problem, some suggest that the U.S. shouldn't be in such a hurry. Rand's Ms. Oh, for example, suggests that it is North Korea that ought to feel that time is running against it. With their poverty-stricken economy verging on total collapse, she says, Kim Il Sung and his son and annointed successor, Kim Jong Il, are desperate for Western aid. But if they open their economy to the outside influences that come with aid from the West, Ms. Oh believes, their regime will collapse.

"The country that has to be nervous is North Korea, not us," she insists. "But for some reason, we are the nervous party."

[From the Washington Post Jan. 7, 1994]

CAPITULATION IN KOREA—CLINTON'S CAVE-IN MAKES A JOKE OF THE NPT

(By Charles Krauthammer)

When I wrote six weeks ago regarding the U.S. attempt to stop the North Korean nuclear bomb program that "by year's end . . . there will be no more room for wobble. The choice will be blockade or surrender," I half expected this wobbly president to surrender. But even I was stunned by the extent of the capitulation in the deal the State Department has just made with North Korea. The place to properly sign an agreement of this kind is on the deck of the battleship Missouri. It is unconditional surrender.

Start at the beginning. The Nuclear Nonproliferation Treaty (NPT), which North Korea freely signed, requires a country to allow two kinds of inspections of its potential nuclear facilities: regular inspections of self-declared nuclear sites and challenge inspections of sites undeclared by the host country but suspected by the world of harboring nuclear bomb work.

As we learned to our sorrow in Iraq, regular inspections alone are useless. Iraq built a huge nuclear program while faithfully allowing international inspectors to pore over its declared sites.

Which is why last year the International Atomic Energy Agency (IAEA) demanded challenge inspections of two North Korea waste dumps for evidence of weapons-grade plutonium production. North Korea refused. It then announced that it would not allow regular inspections either.

What did the Clinton administration do? It began a long series of negotiations with the North Koreans offering them all kinds of goodies, most important, cancellation of our joint military exercises with South Korea if they would come back into compliance with the NPT.

Now the administration has reached agreement. What is the deal? Does North Korea comply with the NPT? No. Does it allow challenge inspections? No. Does it allow even regular inspections, which the administration itself declared last year to be inadequate? No. What then? The IAEA will be allowed a one-time inspection of seven de-

cleared sites. (The issue of more inspections has merely been deferred, not dropped, administration officials tell The Post's R. Jeffrey Smith. Which is, of course, an admission that the deal just concluded ensures nothing more than a one-shot inspection.) In return, North Korea reportedly gets something it has coveted for years: cancellation of our "Team Spirit" exercises with South Korea.

"A total rout," says Gary Milhollin, director of the Wisconsin Project on Nuclear Arms Control. As the talks have proceeded, Clinton has systematically abandoned one position after another to the point that we are not even talking about things—challenge inspections, even regular inspections—that we were insisting on only months ago.

Everyone knows that a single inspection of Potemkin sites is a joke. Why then the pretense?

Because the administration has a problem. It wants at all costs to get this problem off its plate, but the NPT has tough provisions to thwart the temptation to do so. Specifically, when a country reneges on its NPT obligations and refuses inspections, the IAEA declares that "continuity of safeguards is broken." These magic words are supposed to trigger a world response against the violator.

Hans Blix, head of the IAEA, was getting ready to use exactly those words at a United Nations speech on Nov. 1 but held off, much to the relief of the administration. With IAEA surveillance cameras and batteries in North Korea now about to go dead, however, Blix would have had no choice but to declare continuity broken.

So some genius figures out that a one-time inspection would allow battery and film to be replaced and the IAEA to say that, technically, continuity had not been broken. No whistle blows, we pretend that the NPT is intact, and the crisis goes away.

True, the one-time inspection would do nothing to stop, slow down or even enlighten us about the North Korean nuclear program. But the point of the Clinton policy is not to stop the North Korean bomb. It is to get the administration off the hook.

Hence the deal. Result? (1) The NPT is dead. North Korea broke it and got a huge payoff from the United States not for returning to it but for pretending to. Its nuclear program proceeds unmolested. In Tehran and Tripoli and Baghdad the message is received: Nonproliferation means nothing.

(2) The IAEA, if it goes along with this sham, is corrupted beyond redemption. It is supposed to be an impartial referee blowing the whistle on proliferators. Yet if Washington does not want to hear the whistle, the IAEA can be bullied into silence.

(3) American credibility—not very high after Clinton's about-faces in Bosnia, Somalia and Haiti—sinks to a new low. This is a president easily cowed and dangerously weak. Said one government official to the New York Times, "It's one of these cases where the administration was huffing and puffing and backed down." Better though, said another, than "falling on our own sword over phony principle." If nonproliferation, so earnestly trumpeted by this president, is a phony principle, then where do we look for this president's real principles?

This administration would not recognize a foreign policy principle, phony or otherwise, if it tripped over one in the street. The State Department, mixing cravenness with cynicism, calls this capitulation "very good news." For Kim Il Sung, certainly. For us, the deal is worse than dangerous. It is shameful.

Mr. DOLE. Mr. President, I am pleased to be a cosponsor of the McCain amendment which expresses the sense of Congress on United States policy toward North Korea.

The nuclear crisis in North Korea was sparked by North Korea's refusal last February to permit the International Atomic Energy Agency to conduct special inspections. Four weeks later North Korea announced that it would withdraw from the Nuclear Non-Proliferation Treaty.

After months and months of diplomacy—including direct talks with the North Koreans—the administration is no closer to resolving this issue than when the North Korean announcement was made. Sure, North Korea has suspended its withdrawal, but it has agreed to stay in the NPT on its own terms only.

On January 4, 1994, Under Secretary of State Lynn Davis announced that North Korea had agreed to allow inspections of seven declared sites—but, not challenge inspections of undeclared sites. Nevertheless, about 2 weeks later, the North Koreans once again rejected the IAEA's inspection demands.

Clearly, direct diplomacy and offers of concessions—such as the canceling of Team Spirit exercises and light water reactor technology—have gained us nothing. On the other hand, the North Koreans have gained almost 1 year to further develop their nuclear weapons program. News reports citing United States intelligence estimates indicate that North Korea probably already possesses the nuclear materials needed to build one or two bombs. Moreover, the North Koreans have been testing the Nodong missile, and may have an intermediate range ballistic missile in development.

Nevertheless, until now the administration's approach has been all carrots and no sticks. Yes, the North Koreans are having their carrot cake and eating it, too.

It is high time to chart a new course, and the course outlined in the McCain amendment is the way to go. Pyongyang must be told in no uncertain terms that the United States will not tolerate a North Korean nuclear capability. Period. And, the United States must show—through its actions, not its words—that we are committed to taking the unilateral and multilateral steps to back up our position. We must seek to isolate North Korea economically and we must demonstrate our commitment to South Korea by increasing our military presence in the Pacific and proceeding with joint United States-South Korean military exercises. The President has before him a request from the United States commander in South Korea for Patriot missiles. I hope that the President will not only expeditiously approve that request, but review other options for beefing up South Korea's defensive capabilities and our military presence in the region.

Some may ask, what is at stake in North Korea? What is at stake is the safety of 37,000 United States troops in South Korea, the security of South Korea, the stability and prosperity of Asia, the integrity of the Nuclear Nonproliferation Treaty, and finally, the credibility of the United States.

If we fail to get tough now, we will have to live with the consequences of a nuclear North Korea which can threaten and coerce our friends and trading partners in Asia, and further spread nuclear technology and materials to hostile, terrorist regimes and groups.

Mr. President, the time is now for the President to take a firm stand. I hope that my colleagues will be unanimous in support of the McCain amendment. I think it would help the administration in their negotiations with North Korea.

Mr. BOND. Mr. President, the situation on the Korean peninsula continues to simmer along without adequate attention from the administration.

It has been nearly a year since North Korea precipitated the crisis by announcing its intention to withdraw from the NPT Treaty. Unfortunately, the administration failed to take strong action at that time and, in fact, seemed to ignore it almost until the end of last year.

The last time I addressed this issue on the floor, I expressed my concern that President Clinton and Secretary Christopher seemed determined to be manipulated by Pyongyang. Instead of laying out exactly where the issue stood, taking a tough stand, and taking steps to assemble an international coalition to force North Korea to submit to international inspection or suffer the consequences; the administration seemed willing to offer concessions in exchange for mere promises. In December, I was somewhat heartened when the administration appeared to be taking a tougher stand, but then last month we witnessed the spectacle of our negotiator announcing an agreement only to be directly contradicted 2 weeks later when North Korean officials announced that they would not submit to IAEA inspections.

It is bad enough that this sequence of events makes the United States look like weak negotiators in the eyes of the world, thereby weakening our ability to assemble a coalition in opposition to the North. Just as bad, however, is that by negotiating for almost a year, we have given the North Koreans exactly what they most wanted—the extra time they needed to continue work on their nuclear program and, according to some government sources, probably to complete a nuclear weapon.

It is imperative that North Korea halt its nuclear weapons program and comply with the terms of the NPT. If we allow them to do otherwise, we will suffer the consequences for a long time to come.

The dangers posed by North Korea's threat to withdraw from the NPT and go forward with development of nuclear weapons are many.

The most obvious danger is the risk of war. South Korea whose capital, Seoul, lies less than 30 miles from the million-man army deployed on its northern border faces the greatest threat. The North's conventional artillery alone is a huge threat to the South. Ballistic missiles—of which the North has many—greatly increase the threat. And the addition of nuclear weapons would cause that threat to skyrocket. Not only are millions of Koreans at risk, but 36,000 American soldiers and their families are there as well. Though we would certainly win any war on the Korean peninsula, the cost in lives and dollars would be staggering.

A second danger we face is nuclearization of the region. We know the North Koreans have tested ballistic missiles with significant ranges, including the Nodong I which has the ability to hit several countries including most of Japan. These countries have to feel threatened already—knowing that North Korea possessed nuclear weapons as well as missiles would likely force them to respond by developing their own nuclear weapons. There is no doubt that the Japanese have the technology to develop nuclear warheads in short order, and there is little doubt that South Korea could quickly follow. Such a nuclearization of Southeast Asia could only raise tensions among neighboring countries including China and Russia which already possess nuclear weapons. The result would be that an area of the world that is about to explode with the greatest spurt of economic growth in history could instead explode into deadly nuclear warfare.

A third danger posed by our failure to deal with North Korea is the precedent it would set. A decision by the Clinton administration and the rest of the civilized world to allow North Korea to get away with flaunting its obligations under the NPT would signal to other nations that they too should develop nuclear weapons and blackmail us as well.

The administration needs finally to take strong action. It appears that they may be forced into action by the IAEA which is set to meet later this month. If the IAEA board of governors finds that it can no longer certify the North's compliance with the NPT, it is likely to throw the problem into the lap of the U.N. Security Council. At that point the administration will have to face the failure of its policy to date and will, I hope, take strong action to assemble an international coalition to bring economic and diplomatic pressure on North Korea.

Mr. President, this resolution is a moderate and reasonable statement by this body telling the President that he cannot continue to ignore this problem—that he must act. It makes clear that this issue is of the highest national security priority and that it deserves his personal attention. And it calls for reasonable steps to increase pressure on North Korea and to increase the security of South Korea. I urge Senators to support its adoption and implore the President to heed its message.

Mr. KERRY addressed the Chair.

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

Mr. KERRY. Mr. President, as the Senator said at the outset of his remarks, we are prepared to accept the amendment.

But I want to make it clear, we do not accept the full measure of the comments that have accompanied the amendment, and there is nothing in the amendment itself that embraces the notion of accommodation or appeasement. Certainly the Senator is entitled to his views about what the administration approach is. Those views are not reflected within the language of the amendment per se.

I share with my colleague enormous concern about events on the Korean Peninsula and about North Korea's propensity to avoid its responsibilities under the nonproliferation treaty.

I commend to my colleague the hearings of the Senate Foreign Relations Committee in December 1991 and January 1992 where Senator PELL, the chairman, laid out a very important first record on this. This was the first time that the nonproliferation problem, nonadherence problem, of North Korea was really called fully to our attention, and I think a strong record was laid down regarding it.

Let me say also, for those who have been following this question closely lately, there is nothing to suggest that this administration is content with where we are or that it is somehow stopped where we are. The initial effort to get the investigation of the current sites at the level that they are is a first step. And the administration has made it very clear that more is needed, that we need to proceed further down the road.

But I think everyone will agree that dealing with North Korea is as tough a dealing process as there is. It may well be that we are going to get to the point the Senator has described, but wise statesmanship dictates that you do not leap to that confrontational stage with a country like North Korea before you have made clear that all the other efforts and avenues have been explored.

None of that is to suggest one iota of accommodation or appeasement, as the case has been set. I think the contrary has been quite the reality. The President could not have made it more clear, not only in his trip to Asia but since then in his meetings on the west coast, as well as more recently, that we remain concerned and we intend to keep the pressure on.

I think the recommendations that are laid out in this, which we have arrived at jointly, are sound. I think they are a sensible and important message to North Korea, which I think should not underestimate the determination of the U.S. Senate and the U.S. Congress to keep the heat on with respect to this issue.

Before we proceed and before I give up my right to the floor, I would like to work through, if I may, an issue that seems to be about to bubble up here on the floor.

Last Thursday, we entered into an agreement. That agreement empowered Senators to be able to go home on Friday and to permit those who wanted to stay here to put amendments in to do so, with the understanding that Senators would not vote on Monday but rather come back on Tuesday to finish the business by 6 o'clock in the evening. There was an agreement by the leadership on both sides, representing all Senators, that this would be done as a matter of good faith in an effort to try to guarantee that nobody was shut out between now and 6 o'clock.

We now still have some amendments to come between now and 6 o'clock. It is my understanding that the Senator from New York wants to speak for some period of time on an issue not related to the bill. Without losing my right to the floor, I simply ask the Senator how we can proceed so as to keep faith with the agreement and try to guarantee that we get all amendments laid down by 6 o'clock?

Mr. THURMOND. Mr. President, I would like to put my statement in the RECORD, if I could do that?

Mr. KERRY. Without losing my right to the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I ask unanimous consent I be joined as a cosponsor of this amendment of Senator MCCAIN'S.

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

Mr. THURMOND. Mr. President, as I listened to the statements in support of the McCain amendment, I recalled the shock Americans felt the morning of June 25, 1950, when we awoke to learn the North Korean Army had crossed the 38th parallel in force and was overrunning South Korea. For some time prior to that, President Truman's administration had issued statements which the Communist regime construed as an invitation to forcibly reunify the divided Korean Peninsula. Of course, such blatant aggression convinced President Truman to fight, and fight we did, in one of the most bitter wars in modern history. Though the

Korean conflict was waged under the flag of the United Nations, Americans bore the brunt of the battle, at the cost of over 50,000 United States dead, and thousands wounded.

It is incumbent on us to remember the veterans of that conflict. In my opinion, they have never been properly honored by this Nation. They fought in the most demanding conditions. At times they were vastly outnumbered by a determined enemy. They often had to rely on inadequate weapons and equipment left over from World War II. Yet they fought with all the bravery, tenacity, and ingenuity that characterize the American fighting man. We owe it to those who sacrificed so much in Korea to safeguard the peace and freedom they fought to attain.

Let no one labor under any misunderstanding about our recent confrontation with North Korea over efforts to enforce the Nuclear Non-Proliferation Treaty [NPT], and to block their development of nuclear weapons. We stood toe-to-toe with them, and we backed down. In dropping demands for a full inspection of all suspected nuclear sites, the administration clearly settled for less than full enforcement of the NPT. Then, in exchange for North Korea's so-called concession to allow a partial inspection, we canceled the Team Spirit training exercise with our South Korean allies, and delayed bringing the issue of economic sanctions before the U.N. Security Council.

Perhaps the administration has fooled itself into believing it has resolved the threat of North Korea's nuclear weapons program.

Perhaps the Congress and the American people are temporarily fooled as well. But I can assure my colleagues, the North Koreans are not fooled. I fear they have taken the measure of the administration and have found the President's men more concerned about rescuing the tattered credibility of the Non-Proliferation Treaty than in actually stopping the North from building nuclear weapons.

But we need to remember that membership, or even ostensible compliance, with the NPT does not equal security. Iraq showed us that, for Iraq was once a member in good standing of the NPT, all the while using the treaty as a cover for their nuclear weapons effort.

The continuing confrontation with North Korea demonstrates the limits of diplomacy in dealing with a rogue state. Multilateral regimes, like the NPT, depend upon good will and good faith. They are virtually useless in forcing an outlaw nation to behave responsibly. Inspection regimes, negotiations, appeals for compliance, and all the trappings of diplomacy do not impress dictators. They only generate contempt. In fact, dictators like Kim Il-Sung use the language of the civilized community to confuse, divide, and mislead us, and to camouflage their real purposes.

A fundamental error of the administration has been to treat the so-called Democratic People's Republic of Korea as a traditional power; as if Kim Il-Sung believed in the conventions that govern relations between civilized states. But it is not a traditional nation-state as commonly understood. The very name, the "Democratic People's Republic of Korea" is a falsehood. North Korea is neither democratic nor a republic.

The regime does not answer to the people, but exists only to serve the swollen ego and lust for power of the dictator Kim Il-Sung and his inner circle. It would be more accurate to describe North Korea as an organized crime family with a vast military machine and a compliant population held in check by propaganda and terror. Or it could be likened to feudal robber barons whose whims could send entire peoples to war, as Kim Il-Sung did with such terrible consequences in 1950.

The cynicism and criminal paranoia of Kim's regime are illustrated by its response to the United States decision to send Patriot missiles to South Korea. As everyone in the world must know by now, the Patriot is a purely defensive system. It will threaten no one in North Korea, unless they happen to be pilots of warplanes attacking South Korea. It will not even interfere with the North's ability to develop nuclear weapons and ballistic missiles. It will only make them less threatening. North Korea is like a violent criminal who complains loudly because the homeowner he intends to rob and murder has decided to put on a bulletproof vest.

Consequently, to make diplomacy or treaties ends in themselves will not end North Korea's nuclear weapons program. It will only convince the North Koreans that we lack resolve. This could tempt the North to strike, as they did in 1950. The 1950 invasion demonstrated that wars start when aggressors miscalculate the strength and resolve of democracies, or misconstrue their peaceful pronouncements. A further and more recent case in point is Saddam Hussein, who misinterpreted ambiguous statements from the State Department, and convinced himself he could attack Kuwait with impunity.

On the other hand, tough talk, condemnation in the courts of world opinion, and economic sanctions are not a sufficient substitute for failed diplomacy. They may be justified, but they will accomplish little, except to increase whatever sense of grievance and isolation North Korea may feel.

So far, U.S. actions have been composed of ineffectual NPT negotiations, accompanied by bluster and harsh rhetoric, and then timidity and inaction. The time has come to reverse that approach. This century's tragic experience with dictators tells me that their behavior leaves us only one choice: deterrence and defense. The time has come to lower the level of rhetoric, then quietly to ensure the appropriate level of military preparedness in South Korea, taking the minimum steps necessary to deter aggression and defend our troops, and to improve the military capabilities of our South Korean ally. In this case, the traditional American policy, "Walk softly, but carry a big stick," is exactly the right policy.

I am convinced that ultimately we cannot determine what happens inside North Korea through diplomacy or coercion, but we may contain their aggressive tendencies by improving military preparedness. The Patriot deployment is an important step in this direction, and suggests the administration is finally getting the message. I commend the President for considering this important first step, and urge him to follow through.

I remind my colleagues that the present threat from North Korea is primarily conventional. The North has deployed the bulk of their ground forces toward the DMZ, and has moved up long-range artillery and tactical rocket launchers that can hit Seoul. Their nuclear threat at present is uncertain, but its very uncertainty gives North Korea a kind of trump card. It backs up their conventional forces, and gives them added political leverage.

The time has come for the United States to dispense with self-delusion and act wisely toward the danger posed by North Korea. Quietly, judiciously, and with calm determination we must do what is necessary to deter potential aggression and defend our troops, our allies, and our interests in the Pacific rim. There are no better alternatives.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KERRY. Mr. President, I simply want to enter into a dialog with my friend from New York to try to determine how we can accommodate the Senator from New York without a detrimental impact on those who might be shut out and where we are going here.

Mr. D'AMATO. If I might, for purposes of responding to my colleague from Massachusetts, indicate that last week when this agreement was being structured I requested time for a special order. It offered time at 8:30 in the morning. That is preposterous. I asked for—I said an hour. I said, if you give me a half-hour I am willing to cut the time down to a half-hour, even if you give it to me at 12 o'clock or 12:30.

That could not be done.

I said, let there be fair warning that when I take the floor I am going to do exactly what I intend to do now, and that is to make known my serious concerns regarding the lack of action on the part of the RTC with respect to the Madison Guaranty/Whitewater matter, and set before the Senate the relevant facts as they relate to information that we have been requesting now for al-

most 3 weeks, and still have not received, from the RTC, although I have some hope today, and will make a report. With Senator RIEGLE's help, I think we have made a breakthrough toward obtaining a response from the RTC.

If my colleague is asking how much time will I be taking, I do not think it will be an inordinate amount of time. I believe that it is incumbent upon me to put this matter in front of my colleagues of the Senate. I had attempted to arrange a time agreement, had been turned down, but I do intend to press forward with this.

Mr. KERRY. Mr. President, let me say to my friend I have no—it really does not matter to me at what hour of the day the facts he wants to put forward are put forward. I am not afraid of the facts. I do not think anybody is.

The issue here is how we can keep faith with the agreement that we reached on both sides.

Mr. D'AMATO. Might I make a suggestion to my colleague?

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KERRY. I am also informed the Senator from New York was offered time between 9:30—9 and 9:30, but that he was personally not able to be there.

It is my understanding that offer was made. I do not think this bill should be prejudiced now because the Senator could not be there from 9 to 9:30. This is a critical moment, where we need this time in order to protect the rights of all the other Senators.

Mr. D'AMATO. If I might respond?

Mr. KERRY. Again I do not want to lose my rights to the floor.

Mr. D'AMATO. I do not want you to lose your rights. And if I might say for purposes of responding, it seems to me on the basis of consent you can send all those pending matters to the desk where they will have been held. They will have been submitted before 6 o'clock. Then you can agree to debate or not debate, or vote or not to vote, on those that you work out agreements with. That is a very easy matter, to protect everyone's rights. I do not intend to infringe on that.

But I do intend to take the appropriate time to bring this matter to my colleagues' attention. I will seek an opportunity to do that.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Let me say to my friend, there is an awful lot of time around here in this Senate to speak. We had open hours all yesterday. There was time when people could have spoken. We had open hours all Friday. We were here until 4 or 5 in the afternoon. I do not know where the Senator was.

Mr. D'AMATO. I spoke Friday.

Mr. KERRY. If the Senator spoke on this matter, then I suppose that raises the question of whether we have to go back to it now.

Leaving that aside, what the Senator has just proposed does not in fact help all other Senators. Because other Senators have come to me and said, what is the schedule? What are we going to be doing?

They have now arranged their day around the notion that there is a 3-hour window left to get the floor and bring their amendments and we will try to wrap this bill up forthrightly tonight. What the Senator is asking is that, in order to accommodate him at this time, since he could not be here at 9 in the morning, that all other Senators may have to stay here a good deal later at night, not to mention everybody else in the Senate.

I am not really sure that is fair, in keeping with the spirit of the agreement we reached. I respectfully suggest to the Senator I am confident the majority leader will give him the time he needs for morning business tomorrow morning, or stay later tonight when we finish business.

Mr. D'AMATO. I do not want to speak at 10 o'clock or 11 at night or at 8 in the morning. To be quite candid with my friend from Massachusetts, I want to speak at a time when my colleagues might have an opportunity to hear my message.

Mr. KERRY. Mr. President, I do not need any lessons from the Senator from New York about what is usual or unusual here, nor, really, a reinterpretation of the agreement. I am simply trying to protect the rights of all Senators to bring their legislation to the floor in, now, a 3-hour window, without upsetting the entire schedule of the Senate in the process, because the Senator could not be here at 9 this morning.

All I know is we were here all day yesterday. There was plenty of time during the waking hours of day to sound the alarm bells, and the Senator was not here.

I am having trouble understanding where this is——

Mr. D'AMATO. I was visiting my doctor yesterday. Is that really germane? But if you want to know, I was visiting my surgeon and that is why I was not here yesterday.

Mr. KERRY. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Massachusetts has the floor and has not yielded.

Mr. McCAIN. Will the Senator from Massachusetts yield for a question?

Mr. KERRY. I yield for the purpose of asking a question without losing my rights to the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. The Senator from Massachusetts has now made himself clear about how he feels about the Senator from New York, whether he should be speaking or not. Could we continue with my amendment, since it is an issue of some significant importance? The Senator from Maine is waiting to speak as well.

Mr. KERRY. I would like to reach an understanding. I want to make it clear I am not trying to block the Senator from speaking. But the problem——

Mr. D'AMATO addressed the Chair.

Mr. KERRY. Let me reiterate. It is my understanding the Senator wants to talk for an hour. That leaves 2 hours and pushes the entire schedule of the Senate back.

Mr. D'AMATO. I will speak for less than an hour.

Mr. KERRY. Mr. President, if I could just say, if we could arrive at an agreement by unanimous consent so that we could have a limitation on the time that fits into the schedule of other Senators so we could proceed with the legislation, I will be happy to do that. But I think it would be fair—I do not think anybody on any amendment on this bill has spoken for more than 10 or 15 minutes. So I think it really would be unfair to suddenly have an extraneous subject, talking for a half-hour or an hour, when we are trying to do the business of this bill.

So I ask the Senator if he could make his comment—I think the Senator has already called attention to it, in answer to my questions, probably much more attention than would have otherwise been afforded it.

I ask the Senator if he might agree that 10 minutes would be a fair amount of time to proceed so we do not upset other Senators?

Mr. D'AMATO. I believe I can make my statement and make my remarks in less than a half-hour and I would attempt to do that. I am willing to enter into an agreement, notwithstanding that I had requested an hour to that effect. I think it will be less than a half-hour. I think we are spending time now about this. Why do we not let them proceed and we can talk?

Mr. KERRY. Let me ask my friend, I have an alternative offer. Would the Senator permit us to come to the cut-off hour, let us proceed now as the Senate has agreed to between now and 6 p.m., and at the hour of 6 p.m., the Senator would then be afforded a half-hour?

Mr. D'AMATO. I would rather not speak early in the morning or late at night. For the following reason: I want to speak at a time that will allow this body to focus attention on this matter.

Mr. KERRY. Mr. President, let me say to my friend, the problem is this: If the Senator from New York speaks——

Mr. McCAIN. He has taken a half-hour.

Mr. KERRY. That may well be, but I think it is important to protect the process, because more than a half-hour is at stake. If the Senator from New York speaks I have been asked by the Senator from Arkansas, Senator PRYOR, for an equal amount of time.

So that means whatever we use for the Senator from New York, we are then going to chew up with the Senator from Arkansas, which is his right, I think, appropriately.

I ask my colleague from North Carolina, the distinguished manager of the minority and ranking on the bill, was it not the agreement of all Senators who came to this unanimous-consent agreement that we would use good faith to permit all Senators the opportunity to bring their amendments by 6 p.m.?

Mr. HELMS. Mr. President, I will say to the Senator, not only that, it was hotlined by both the Democrats and the Republicans.

Mr. D'AMATO. I indicated that if we could not work out an appropriate time. I would be willing to take a half-hour. I made it clear that I would seek an opportunity to make this presentation.

I can possibly make it in 15 minutes, but I am not going to limit myself. But I will make a good-faith effort. I believe I will conclude my remarks in well under half an hour, but we have now spent 20 minutes speaking about how long it will take me to use the 15 or 20 minutes that I would probably need. You can also ask unanimous consent to add to extend the available time for the matter at hand. I take 15 minutes and Senator PRYOR takes 15 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts retains the floor.

Mr. KERRY. Mr. President, it is not really a question of how much genius it might or might not take. I can see 20 different solutions. I do not think that is the issue. The issue is, should the Senator from New York, having not availed himself of the opportunity that was offered him this morning, now come and upset the unanimous-consent agreement——

Mr. D'AMATO. What opportunity, if I might ask? You say I have not availed myself of an opportunity.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield for a question?

Mr. KERRY. Mr. President, I did not know there was a question. I thought I was speaking.

The PRESIDING OFFICER. The Senator retains the floor.

Mr. KERRY. Mr. President, it is my understanding the Senator was offered time. I am told by the leadership that the Senator was offered time this morning; is that not true?

Mr. D'AMATO. At 8:30 in the morning, and I made it clear that I could not do it at that time—I rejected this offer last Friday, so let us get it clear. I have indicated that I will limit myself to a half hour. I am not going to back down.

I requested time in good faith and it was denied. Now I am here to do what I said I was going to do Friday. This is no surprise.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts still has the floor.

Mr. KERRY. I know the Senator's reputation. I know he does not back down. I am not asking him to back down. I am asking him if he would try to recognize the needs of other Senators who are making plans for the evening based on what the leadership and the managers of this bill have told them. Now we are imposed with a situation where the Senator is unilaterally, in a sense, changing all of that by his desire to speak for a period of time that pushes the entire schedule backward.

I would like to try to accommodate the Senator. The question is, could we ask the Senator if it is not possible to make the gist of this alarm bell known in about 15 minutes so that we do not make it more difficult for other Senators who have already scheduled coming to the floor?

Mr. D'AMATO. I will say to my friend, if you are saying can I do it in 15 minutes, I think I can. I would rather not say 15 and be cut off if I need a few moments to conclude my remarks. That is why I said I will do it in less than half an hour. I will do it in less than 20 minutes. Is that an accommodation?

Mr. COHEN. Will the Senator yield for a question? Is it possible to return to a less volatile subject, like nuclear weapons in the hands of the North Koreans?

(Disturbance in the visitors' galleries.)

The PRESIDING OFFICER. The galleries will come to order.

Mr. KERRY. I am going to try to work it out with my colleague. I would like to clear the hoops, if we can. So if my colleague will agree, I ask unanimous consent that we be permitted to complete the action on the McCain amendment and after we have completed the action on the McCain amendment, I be granted the right to the floor.

Mr. D'AMATO. I object.

The PRESIDING OFFICER. Is there objection?

Mr. D'AMATO. I object.

The PRESIDING OFFICER. The Senator from New York objects.

Mr. KERRY. If the Senator objects, then it is going to be very hard for me to find out how we are going to accommodate him. I am trying to be reasonable here.

Mr. D'AMATO. I said before and again, I am willing to attempt to do this in under 20 minutes. We started from an hour, but because of the logical and cogent arguments, I offered to limit my comments to half an hour. Now I said I will do it in 20 minutes, and I will make a good-faith effort to do it in less than 20 minutes, if given the opportunity.

Mr. KERRY. That is precisely what I hope to do. I simply want to be able to do as manager of the bill what I need to do, but I am not empowered to do, because I am not the majority leader. I am simply trying to protect the rights of the majority, but at the same time act in the Senator's interest.

If the Senator will afford me the right—I can stand here and talk now or come back. If the Senator will allow me to do that, I ask unanimous consent I be permitted the rights to the floor after we dispose of the McCain amendment, which is the pending business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KERRY. I thank my friend from New York.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine [Mr. COHEN].

Mr. COHEN. Mr. President, I will take note that we have spent a half-hour debating whether or not the Senator from New York might cut into the diminishing time remaining for those wishing to offer amendments. In the meantime, let me return to the subject Senator MCCAIN has raised.

I note that the Senator from Massachusetts used the expression "wise statesmanship requires that we not leap to certain conclusions or take any drastic action." I would agree with that, but wise statesmanship also dictates that we not give up certain perquisites as such, certain powers and privileges as such, certain agreements as such, or relationships, in advance of securing a commitment from the country that we are negotiating with.

By way of example, Senator MCCAIN talked about "Team Spirit"—the joint military operations and practices that we conduct with South Korea. "Team Spirit" is not and should not be a bargaining chip. That is fundamental. We should not give up a joint exercise, military exercise, certainly not in advance. I do not think we should give that up at all. "Team Spirit" is designed to make sure that we maintain a high state of readiness. Readiness against whom? Against one of the most belligerent countries in the world today that has some 700,000 troops in an aggressive posture facing South Korea.

So to give that up or even talk about compromising or canceling in advance, it seems to me, sends precisely the kind of signal Senator MCCAIN is talking about. It is not necessary for us to use the words "appeasement" or "accommodation." I would be happy to say there has been an uncertain trumpet that has been blowing from the White House on this particular issue.

But the North Koreans have wasted a year of our time, in essence, by forcing

us into long negotiations only to come back to the point we were a year ago; namely, that they may agree to allow the international inspectors to inspect those sites that they will allow us to inspect. That is a year's time of negotiation. Maybe we have made some marginal progress, but ultimately they say you cannot go into the two nondeclared sites.

We will tell you what sites you can go in, but the others are all off limits. It seems to me we have not made much in the way of progress, but the little progress we have made one week is then taken back the following week. I notice the administration correctly is saying we are going to beef up our security there, and I applaud President Clinton for what he is doing. I support the deployment of Patriot missiles, if that is what it is going to take. I support beefing up our American presence in that region.

What has been the North Korean response? The North Koreans are now engaged in this chest beating, asserting that we, by introducing defensive antimissile systems, are now engaged in some kind of a provocative or aggressive action. It is very, very similar to what the former Soviet Union used to do. When they deployed, for example, SS-20's in the hundreds aimed at Western Europe, we said: We have to respond. We are going to match you by deploying Pershing II's.

They said: If you do that, you are taking aggressive action. If you do that, we will cancel the intermediate-range nuclear force negotiations underway; we will walk away from the table.

It is precisely the same sort of chest beating, chauvinistic, dictatorial bleating that takes place with the North Koreans today.

Some have suggested to me, I might say, what do we care? So what? So what if North Korea has one bomb or two bombs or enough plutonium to make three bombs? No. 1, they do not have an adequate delivery system.

We know how fallacious that argument can be. It will not take long before they can get a delivery system. Assuming they get a delivery system, the argument is: So what? So what if South Korea demands having a nuclear capability? And so what if Japan demands having a nuclear capability?

By the way, let me suggest to my colleagues, it would only be a matter of, let me say, a few months or maybe even less before Japan could convert its capabilities today into having a nuclear capability.

And still the argument is so what, let Japan have it. Well, what about Iraq and what about Iran, should they not have it as well? And what about other nations that are not quite as stable let us say, as Japan or not as stable as the former Soviet Union, if we can say that is still stable? Let us go back to a MAD theory, mutual assured destruction. Anybody who fires a nuclear weapon will get 1, or 10, or 20 in return. MAD was a bad concept then, I think is a bad concept now. And while deterrence worked against a rational, if ruthless, Soviet leadership, will it work against the unstable leaders of unstable regimes? The genie may be out of the bottle. We do not have to witness it spread over every unstable nation in the world.

And so what the Senator from Arizona has recommended I think is very sensible. It is imperative. He has changed the language he originally intended to offer to not offend the administration, but whether it is critical of the administration or not is not important. What is important is that we go to the Chinese as he has suggested. They have a China card to play. They have a China card to play, because if sanctions are imposed China will play the crucial role. It will have to decide whether it is going to undermine those sanctions by continuing to supply energy to a country badly in need of it. We have to make it very clear to the Chinese that they can align their future with North Korea or they can continue to try to establish a healthy and working relationship with the United States as we move into the 21st century. But I think we have to make it very clear we need their help, it is imperative and there will be, I think, grave consequences in the event it is undermined.

So I support my colleague from Arizona and urge my colleagues to support him.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona [Mr. MCCAIN].

Mr. MCCAIN. Mr. President, I thank my friend from Maine for his, as always, thoughtful and penetrating analysis of a very difficult and troubling issue. I would like to just make a few additional comments. I will not belabor this issue because it has been extensively covered in the media and in the councils throughout not only this country but in Asia as well.

As my friend Senator COHEN said, other nations will have no choice, Mr. President, but to acquire nuclear weapons if through a set of circumstances North Korea is able to develop their own nuclear capability.

Two days ago, in a Washington Times story, it said:

> Japan has technology to be a nuclear power. Japan has all the parts for a nuclear bomb and may have already built one, a London newspaper cites a British defense ministry report as saying. The Sun Times yesterday cited the report as saying Japan has the expertise to go nuclear very quickly.

Put yourself in the position of a Japanese leader with the knowledge that the North Korean Government, as we know, the most enigmatic and most oppressive and Orwellian nation left on the face of this Earth, has now acquired nuclear weapons and the means to develop them. No self-respecting leader of Japan has a choice but to develop nuclear capability. The same goes for South Korea. The same goes for other countries in the area.

What I am saying, Mr. President, is that if we fail to stop this nuclear weapons buildup, it is inevitable that nuclear weapons will proliferate throughout Asia. They must do that unless this challenge is met.

Second of all, let me just mention for a moment the Patriot missile. We all know that the Patriot missile had not as spectacular a success in the Persian Gulf as was first believed, but certainly was successful in being the only defensive weapons system to challenge an incoming Scud missile. Understandably, our military commander in Korea has asked that Patriot missile batteries be deployed to South Korea, given the information that he has and the possibility that North Korea may have or does have nuclear weapons and the means to deliver them.

Mr. President, the military commander's responsibility really gives him no choice but to so provide his troops, not to mention the civilian personnel, American civilian personnel, that are within range of these weapons. What has been the North Korean response?

On January 29, the Washington Post said:

> Communist North Korea today denounced a plan to deploy U.S. Patriot air defense missiles in South Korea, saying the decision would heighten tensions on the peninsula and increase the danger of war.

Mr. President, it is not quite clear to me how even the North Koreans could view a defensive system that has no offensive capability as something that would increase the danger of war.

> And a North Korean official called the installation of Patriot missiles an unpardonable, grave mistake, a challenge that threatens diplomatic efforts now centered on North Korea opening its nuclear sites for inspection. "If the United States and its followers think they can subdue North Korea with pressure and threat, it is a big mistake. That method may lead the situation to a hopeless phase far from resolving the problem," the agency said.

Mr. President, I do not believe that North Koreans would be quite so bellicose if they had not forced us to back down already, at least in their view.

According to the Wall Street Journal, on January 31:

> Earlier this month, Undersecretary of State Lynn Davis was asked on the "MacNeil/Lehrer" program how the U.S. could be confident that a diversion of nuclear materials wasn't going on at North Korea's Yongbyon research facility.
>
> "Well, because we've had this safeguards regime in place over the past year, and, indeed, had an inspection in August, so it isn't that we haven't been carrying out this regime," she answered.
>
> But officials of the International Atomic Energy Agency, the Vienna-based group that

actually carried out that August inspection, paint a vastly less rosy picture. Its inspectors, the group says, were literally left groping in the dark. They were permitted to leave their barracks—like guest quarters at Pyongyang only after 6 p.m. As night fell, they were escorted into the pitch black innards of several buildings. There, using flashlights because the buildings' lights were kept out, the inspectors only replaced the batteries and videotape in cameras they use to monitor some parts of the facility. End of inspection.

I do not think that fits what Undersecretary Lynn Davis described on the "MacNeil/Lehrer" program.

I guess what I am saying, Mr. President, and I will wrap-up my remarks—and I know this amendment has been accepted by both sides—I was not happy when we took every position on the issue of Bosnia; that we were going to launch air strikes, we were not going to launch air strikes; we were going to send peacekeepers, we were not going to send peacekeepers. I was embarrassed as well, as other Americans were, as a group of thugs on a pier in Haiti with AK-47's drove away an American force. I was grieved and mourned when 18 young Americans died because of a failed policy in Somalia.

Mr. President, now we are talking about the big leagues. We are talking about 27,000 American lives. We are talking about the possibility of the extermination of hundreds of thousands of South Korean lives. We better get serious, Mr. President, and we better learn that when we try appeasement to avoid war, we usually get both. I hope that this resolution would provide the proper impetus to get us into a position vis-a-vis North Korea that we make it clear we expect China to assist us; that we will take all necessary economic measures and, if those fail, then we must be prepared to take further ones, first taking all economic measures and seeing what the result of that is.

I thank my friend from Massachusetts for his patience. I enjoyed the spirited debate over whether the Senator from New York would have sufficient time to view an issue of importance to him, and I appreciate his patience.

If I might ask the indulgence of my friend from Massachusetts, I did also have an amendment on Thailand that I would like to offer immediately upon acceptance of this one and I would be finished with him, on this issue.

Mr. KERRY. Mr. President, I thank the Senator from Arizona. This is a very important amendment, on a very important subject. The Senator is absolutely correct that there is an ultimate moment of confrontation. Certainly, there is an ultimate moment of destabilization if we are not successful.

In my meetings in China recently, it was very clear to me that the Chinese are deeply concerned about this, that the last thing they want is another nuclear power. I think there is much that we can do to work together in this effort, and we need to avail ourselves of every diplomatic opening in order to do that.

So I think the amendment of the Senator is an important amendment, and I am prepared to accept it.

Mr. MURKOWSKI. I rise today in support of Senator McCAIN's resolution expressing the strong sense of the Congress regarding North Korea's nuclear program. The resolution sends the right signal to North Korea and to the President: North Korea must halt its nuclear weapons program and fully comply with the terms of the Nuclear Proliferation Treaty and the safeguards agreement of the International Atomic Energy Agency.

The resolution properly defines an "acceptable agreement" as one which includes regular inspection of all declared nuclear sites as well as special inspections of any suspected nuclear-related site.

Mr. President, I am troubled by the administration's strategy toward North Korea. Frankly, if I were Kim Il Sung, I am not sure whether I would even be contemplating giving up my nuclear program when the United States is already moving toward agreeing to my offer of highly limited inspections of known sites in exchange for the United States canceling the annual Team Spirit joint military exercises.

I am particularly troubled that this appeasement process is directed at a leader who launched the invasion of South Korea in 1950, resulting in the deaths of 3 million of his countrymen and more than 33,000 American troops; a leader whose agents detonated a bomb in Rangoon killing 16 South Korean officials; a leader of the country who blew up a Korean Airlines flight killing 115 passengers and crew; and a leader whose military hacked American personnel to death in the DMZ.

In the 10 months since North Korea announced that it was withdrawing from the Nuclear Proliferation Treaty, the North has managed to buy time to pursue whatever nuclear capability they were contemplating while Washington and Seoul have dangled even more carrots their way, such as diplomatic recognition and economic assistance. Moreover, the administration backed off its original demand that North Korea agree to regular inspections of all known sites and special inspections of suspected nuclear sites. Instead, the United States negotiators agreed to North Korea's offer of a one-time inspection at seven declared sites.

I understand that the administration's ability to follow through on any threat of sanctions in impossible to back up without the support of all our allies, most importantly, China. This resolution properly notes that China might not be cooperating fully and effectively in seeking a resolution of this issue. The administration must stress in the strongest terms to China that their cooperation is essential to addressing the very real threat of a nuclear North Korea.

The administration must not accept China's often used excuse that they no longer have leverage with North Korea. China supplies almost all of North Korea's oil. A country cannot run without oil—as an Alaskan, I feel I am especially qualified to speak to this issue. China could very effectively threaten to cut off North Korea's oil supply.

Similarly, Japan should be asked to consider measures that country could take to stem the flow of illegal money from Japan that is currently making its way into North Korea's failing economy. The amount of illegal money flowing from Japan to North Korea is estimated to be at least $600 million per year.

But it is up to the administration, as the party directly negotiating with the North Koreans, to send a clear and strong signal that the United States is prepared to live up to its threats if North Korea does not agree to our terms. As part of this strategy, the administration should go through with the proposed deployment of Patriot missiles to South Korea.

Mr. President, let me again commend the Senator from Arizona for this amendment, and I urge my colleagues to support this effort.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 1331) was agreed to.

Mr. McCAIN. 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. KERRY. Mr. President, it is my understanding that the Senator has another amendment which we are prepared to accept.

AMENDMENT NO. 1332

(Purpose: To express the sense of the Congress concerning the Government of Thailand need to support democracy in Cambodia and Burma)

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], for himself, Mr. MOYNIHAN, and Mr. PELL, proposes an amendment numbered 1332.

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:

SEC. . POLICY REGARDING THE RELATIONSHIP OF THAILAND WITH ITS NEIGHBORS STRUGGLING FOR DEMOCRACY, CAMBODIA AND BURMA.

(a) FINDINGS.—Congress finds that—

(1) the Government of Thailand is to be commended for its return to democracy and its commitment to representative government;

(2) the United States-Thai security relationship is a cornerstone of the Association of Southeast Asian Nations (ASEAN) and a key to stability in Southeast Asia;

(3) Cambodia, Thailand's neighbor to the East, is struggling to prevent violence from disrupting the creation of a democratic state;

(4) the cooperation of Thailand in implementing the Paris Peace Accords was instrumental in assisting Cambodians to achieve their goal of political reconciliation;

(5) Peace in Cambodia promotes stability in Southeast Asia and the continued cooperation of Thailand in bringing lasting peace to that nation is vital. That peace is threatened by the Khmer Rouge, which has attempted to violently disrupt the Cambodian effort to institute an elected government.

(6) The Government of Thailand is commended for the steps it has taken to discontinue the Thai relationship with the Khmer Rouge, and in particular its adherence to United Nations sanctions on timber and petroleum trade between Thailand and Khmer controlled areas of Cambodia.

(7) Prime Minister Chuan Leekpai and the Commander-in-Chief of the Thai military, Wimol Wongawanich, have publicly enunciated a policy of non-support for the Khmer Rouge. Furthermore, Prime Minister Chuan has demonstrated considerable support for the freely elected Government of Cambodia.

(8) The extent to which the Government of Thailand permits trade and particularly military contact with the armed opposition to the newly elected Cambodian government, directly impact the prospects for peace and political reconciliation in Cambodia.

(9) Congress is concerned that elements of the Thai military and companies with close links to the Thai military, continue to operate against the will and policy of the government to support the Khmer Rouge.

(10) Congress is concerned that the Clinton Administration has not articulated its position regarding United States policy toward Burma.

(11) The Senate unanimously declared in S. Res. 112 that it does not recognize the military junta in Burma known as the State Law and Order Restoration Council (referred to as the "SLORC"), since the people of Burma gave the National League for Democracy a clear victory in the election of May 27, 1990.

(12) Nobel Peace Prize winner Daw Aung San Suu Kyi, a leader of the National League for Democracy, has been under house arrest since July 1989. Many of her colleagues who were able to escape imprisonment or death have taken refuge in Thailand, where they have organized to work peacefully to bring democracy to Burma.

(13) The Government of Thailand should be praised for providing safe haven to the many Burmese forced to flee the brutal repression of the SLORC regime. Despite pressure from the SLORC, Thailand has allowed those groups to operate within its borders, and has granted visas for international travel.

(14) Congress is concerned by reports that the Government of Thailand may adopt more restrictive policies towards the Burmese have raised considerable concern. In particular, Congress is concerned by reports that Dr. Sein Win and other Burmese dissidents may not be allowed to return from their trip to the United States and to the United Nations to secure support for their democratic aspirations.

(15) Congress is deeply interested in seeing the peaceful transition of power to those elected in 1990. Aung San Suu Kyi and other senior National League for Democracy leaders imprisoned in Burmese jails, are unable to conduct political activity inside Burma and have never been allowed to take their elected positions. Those who were able to escape must rely on Thailand's continued hospitality.

(16) in recent years there has been an increase in the number of Burmese women and girls conscripted into Thai brothels. Human Rights Watch has recently issued a report documenting the problems faced by these women. Many of these Burmese become virtual slaves, with no way to escape the brothels where they are kept. When these prostitution rings have been broken up by Thai authorities, often those forced into prostitution are detained in jails, or deported to Burma where they are arrested for prostitution, further victimizing them, and

(17) in 1992, Thai Prime Minister Chuan Leekpai pledged to crack down on official involvement in forced and child prostitution. Congress welcomes the Government of Thailand's efforts to eliminate forced prostitution. However, Thai border officials and police are reportedly involved in the transport of these women from Burma, and at times, directly in the brothel operations.

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

(1) the Government of Thailand should continue and must intensify its efforts to end the relationship between the Khmer Rouge and the Thai military;

(2) the President of the United States should convey to the Government of Thailand American concern over renegade Thai military support for the Khmer Rouge;

(3) the President should adopt the policies called for in S. Res. 112 and to clearly enunciate policy with respect to Burma;

(4) the Government of Thailand should continue to allow the democratic leaders of Burma to operate freely within Thailand and to grant them free passage to allow them to present their case to the world at the United Nations and other international gatherings; and

(5) the Government of Thailand is further urged to prosecute those responsible for the trafficking, forced labor and physical and sexual abuse of women. If Thai officials are found to be involved, they should be prosecuted to the fullest extent of the law. In addition, the Government of Thailand should protect the civil and human rights of Burmese women and refrain from their further victimization.

Mr. MCCAIN. Mr. President, this amendment calls on the Government of Thailand to continue an intense effort to end the relationship between the Khmer Rouge and elements of the Thai military. It is an important issue. It further calls on the President of the United States to convey to the Government of Thailand United States concern over Thai military support for the Khmer Rouge.

Recent press reports have brought renewed attention to a very disturbing situation in Southeast Asia, the continued external support for the Khmer Rouge, an organization which continues to resist the development of democracy in Cambodia.

On December 8, 1993, a massive cache of arms was discovered along the Thai-Cambodia border. Thai police seized 1,500 tons of Chinese-made weapons, including antitank mines, rockets, grenades, machine guns, over a dozen artillery pieces, and more than 1 million rounds of ammunition.

Contrary to Thai military claims that the weapons seized are a remnant from the days of the Cambodian civil war, there is substantial evidence that the arms cache was part of a continuing effort to assist the Khmer Rouge. The most incriminating of this evidence involves the circumstances of the seizure. It was the interception of a shipment of arms from the storage site to Khmer Rouge-controlled areas of Cambodia that led police to the guarded compound. Further testament to Thai-Khmer Rouge cooperation, Khmer Rouge soldiers, apparently guarding the site, were apprehended in the raid of December 8, 1993.

Although clearly the most sensational, this is not the only report of continued cooperation between the Thai military and the Khmer Rouge. There have been reports of direct Thai support for the Khmer Rouge in battles with Cambodian Government forces along the border. Accusations of Thai complicity have come from both Cambodian and U.N. officials and have ranged from simple logistical support to allowing attacks from Thai territory.

Khmer Rouge and Thai military personnel are regularly seen together along the border, often riding in the same trucks. In September, UNTAC officials reported that, in the heat of battle, the Thai army transported 400 retreating Khmer Rouge rebels through Thai territory.

I understand well the long relationship that the United States has enjoyed with Thailand, a relationship strengthened by the return to democracy in that proud nation. Our close military cooperation is a cornerstone of ASEAN and critical to the security of international shipping lanes. Thailand was an important element of our efforts to assist the Government of South Vietnam in fending off Communist aggression. During some of the most difficult years of the cold war, and during Operation Desert Storm, Thailand stood by us as allies.

But from one democracy to another, I must say to my friends in Thailand that they can do more to end a relationship that benefits one of the most murderous movements in the history of mankind, the Khmer Rouge.

I understand the geopolitical reasons why elements of the Thai military may support a relationship with the Khmer Rouge. Vietnam remains a formidable

military power and is bound to become an equally formidable economic power. I understand Thailand's need to keep Vietnam at arms length, but I do not agree with the logic that links this need to support for the Khmer Rouge in its war against the elected Government of Cambodia.

My friends in Thailand should have no doubts concerning the U.S. commitment to our regional security structures. ASEAN is the proper place to create a viable balance of power in Southeast Asia, not on the battlefields of Cambodia. Any regional military advantage offered by continued support for the Khmer Rouge is greatly outweighed by the evil represented by Cambodia's former rulers and Cambodia's new embrace of democracy.

I have worked with Senator MOYNIHAN to fashion this amendment, and upon his initiative I have agreed to include provisions concerning Thai-Burmese relations.

The amendment, as it is now constituted, calls on the Government of Thailand to continue extending to the Democratic leaders of Burma the privilege of residing in their country.

The amendment also encourages continued efforts by the Thai government to end the exploitation of young Burmese women. Despite the efforts of the Government of Thailand to bring to justice those involved in luring young Burmese women into prostitution rings in Bangkok, the illegal activity continues, often with the complicity of Thai officials.

I fully endorse both sections of the amendment and I am pleased that the Senate has been given the opportunity to address them.

In summary, let me emphasize that I approach these issues in the spirit of alliance and respect for the sovereignty of the democratically elected Government of Thailand. It is my hope that in this age of democracy, we can work together to further the cause of representative government and respect for human rights in Southeast Asia.

I appreciate my friend from North Carolina and my friend from Massachusetts accepting this amendment.

I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. KERRY. Mr. President, I wanted the RECORD to reflect that this is an issue that we on the committee have been deeply concerned about. I have raised it personally with Thai authorities when I have been there. The Senator and I have talked about it. The recent discovery of a very large Khmer Rouge arms cache on the border has raised serious questions about cooperation. We are aware of that, and we are in dialog with the Thais about it. But it is very hopeful that those efforts will increase. The Thais are our friends, and we want the democratic Government of Thailand to be able to show the ability to be able to control its own military with regard to this. It is an important issue and we accept it.

Mr. PELL. Mr. President, I fully support the amendment of Senator MOYNIHAN and Senator MCCAIN concerning the situation in Cambodia and Burma.

I was impressed by the overwhelming support the Cambodian people gave to democracy during last year's United Nations' sponsored elections.

I was, thus, shocked by the disclosure late last year of a large Khmer Rouge arms cache located in Thailand and apparently controlled by Thai security forces.

For years the Thai military have had a cozy relationship with the Khmer Rouge. The dreaded Khmer Rouge leader, Pol Pot, has maintained an estate on Thai soil with, reportedly, millions of dollars stored in Thai banks.

The relationship must end. I believe Thailand's democratically elected civilian government is trying hard to gain control of the Thai military. It is rough going. For decades Thai politics have been dominated by coup and countercoup.

The United States has had close security relationship with the Thai military. We have trained them; we have equipped them. This amendment sends a strong signal that our security relations with Thailand will be affected if the Thai military continues to support opponents of Cambodian democracy.

Unfortunately, as democracy flourishes in Cambodia, it languishes in Burma. In May 1990, the Burmese people spoke as eloquently as the Cambodians for democracy. Unfortunately, their elections were subverted by a military regime that has imprisoned since July 1989 Noble Peace Prize winner Daw Aung Sau Kyi.

Burmese democratic forces have long used Thailand as a refuge. This shelter is not being jeopardized by the Government of Thailand's recent effort to curtail Burmese proponents of democracy.

With this amendment, the Congress underscores its continuing support for democracy in Southeast Asia.

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

The amendment (No. 1332) was agreed to.

Mr. MCCAIN. 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. KERRY. Mr. President, I thank my colleague from New York for waiting, and I think we can proceed now. But I would like the RECORD at least to reflect, on behalf of the majority leader with whom I have conferred regarding this, that the majority leader would like to make it clear that while certainly any Senator can find ways to take the floor, and we all understand that, it was certainly the majority leader's understanding that this time would be devoted exclusively to the bill.

I do not want to take up a lot of time now, but the majority leader did offer 8:30, and he offered 9 o'clock, and I offered 6 o'clock tonight on his behalf. So the time that will be taken is taken from other colleagues who might or might not have amendments, because the majority leader is not going to assent to changing the 6 o'clock cutoff time.

Therefore, I ask my colleague, obviously, if he could try to expedite the process. I ask unanimous consent that subsequent to that, the Senator from Arkansas be granted such time as he deems necessary commensurate with the time used by the Senator from New York to respond, if indeed he wants to respond; and that following that, the Senate return directly to the bill at hand, S. 1281, and that all time between the completion of those two Senators and the 6 o'clock deadline be devoted to amendments that are permitted under the list.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. I ask further that the time afforded to the Senator from New York—and he said he would speak less than 20 minutes. In keeping with that spirit, I ask unanimous consent that the Senator from New York be afforded time not to exceed 20 minutes to speak on a matter of his choosing.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New York is recognized.

MADISON GUARANTY/WHITEWATER

Mr. D'AMATO. Mr. President, let me thank my colleague from Massachusetts and assure my colleagues that it is not my intent to hold up this bill. It is my intent, Mr. President, to address a matter that I believe is vitally important.

I rise today to address an issue that becomes more urgent with each passing hour. Just like sand slipping through the hourglass, the statute of limitations on civil enforcement actions relating to Madison Guaranty/Whitewater has almost run out. One of the key pieces of the Whitewater puzzle is Madison Guaranty, the savings and loan that James McDougal ran—or more aptly, ran into the ground—until he was finally forced out by the regulators in 1986.

I rise today because the statute of limitations on civil misconduct that occurred at Madison Guaranty will run out this month. Any first-year law student can tell you that once the statute of limitations runs out, the RTC is out of time, and any wrongdoers will be beyond the reach of the law, safe from

civil law enforcement due to a technicality. But the bottom line is not that the RTC will be out of time. It is this: The American people and the American taxpayers who bailed out the depositors of Madison and the other S&L's will be out of luck and out of pocket millions and millions of dollars.

If the statute of limitations is allowed to run out, there will be no civil suit to help further justice. There will be no suit to help recover taxpayer money that was used to help Madison's depositors. If the statute of limitations runs out, no lawsuit can be brought against anyone no matter how fraudulent their misconduct was, and regardless of whether they may have helped to bring about the collapse of Madison and the loss to taxpayers.

Mr. President, we all know that special counsel, Robert Fiske, will do a thorough and professional job as it relates to reviewing the Whitewater case. But that is from a criminal standpoint. We are not talking about criminal action here. We are not talking about impeding the special counsel's investigation. We are concerned that there is no apparent investigation into the civil misconduct currently taking place at the RTC.

We would like to know that if an investigation is ongoing, civil enforcement action against knowing wrongdoers will not be blocked by the expiration of the statute of limitations. This Senator has reason to wonder about the good-faith efforts of the RTC or wonder what they are doing at all. It has been 3 weeks now since we asked them what they are doing with respect to the statute of limitations, and what kind of investigation they are undertaking. When does the statute of limitations run out?

Last week, after sending a letter on January 25 to the RTC, they told us by phone, "Well, we think the statute may run out as early as February 28." That is this month—we have 27 days to go. The RTC promised that that they would confirm this by way of letter. That was on Thursday. The letter has not come. It did not come on Thursday, Friday, or over the weekend, and it has not come yet today.

What are we supposed to believe? Congress cannot allow this to happen. It would be a travesty of justice and a betrayal of the basic American concept of fair play.

Mr. President, I want to state emphatically that this result does not have to happen. We can keep it from happening. It can be avoided. That is why, several weeks ago, my colleagues and I called on the Attorney General and the RTC to seek voluntary agreements to extend the statute of limitations with respect to those who might be involved in the Madison situation. By obtaining voluntary agreements, agreements that stay the statute from running, the RTC would gain valuable time to determine the merits of allegations that continue to arise with respect to McDougal's crumbled financial empire and the tangled web of financial relationships that surround Madison and Whitewater.

Mr. President, the clock is ticking. This stay of the statute of limitations by RTC has been undertaken in many other cases. This is not something new. It is not something novel.

After much hemming and hawing, the RTC has tentatively stated that the clock runs out on February 28, leaving less than 4 weeks for the RTC to act. We cannot be certain, however, because the RTC has so far refused to respond to the repeated requests from myself and my colleagues for specific information about the statute of limitations.

This very matter was raised in the Banking Committee this morning. Chairman RIEGLE joined me in demanding a response from the RTC. I want to acknowledge his assistance.

In addition, the RTC has not said whether it is conducting an investigation, how far along it is, if they are still investigating the matter, or whether one has been completed.

I believe we are entitled to these facts. Congress and the American people have a right to know and have this information.

If the RTC has not finished the investigation, I think it is important to know how much time they will need to conclude it.

Whatever the case, the RTC should immediately seek voluntary agreements to stop the clock and assure that there is time for a thorough, impartial investigation of the facts and an opportunity for civil lawsuits, if necessary.

Right now, the RTC thinks the statute of limitations will run out on February 28 but cannot tell us what they will do about it.

A thorough investigation takes a lot of time. The clock is running, and time is running out. That is why I have brought to the floor this calendar, and I will continue to bring this calendar to the floor, every day if need be, so that everyone will be aware that the time is slipping away. There may be as few as 27 days left. Now is February 1. We are talking about time possibly running out February 28.

Mr. President, the RTC has an obligation to respond to the Congress.

As I said earlier, the RTC has not been very cooperative in providing information despite written requests and numerous meetings. For an agency that Congress just funded with $18 billion of taxpayers' money to be so unresponsive is to me an unparalleled act of arrogance—maybe more than arrogance; maybe it is a coverup by the RTC. It is inexcusable behavior, and it cannot be permitted.

While I am hopeful that Chairman RIEGLE's support earlier today will result in a written response concerning the statute of limitations, I believe that the RTC must be brought before the Banking Committee without delay.

Accordingly, with the other Republican committee members, I will make a formal request to Chairman RIEGLE to convene a hearing with the RTC oversight board immediately. The committee has not had such a hearing since March of last year, even though the RTC board is required to make semiannual appearances before the committee. This hearing will give the Banking Committee an opportunity to question officials who oversee the RTC about this Government agency and its activities concerning Whitewater and Madison.

Mr. President, I do not know how many people recognize exactly what is taking place. As you can see, there are 27 days, and in 27 days, the statute of limitations runs out. If there was wrongdoing, any knowing misconduct that resulted in taxpayers' losses—and I do not know that to be fact, but we continue to hear these allegations—people have a right to know.

You cannot sweep this under the rug, and to date we have been getting a bureaucratic stonewalling from the RTC.

This Senator does not know whether or not taxpayers' moneys were improperly used by Whitewater, or whether or not moneys went to Whitewater from Madison that should not have. I do not know. But it seems to me that we have a right to know what the RTC is doing. We have a right to know when the statute of limitations on civil liability will toll, and particularly if we are talking about a period of 27 days.

So I hope that we will get an answer today, and depending upon whether we get an appropriate answer and response as it relates to what matters are really being undertaken, I may continue to come to the floor every day and mark away another day, to demonstrate that time is running out. Time is running out on getting the truth and getting the facts for the American people.

Mr. President, I yield the floor.

Mr. President, might I ask how much time have I taken?

The PRESIDING OFFICER. The Senator has approximately 10 minutes remaining.

Mr. D'AMATO. So I used approximately 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. D'AMATO. I take this opportunity to express to my friend from Massachusetts that I did not intend to inordinately delay the proceedings. I hope that I did not inconvenience my colleagues. It was simply my intent to have an opportunity to put this message before this body and the American people at a reasonable time because I think it is a serious message.

I yield the floor and I thank my colleagues.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I thank the Senator from New York. As the Senator from New York agreed earlier, he had originally asked for an hour, which we backed off to a half hour and then to 20 minutes, and he has spoken for 10.

I am extremely appreciative to the Senator for doing that. I think it has helped us immeasurably, and I thank him.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. PRYOR] is recognized.

Mr. PRYOR. Mr. President, I thank my distinguished friend from Massachusetts, the manager of the pending business before the Senate.

Mr. President, I am going to take only 2 or 3 moments in response to my colleague and friend from New York.

One, the matter that is expressed with the RTC—and I think the Senator is the ranking member of the Banking Committee in the Senate—is a matter which is legitimately between the Senator from New York and the RTC.

Second, it is my hope that the RTC will immediately forthwith supply the Senator from New York with whatever information he needs, because I know that this administration is going to be working in good faith, in a good-faith effort, to let the American people know everything there is to know about the issue known as Whitewater.

In fact, it was on January 12, after calls from that side of the aisle, I might say, that a special prosecutor be named, that our President informed Janet Reno that she was to appoint a special prosecutor for the Whitewater issue and, quoting the distinguished minority leader on the other side, and I think I can quote exactly, "This is exactly what we asked for."

But once this special prosecutor was named, then other requests were made for a special committee or a select committee of the Senate and the House to investigate this whole proposition.

Mr. President, finally, even the distinguished minority leader on the House side, the Honorable Bob Michel, said, "No, we don't think we need this."

Mr. President, I can assure my colleagues and especially the Senator from New York that this administration is going forward with an independent counsel. It is exactly what our friends on the other side have asked. And I might say that I have total confidence in Mr. Fiske, in his ability and his commitment to carry forward not only the letter but also the spirit of this investigation.

We might also state, Mr. President, that one of the reasons Mr. Fiske, I think, was chosen for this challenge ahead and this task before him and his staff that is now being assembled is because of his independence. He is certainly one who has not favored Democrats. He has basically favored the other side of the aisle with regard to campaign contributions. That is a point between him and the other political party.

But, in fact, as I quote the distinguished Senator from New York [Mr. D'AMATO]:

> Bob Fiske is uniquely qualified for this position. He is a man of uncompromising integrity. He will unearth the truth for the American people.

I think that is what we need to have done, the unearthing of the truth, the allowing of the sunshine to shine into this whole situation, Mr. President, so that we may all know the facts.

In fact, that is what we are about. That is what we are after. We are after the same thing.

So, therefore, Mr. President, I will not consume any additional time of the Senate. But I would warn my colleagues that in the coming days ahead we are going to see a lot of politics about this issue. What we need to seek is the truth. We need to seek the truth as we pursue this matter. We need to seek justice as we pursue this matter.

But, Mr. President, I hope we will lay politics to rest in this issue because of the appointment of an extremely independent counsel to manage this case in the weeks and the months ahead.

Mr. President, I yield the floor.

FOREIGN RELATIONS AUTHORIZATION ACT

The Senate continued with the consideration of the bill.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from Massachusetts [Mr. KERRY].

Mr. KERRY. Mr. President, we are now trying to begin to schedule the final amendments.

I ask unanimous consent that at the hour of 6 o'clock, the Senate proceed to vote on or in relation to the Helms amendment No. 1320, with no second-degree amendments being permitted thereto.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KERRY. Mr. President, let me say to colleagues that if we could get cooperation with those who have amendments already laid down, we may be able to make a determination to have a series of votes following that 6 o'clock vote and, if so, we would obviously try to make those 10 minutes votes. But we do need to try to resolve some issues regarding those amendments.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield the floor?

Mr. KERRY. Mr. President, the Senator from New York, I believe, wanted to address some of the questions raised by the amendment of Senator LOTT.

I ask unanimous consent, subject to the next business that the Senator from North Carolina wishes to raise, that the Senate return to the Lott-Helms amendment No. 1316 on the United Nations for the purpose of permitting the Senator from New York to speak thereon.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from New York would be recognized for up to 5 minutes.

Mr. KERRY. Mr. President, let me be clear. After the next intervention by the Senator from North Carolina, the Senator from New York will proceed.

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

The Chair recognizes the Senator from North Carolina [Mr. HELMS].

Mr. HELMS. Mr. President, let me be sure I understand what the Senator from Massachusetts has proposed. As of now, we have only one vote in place at 6 o'clock, or the first vote after 6 o'clock; is that right?

Mr. KERRY. Mr. President, that is correct.

Mr. HELMS. And that is amendment No. 1320?

Mr. KERRY. On or in relation to.

Mr. HELMS. Right.

I thank the Senator.

I ask unanimous consent that Mr. DORGAN, Mr. PRESSLER, Mr. D'AMATO, and Mr. THURMOND be added as cosponsors of amendment No. 1320.

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

Mr. HELMS. Have the yeas and nays been obtained on this amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered for amendment No. 1320.

Mr. HELMS. Very well. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. KERRY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1316

Mr. MOYNIHAN. Mr. President, our long-suffering, able manager of this legislation asked me if I would come to the floor to speak to the amendment offered by our friend, the Senator from Mississippi, that prohibits the provision of certain foreign programs, such as the Military Education Training Program, to countries which consistently vote against us in the U.N. Gen-

eral Assembly. In this particular case, voting with the United States less than a quarter of the time.

Mr. President, I would like to start by saying that the Senator from Mississippi has a point to make. There is still a large number of countries in the world which have a reflexive anti-Americanism which they acquired, one, in the cold war; or, two, in an early, independent, anticolonial mode that carried over somehow to the United States. In the case of the Philippines, it was direct anticolonialism, inasmuch as the Philippines was for a half a century a colony of the United States.

I was once our permanent representative to the United Nations. Let me say to you that few have had a greater sense of this pattern of anti-Americanism than I did at that last moment of Soviet assertion in the world. It resulted in propositions such as the obscene resolution equating Zionism with racism.

To get ahead of my argument a bit, let me say that resolution was repelled, Resolution 3379 of 1975. It was a Soviet initiative, carried out by the Third World in a so-called non-aligned movement, which was effectively an instrument of Soviet foreign policy.

The cold war, as I said, is over. There are a great many countries that have not yet absorbed that. There are countries where the news may not yet have reached, such is the backwardness of their political system and their political sensibilities. I am quite serious in that regard.

I can look down the list and I see my friends from Cape Verde and the Congo. The Congo may change. The Congo is a good example of what we are dealing with in so much of the world.

The People's Republic of Congo, as it was until 2 years ago, was an ugly, Leninist state run along the lines of those former people's republics of Eastern Europe and the current People's Republic of China.

That regime has been overthrown, only to be replaced by fierce ethnic warfare. A pattern so often observed. When the suppressive force of an international ideology disappears, ethnic tensions, long suppressed are quickly ignited, often resulting in fierce ethnic battles, as we have seen in this era and will see in the eras to come. For the longest while the United States did not make any real connection between the voting at the United Nations and bilateral relations. We are not accustomed to thinking in terms of multilateral relations. There is only one other nation on Earth which existed, in 1800, and has not had its form of government changed by force since, and that is the United Kingdom. Our idea of diplomacy frequently has been shaped by figures such as Benjamin Franklin and his efforts at the court of Louis XVI. Indeed, in our Embassy in Paris you will find on a bench a wonderful sculpture of Dr. Franklin sitting there. Multilateral diplomacy is new to us, in the sense that bilateral is so old. Most nations of the world never knew anything about bilateral diplomacy. They went from colonial status to the Non-Aligned Movement and the United Nations and various organizations in Geneva.

When I became the U.N. Ambassador, having been the Ambassador to India, I had dinner with the very distinguished Ambassador from Egypt at that time, who later became the Foreign Minister. I was talking about the 1973 war, that awful war between Israel and surrounding enemies, which led to the oil embargo, a huge increase in the price of oil, and disrupted the economies of the world. Our median family income has still not got back to the 1973 levels.

I was asking the Ambassador, what led to the war? Certainly it did no one any good.

He said, "Well, you know, it never would have happened if it had not been for the Indian measure in the Security Council."

I said "What?"

I said to myself, "What Indian resolution?" I mean, I had been sitting out there with the Ambassador in New Delhi and the Indians were involved in a matter which, had I been informed, we might have headed off. Possibly this would have prevented the 1973 war which in turn led to the oil embargo. By carefully "walking the cat back," as they say, "across the river," I learned that no one in Washington had ever bothered to tell us in New Delhi about this United Nations resolution. Our bilateral relations just did not seem to be relevant to what was going on in the Security Council?

Well, it had a lot to do with it. We soon learned and we established a bureau because before that we had no voting records. We found a professor at the Naval Academy who had put the voting records on a computer for teaching a course in international relations and we were delighted by that. Thus began a small bureau in the State Department, the object of which is to connect our bilateral diplomacy with the multilateral international agencies, inasmuch as for three quarters of the nations in the world, our most important contact is at the General Assembly, or the International Labor Organization, or the World Health Organization, and other international organizations. Our actual bilateral relations are very small.

Yet, the pattern of the General Assembly voting against us, which reached its crest in the 1970's, is now gradually receding. The habits of the nonaligned, will change very slowly, but they will change implacably, as nations learn their interest in associating themselves with what generally speaking are the Western democracies.

The point to make, however, is that we do not want to limit our capacity to decide what relations we will have with these countries. Military education is going to continue to be a hugely important issue. Half the countries in the world are governed by their military and will be into the next century. And few of them have in recent years any experience of a military which is responsive to an elected government. And nothing could be more important than for these military governments to have contact with such responsive counterparts, and the United States should have something to contribute to that experience.

In the Congos, in the Cape Verdes, in the Madagascars, even in Thailand, we do not want to tell ourselves what we cannot do. If it is in our interest to do these things, we ought—the President ought—to be free to do so. But those are the marginal cases. We want to ask ourselves what about the large states that would be on Senator LOTT's list? Many of whom we have in fact very friendly relations but which for tactical purposes at home, be they dealing with a political opposition of a democratic nature—as for example India, the world's most populous democracy—oppose us at the United Nations and therefore are on this list.

I do not know why—India chooses to vote with us so little. But it is not because it is arrayed against us in international affairs. It is because there is a parliament and there is the reality that in the Indian Parliament you can improve your situation from time to time by not choosing to support the Western democracies even though you are yourself an Eastern democracy, the most populous of them all.

There are countries such as Egypt. We are just now seeing, in the Near East, an extraordinary decision by Egypt to enter into a peaceful relationship with Israel.

Anwar Sadat traveled to Jerusalem, and not 6 months ago, Yasser Arafat was on the White House lawn. There was a price paid by Sadat. He paid the price of his life. Egypt was expelled from the Arab League. The headquarters of the Arab League were moved out of Cairo.

So, obviously, Egypt has been following a somewhat defensive position of voting in the General Assembly where no vote is binding, no law is made, no commitment is entered into.

Morocco. The first nation on Earth to recognize the United States as a new independent nation was Morocco. We have had the finest relations with Morocco and with King Hassan, and not unlike the Egyptian experience.

King Hassan arranged for the Prime Minister and Foreign Minister of Israel to visit on their way back from the White House signing ceremonies for the Israel-PLO accord. More recently, the Israelis have sent a large economic mission to Rabat where they met with their Moroccan counterparts.

So go to Morocco, if you can get Dorothy to go with you, Dorothy Lamour.

If you go to Morocco, one of the things you will see in Tangiers is a major relay station for the United States Voice of America. We asked for use of Moroccan territory to place an installation of that kind, and the answer was yes. That is the kind of friend you need in the world. When you have a friend like that, you will often find them making symbolic votes in the General Assembly that protect them with another part of the world.

I make the point, Mr. President, that only in the Security Council is a vote cast that has the effect of law, of commitment, of consequence. General Assembly votes are statements of opinion, and a government such as Morocco will often find it useful to distance themselves from the West for purposes of placating the sub-Sahara. Morocco has an ongoing problem with Algeria about the former Spanish Sahara. This reverberates into the whole organization of African unity.

They are in no sense arrayed against the United States, and we ought not to prohibit our President from making decisions to enter certain relationships with them which the President deems to be in the best interest of the United States. That is what this amendment would prevent.

This amendment would tell us that Mexico is in some way an adversary because of its voting patterns in the General Assembly. In this Chamber not 3 months ago we agreed to the North American Free-Trade Agreement. There is a history here, Mr. President. I do not want to go on too long, but in that strange set of accommodations which the Mexicans made with one another to calm down and bring order or relative order to a country that had been tumultuous and fratricidal in the extreme. In the early part of the century, one of the things that happened—and I will put it as bluntly as need be—is they gave foreign policy to the left.

Foreign policy does not matter much to Mexico. It has no overseas interests of a military kind or an ideological kind. But all through the fifties and sixties, the seventies and I assume in the eighties, the left was allowed to vote with Castro in Cuba. It did not mean a thing, it did not change a thing, but that is part of their accommodations. If I were the left, I would have chosen more valuable properties than foreign policy, but there you are.

So here we have ourselves saying, having entered a free-trade agreement with Mexico, we cannot offer them military education training. A military in a struggling democracy—and let us give the present administration credit for trying—needs that association with the United States. I do not say it always works—but an association with a military that is subordinate to an elected government can instill important values. And if the President decides that is in the interest of the United States to have such programs, he ought to be allowed to do it.

We make a distinction, of course, in publishing U.N. voting records, between important votes and votes of small consequence. Morocco votes with us a majority of the time on important votes. Mexico votes with us half the time. Now those are the votes where the United States Representative calls his counterpart in New York and says, "Will you be with us on this vote?" And the answer from Mexico and Morocco is "yes."

Is there a Senator in this Chamber who has not gone to a friend and said, "I really need you on this vote," and have a friend who might go one way or the other say, "Well, I can be with you on this vote"? It is a normal practice of an assembly of the kind the General Assembly is and of the kind the Senate is.

So, Mr. President, I say why offer this affront to India, a democracy, an enormous achievement? For 1 year we have not sent an Ambassador to India. Mary McGrory had a very powerful column on that in this morning's Washington Post.

Mr. President, 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:

[From the Washington Post, Feb. 1, 1994]

TREATING INDIA UNDIPLOMATICALLY

(By Mary McGrory)

India is fuming at the Clinton administration. The world's largest democracy has been without a U.S. ambassador for the better part of a year and the prospects for getting one soon are not brilliant.

The Indian ambassador to the United States, Siddhartha Shankar Ray, points out that his country thought it had become what the Clinton foreign policy was all about, a democracy with a free market. Relations between the United States and India were strained throughout the Cold War, when Washington found New Delhi's self-righteous neutrality maddening and its state-run economy hard to deal with.

But India has changed. In July 1991 it opened it markets. More than 600 U.S.-Indian corporate joint ventures are in progress. We have become India's largest trading partner. India admitted error in human rights, established a commissioner for human rights and, in the United Nations, has sponsored with us a resolution for a worldwide commissioner for human rights. Once, the United States was resigned to lectures from the Indians in the United Nations. Now they vote with us almost all the time, but Washington seems not to have noticed.

"We expected the greatest democracy would look at our country with different eyes," said Ray.

Instead, the Indians are finding out that George Bush treated them better. At least he sent his trade representative, Carla Hills, to visit New Delhi.

Under President Clinton, Washington has so far declined to add to the procession of notable shepherding high-level trade delegations to India. British Prime Minister John Major led off with a large group of businessmen last January; Boris Yeltsin of Russia, Helmut Kohl of Germany and Mary Robinson, president of Ireland, followed. China, Spain and France all showed up with stars. We never got higher than an assistant secretary of state.

Commerce Secretary Ron Brown observed last week that we should pay "much more attention" to India.

India was delighted when Bush chose Thomas R. Pickering as ambassador. A high-profile career diplomat, he served for several months before Clinton yanked him off to our Moscow embassy. The Indians regard this as squandering because of the general opinion that Strobe Talbott, the expert on Russia who has been nominated to be deputy secretary of state, is the de facto ambassador to Russia anyway.

Clinton's next choice was Stephen J. Solarz, who for years dreamed of being secretary of state. He is a former Democratic congressman from New York noted for his brains and his withering comments on those less endowed. Many colleagues were awed by his grasp of foreign affairs; others found him too clever by half and hated his noisy pro-gulf war stand in the face of Democratic opposition.

Clinton designated Solarz last March. He owed him. Solarz was an early Clinton fan; on the darkest day of the presidential primary campaign, the day of the Gennifer Flowers news conference, Solarz called campaign headquarters and announced he was having a news conference in New York to defend Clinton.

Solarz had his own problems. He was one of the top 10 writers of checking account overdrafts at the House Bank. He also helped a Hong Kong businessman who had criminal ties. Reportedly he was cleared of all allegations and can now be formally nominated, but no paper on him ever went to the Senate Foreign Relations Committee. He has been trying to rally support.

The Indians would be perfectly happy to have Solarz. They just want the administration to acknowledge their existence, to counter the impression, stated by embassy spokesman Nirupama Rao, "that India has dropped off the map."

That feeling has been exacerbated by two letters recently emanating from Clinton that revealed considerable ignorance of recent developments and caused a furor in the Indian press and complaints about "meddling."

The first was addressed to a paid lobbyist for a Kashmiri separatist group. Ray wrote a stiff letter to the State Department: "It is disconcerting to see that an individual who is in the forefront of the campaign for dismembering India should seemingly receive recognition and encouragement from the highest political authority in the U.S."

The second was to a California congressman complaining about conditions in Punjab, which, thanks to several local elections, have improved to the point where the Sikh police Chief, K.P.S. Gill, defended the government's treatment of the Sikhs. This letter particularly irritated Ray, who was governor of Punjab for four years.

These misunderstandings, he said, leave Indians feeling "hurt, bewildered and worried," and make the naming of a U.S. envoy "absolutely imperative."

Mr. MOYNIHAN. Mr. President, the Government of India, which has provided asylum this whole generation to the Dalai Lama and the Tibetans, the Government of India which stands

alone as a democracy in South Asia with great trials; do this to India? Slap Egypt in the face? Tell Morocco, the country that was the first to recognize us going back to the 18th century and has been very supportive throughout the postwar era, "Nope, not satisfied?" Tell Mexico we obviously do not know what we are doing up here? No, Mr. President.

Having stated that, I understand the frustrations that the Senator from Mississippi may well feel; even so, this does not in any way affect the countries that are to be on this list. The only country whose freedom of action will be limited by this amendment is that of the United States of America. This is no time for that, no reason for it, and I do hope that the distinguished manager will move to table this measure because I see nothing but mischief. There will be consequences abroad with countries that we are in active, close, friendly, supportive, instructive relations. There will be deleterious consequences. We will do ourselves harm. There is no need nor occasion to limit ourselves in this way.

Mr. President, I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I want to thank the distinguished Senator from New York for a most important and articulate historical analysis and, frankly, a practical analysis of the impact that this amendment would have on our relationships with a number of different countries.

I could not agree with him more, that to come in with an arbitrary cutoff point on the basis of a whole number of votes which have no true relationship to the real relationship of our country and those people who voted is not the way to make judgments about military education training, which is in fact the very kind of training that they want to have go to countries which need that kind of assistance and help, who might not be 100 percent with us.

So in a sense the policy is truly cutting off our noses to spite our faces and can have dramatic negative consequences with respect to countries that are enormously important to us in very delicate relationships, for instance, Cyprus.

Mr. MOYNIHAN. Yes, Cyprus.

Mr. KERRY. To suddenly say that Cyprus is not going to receive this assistance would upset a relationship that is critical to us in that part of the world, and already delicate enough given the balance between Turkey, Greece, and so forth.

So my colleague, who has the most experienced voice in the Senate on the subject of the United Nations, as a former President of the Security Council, I think has served as good notice about the dangers of the Lott amendment, and I thank him for that.

Mr. President, I would ask unanimous consent that the Senate now proceed to the Cohen amendment No. 1317. I do not believe the yeas and nays have been requested. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KERRY. Mr. President, I do not believe there is further debate on this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maine, amendment No. 1317.

The amendment (No. 1317) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1333

(Purpose: To urge the President to prepare to reintroduce United States tactical nuclear weapons to the Korean peninsula, in full coordination with United States allies in the region, should North Korea not return to, and fully comply with, the Treaty on the Non-Proliferation of Nuclear Weapons)

Mr. ROBB. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside so that I might send an amendment to the desk.

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

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Virginia [Mr. ROBB] proposes an amendment numbered 1333:

On page 179, after line 6, insert the following new section:

SEC. 714. POLICY ON PREPARING TO REINTRODUCE TACTICAL NUCLEAR WEAPONS TO THE KOREAN PENINSULA.

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

(1) It was announced by South Korean President Roh Tae Woo on December 18, 1991, that all tactical nuclear weapons had been removed from the Korean peninsula.

(2) On December 31, 1991, North Korea agreed to a denuclearization agreement with South Korea pledging not to possess, manufacture, or use nuclear weapons, not to possess plutonium reprocessing facilities, and to negotiate the establishment of a nuclear inspection system.

(3) On January 30, 1992, North Korea signed a nuclear safeguards agreement with the International Atomic Energy Agency (IAEA), allowing for IAEA regular inspections of nuclear facilities designated by North Korea.

(4) Negotiations between North and South Korea over implementation of the bilateral denuclearization agreement have stalled.

(5) North Korea stated its intention on March 12, 1993, to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), done on July 1, 1968.

(6) North Korea said it would "suspend as long as it considers necessary" its withdrawal from the Treaty on June 11, 1993, but continues to refuse to fully comply with Treaty provisions requiring regular inspections of declared nuclear facilities and allowing special inspections of undeclared sites.

(7) North Korea is the only country to ever formally threaten to withdraw from the Treaty, and effectively remains in a state of noncompliance with the Treaty.

(8) President Clinton has stated that the United States objective is a Korean peninsula free of nuclear weapons, and reaffirmed the United States security commitment to South Korea during a visit there on July 10-11, 1993.

(9) On November 7, 1993, President Clinton stated that "North Korea cannot be allowed to develop a nuclear bomb.".

(10) North Korea has reportedly rejected IAEA inspection procedures of seven declared nuclear sites after agreeing, in principle, with United States officials to allow IAEA investigators to visit each of those sites.

(11) In a statement issued on January 21, 1994, to IAEA authorities, North Korea reportedly declared that "routine or ad hoc" inspections, otherwise known as regular or special inspections, would not be allowed, and an IAEA spokesman stated that "we are not in agreement" about the inspections.

(b) POLICY.—It is the sense of Congress that if North Korea continues to resist the efforts of the international community to allow the IAEA to conduct regular and special inspections of its declared and undeclared nuclear sites and facilities, and refuses to return to, and fully comply with, the Treaty on the Non-Proliferation of Nuclear Weapons, the President should—

(1) fully coordinate with United States allies in the region regarding the military posture of North Korea and the ability of the United States to deter any future nuclear attack against South Korea or Japan; and

(2) in conjunction with United States allies, act to defend United States security interests on the Korean peninsula and enhance the defense capability of United States forces by preparing to reintroduce tactical nuclear weapons in South Korea.

(c) DEFINITION.—For purposes of this section, the term "IAEA" means the International Atomic Energy Agency.

Mr. ROBB. Mr. President, I asked that the entire amendment be read because I do not believe that many of the Members have had an opportunity to consider precisely the proposal that I am making at this time.

Mr. President, the amendment I am offering today is designed to send a strong and clear message to North Korea.

Since last March, Pyongyang stated its intention to withdraw from the Nuclear Non-Proliferation Treaty, it has engaged in a dangerous game of nuclear poker.

The stakes involve nothing less than the proliferation of nuclear weapons in the modern age.

In the case of this recalcitrant nation, I fully supported President Clinton, when he declared last November, that "North Korea cannot be allowed to develop a nuclear bomb."

This sense-of-Congress amendment, provides an incentive for North Korea to agree to a compromise with the United States, South Korea, and the International Atomic Energy Agency.

The measure urges the President, (after full coordination with our allies in the region) to prepare to reintroduce United States tactical nuclear weapons to the Korean Peninsula should North Korea not return to, and fully comply with, the NPT treaty.

In simple terms, the amendment lays out a marker.

Should North Korea choose to continue to defy the nonproliferation regime, great leader Kim Il Sung and dear leader Kim Chong-Il should understand that they will not be gaining a nuclear advantage on the peninsula.

The announcement on December 18, 1991, by the then President of South Korea, No Tae Woo, that United States tactical nuclear weapons had been removed from the Korean Peninsula, encouraged just that speculation.

Active consideration of the reintroduction of United States tactical nuclear weapons could serve as an active deterrent to a nuclear armed North Korea.

We thought that our good faith effort of withdrawing tactical nuclear weapons might contribute to the security of South Korean and United States interests in the region.

We now need to make clear to North Korea that their continued intransigence on this issue leaves us with no choice but to prepare to "restore" that security by other means.

This brings me to the Sense-of-Congress language I am offering today.

North Korea may well go its own way and seek to divert more nuclear fuel from its operational reactor at Yongbyon, denying IAEA investigators the opportunity to analyze whether fissile material is being created.

If North Korea has indeed produced enough weapons grade plutonium, it is fair to assume they are only months, if not weeks, away from constructing a nuclear device if they so choose.

The weaponization technology is rather easy to procure.

If we reach such a point, I believe it makes little sense to allow North Korea to operate with such a nuclear advantage.

One reason United States tactical nuclear weapons were removed from the peninsula in 1991 was to boost negotiations with the North on proliferation issues. The North Korean Vice Minister of Foreign Affairs stated in April 1991 that North Korea's decision to sign the NPT in 1985, "was aimed at creating a condition for the withdrawal of United States nuclear arms in the South."

There seems to be little doubt about the linkage of these issues. A newspaper report in late 1991 stated that, "though both Washington and Seoul insist formally that nuclear weapons policy regarding South Korea should not be linked to North Korea's nuclear program, there is little doubt that North Korea's stand on international inspection has brought the two issues together."

A Korea expert at Australian National University, Mr. Peter Hayes, commented at the time that:

> * * * the United States has made its move * * * This puts the responsibility on the North to go the same way, and give [South Korean President] Roh the political credit for moving toward a nuclear-free Korea.

Unfortunately, North Korea has not fulfilled its end of the bargain, throwing back into question whether the peninsula is nuclear-free after all. And now, given North Korea's noncompliance to the NPT for the past 10 months, it becomes increasingly reasonable to assume that Pyongyang aims to fully develop an indigenous weapons program.

I believe it is important to send this signal to Pyongyang now, in the midst of these talks, while it believes it is negotiating from a position of strength, and believes it has nothing to lose by ignoring the international community.

Over time, through external pressure and isolation, I believe we can join with our Asian allies to reduce the threat of nuclear proliferation in the region. That threat comes from an oppressive totalitarian state regime that, in some ways, represents the last bastion of pure, unadulterated communism.

We did not win the cold war standing down to communism, nor should we tolerate it here.

Of late, a diplomatic resolution to the current impasse over regular inspections appears to be close at hand. I applaud the administration for its recent efforts to begin to fashion an interim solution in principle allowing for periodic inspections, thereby assuring that the continuity of safeguards have been maintained. Unfortunately, the devil is in the details.

Within the last 2 weeks, North Korea has rejected a series of IAEA inspection procedures for seven designated facilities that would determine if nuclear weapons are under development. The gulf between the Atomic Energy Agency and North Korea is wide.

The scope and detail of the inspections are nonnegotiable, according to the IAEA, and the State Department has bluntly expressed its concern: "If the IAEA is unhappy, we are unhappy," stated the official spokesman for the Department 2 weeks ago. I support the IAEA in its efforts to hold North Korea to the letter and spirit of the treaty and the nuclear safeguards agreement it signed in January 1992.

In the last 8 months, the Senate's Asia Subcommittee, which I chair, has met four times with the key State Department official heading the negotiations with the North Koreans, Assistant Secretary for Political-Military Affairs Bob Gallucci. The subcommittee called him as a primary witness early on in the crisis last May, and has engaged him in three classified question and answer sessions since then.

In discussing the ebb and flow of the negotiations with Assistant Secretary Gallucci, I have been struck by our hesitancy to use the stick, or even threaten to use the stick, in lieu of the carrot. How a country postures itself in negotiations can often be as or more important than the actual give and take itself, and I believe we have created the perception that we are militarily, politically, and diplomatically impotent in this situation. Let me explain.

The administration has ruled out a military strike against the Yongbyon nuclear facility, the President has indicated he has real doubts about the effectiveness of economic sanctions, it is difficult to find any positive return from cancellation of Team Spirit, and we seem less insistent on exchanging high level envoys between North and South Korea, as previously planned, as a condition for a third round of talks at the Assistant Secretary level. Meanwhile, two other atomic reactors continue under construction at Yongbyon—in addition to the 5 megawatt reactor already in operation—and a facility fitting the description of a plutonium reprocessing plant appears near to completion as well.

Without the lever of the U.S. tactical nuclear presence, our negotiating posture may be untenable. Indeed, from a North Korean perspective, the scenario appears to be risk-free. The construction of their nuclear facilities continues uninterrupted, enough time has passed to reprocess nuclear fuel into weapons grade plutonium to produce one nuclear device or more, and a deft diplomatic campaign to create uncertainty about the overall program at Yongbyon has generated the fear they may have the bomb, which is perceived as almost as valuable as having the bomb itself.

I urge the administration to immediately change the tenor of these talks by negotiating from the position of strength that this country has rightfully earned as the remaining superpower.

This is not a call to arms; it is a call for more forceful diplomatic tactics to help Pyongyang better understand the weakness of its position.

For example, I hope President Clinton will publicly describe how we might implement economic sanctions,

by cutting off foreign remittances from North Koreans living in Japan, rather than estimating they have a slim chance of working.

State Department officials could convene a meeting to discuss the particulars of cutting off the flow of hard currency to the North. No harm is done by such meetings and talk and they offer powerful persuasion to leaders in Pyongyang to think again about the defiant course they are undertaking.

In addition, I would encourage the administration to discuss when and how to implement Team Spirit exercises, not that they are prepared to shut then down in exchange for a mere glimpse of the Yongbyon facility. We could reinforce this message by sending Secretaries Christopher—and, I hope, Perry—to view Team Spirit exercises when they're conducted later this year.

Again, the message sent to Pyongyang is unmistakable: We have no intention of provoking a military conflict, but we will respond to your transgressions.

Finally, I have privately raised the issue with Assistant Secretary Gallucci that the Chinese be directly involved in negotiations with the North Koreans.

Officially, sitting on the sidelines, the leadership in Beijing has nothing at stake right now. But asking for their direct participation in talks raises the ante.

Their credibility and oft-stated hope that the peninsula be free of nuclear weapons becomes an issue.

Extraordinary diplomatic problems require extraordinary diplomacy, and I urge the administration to work directly with China to address the problems at hand.

Is mere public vetting of sanctions, and following through on Team Spirit exercises beating a drum for war?

Absolutely not.

Do these and other steps suggest that we will not be cowed by threats and rhetoric from Pyongyang?

Yes.

Should North Korea ultimately fail to abide by the NPT and safeguards agreement, I believe the United States should act to defend its security interests in the region and soldiers on the peninsula by reintroducing tactical nuclear weapons in South Korea to serve as an active deterrent to any North Korean consideration of attack.

In the event of a full-scale military barrage against the South, the Communist leadership might hope that the North would prove to be a sanctuary from nuclear war.

That is simply not the case.

While our long-range strategic nuclear systems could respond to such an event, having these powerful weapons of mass destruction on the ground and ready to use at a moment's notice effectively conveys the seriousness of purpose we bring to defending South Korea.

My point with this amendment, and the other ideas I have raised today, is to encourage the administration to negotiate from a position of strength, not weakness.

Other countries; namely Iran are watching with great interest how we handle this nuclear renegade in Asia without compromising our nuclear proliferation policy.

It is time to ratchet up the diplomatic pressure, and this amendment represents a step in that direction.

Mr. KERRY. Madam President, we are prepared to accept the amendment.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from North Carolina

Mr. HELMS. We are prepared to accept the amendment as well on this side.

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

The amendment (No. 1333) 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.

AMENDMENT NO. 1291

Mr. KERRY. Madam President, I ask unanimous consent that the Senate proceed now to HELMS amendment No. 1291.

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

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

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

AMENDMENT NO. 1334

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL] proposes an amendment numbered 1334.

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

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

The amendment is as follows:

At the appropriate place insert the following new section:

SECTION 1. FINDINGS.—The Congress finds that—

(1) The international boundaries between the independent countries of the former Yugoslavia are the same as the internal borders among the constituent republics of the former Yugoslavia as specified in the 1974 Yugoslav Federal Constitution (except with regard to the border between Serbia and Montenegro) and cannot be altered without the consent of all countries concerned.

(2) The Government of Croatia is violating the sovereignty of Bosnia-Hercegovina by sending thousands of Croatian troops to Hercegovina, ostensibly to counter an offensive against ethnic Croatian civilians by Bosnian Government forces.

(3) Croatian forces are interfering with U.N. peacekeeping operations, including the delivery of humanitarian aid to Bosnia-Hercegovina.

SEC. 2. SANCTIONS AGAINST CROATIA.—The President shall take any or all of the following actions—

(1) Instruct the United States Executive Director or representative at all international financial institutions of which the United States is a member to vote against all loans to Croatia;

(2) Provide no assistance to Croatia (except for humanitarian assistance);

(3) Make no sales to Croatia of any kind of military equipment;

(4) Prohibit the licensing of commercial military sales to Croatia;

(5) Provide no credits, and provide no guarantees of any credits to Croatia;

(6) Prohibit the sale or transfer to Croatia of any item subject to export controls by any agency of the United States;

(7) Direct the Secretary of Transportation to revoke the right of any air carrier designated by the Government of Croatia to provide service to the United States; or

(8) Negotiate comprehensive multilateral sanctions pursuant to the provisions of Chapter 7 of the United Nations Charter.

SEC. 3. WAIVER.—The President may waive the sanctions contained in section 2 if he determines and so certifies in writing to the Chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives that—

(1) Croatia is not waging a war of military aggression against any other country;

(2) Croatia is not supporting directly or indirectly, any military unit, militia, or paramilitary organization in any other country;

(3) Croatia is not occupying any territory of another country and is not assisting forces occupying the territory of another country;

(4) Croatia recognizes the borders of Bosnia-Hercegovina as specified in the 1974 Yugoslav Federal Constitution;

(5) Croatia or forces loyal to or controlled by Croatia are not interfering with United Nations peacekeeping operations or with international humanitarian relief efforts; or

(6) It is in the national interest of the United States to do so.

Mr. PELL. I look forward to completing action on the amendment at the appropriate time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KERRY. Madam President, the current business before the Senate is the MFN; is that correct?

The PRESIDING OFFICER. The Senator from Rhode Island just called up

an amendment, and he is going to pursue it at another time.

AMENDMENT NO. 1291

Mr. KERRY. Madam President, I ask unanimous consent that the Senate proceed to amendment No. 1291.

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

Mr. KERRY. Madam President, I ask unanimous consent that amendment No. 1291 be temporarily set aside.

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

Mr. KERRY. Madam President, I believe the Senator from Texas would like to be recognized.

The PRESIDING OFFICER. The Senator from Texas.

VITIATION OF ACTION ON AMENDMENT NO. 1285

Mrs. HUTCHISON. Madam President, I offered amendment No. 1285 last Thursday based on a preliminary Congressional Budget Office estimate on the annual savings generated by the amendment.

Since that time, the amendment did pass, but it has come to my attention that the estimate of savings that I was provided may have been in error.

Therefore, I ask unanimous consent that action on amendment No. 1285 be vitiated.

Mr. BROWN. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Colorado reserves the right to object.

Mr. BROWN. Madam President, I will not object. I simply want to make the point that the estimate was not in error at all. What happened was the Congressional Budget Office changed that estimate after the amendment passed.

I certainly will not object and do not object and commend the Senator for her forthrightness in bringing this important issue before the Senate and her willingness to have the issue examined again with the changes by the Congressional Budget Office.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. HUTCHISON. I yield the floor back to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 1291

Mr. KERRY. Madam President, I now ask unanimous consent that the Senate proceed to Senator HELMS' amendment No. 1291.

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

Mr. KERRY. Madam President, this is the amendment which the Senator proposed last week referring to MFN and China. We did have a debate on it last week during which time the Senator from North Carolina pointed out that the language that he was offering was, in effect, the language offered by Senator MITCHELL 2 years ago during the time that President Bush was President.

On behalf of Senator MITCHELL, I offered a second-degree amendment which reflects the current policy of the Clinton administration.

It was my hope that the Senator and I would be able to get together on this amendment in order to permit the Senate to send a unified and, hopefully, strong message to China with respect to this issue.

I am informed now that the Senator still I think has some difference with respect to the second-degree amendment.

So I will let the Senator, who more than adequately can speak for himself on this, define those differences, and hopefully we can proceed to a vote at some time shortly on this issue if it needs a vote.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Madam President, I thank the distinguished Senator from Massachusetts.

I even thank the distinguished majority leader. I would prefer to have his measure of 9 months ago rather than the one that we have now. But I understand that we change Presidents and the shoe is on the other foot, and all the other cliches that come to mind.

This second-degree amendment I have examined carefully, and I do not want to overstate the case, but it is scarcely more than a legislative toothless tiger, an attempt to gum the Chinese into submission. I am sure there is going to be great merriment in Beijing tonight. I can see them giving each other the high five and other Oriental practices and hoisting glasses of Kaoliang.

I continue to believe that my original amendment, which was the position of the distinguished majority leader during the Bush administration, and is a sense of the Senate based on the conditional MFN renewal legislation offered by the distinguished majority leader, Mr. MITCHELL, just a few months ago in April of last year is far superior. I believe my original amendment sends the strong, clear message that the butchers in Beijing need to hear.

What is in the President's Executive order that seems to turn a lot of people around?

With all charity, all I can see is a little bit of political machinations going on. It is that toothless tiger, the Executive order, which at best is only a first cousin of Senator MITCHELL's legislation of some months back. It attempts to whitewash the blood stains in Tiananmen Square, and I do not like that. I cannot agree to that. It attempts to conceal Chinese proliferation violations that threaten American national security. I cannot go along with that. The dictators in Beijing will be high-fiving it all over the place when they learn that this amendment has put the United States Senate on record as endorsing the Clinton administration's patty-cake game with China's Communist emperors.

The Executive order is scarcely more than a mirage, only an illusion of toughness. There is nothing really there to grab on to. It is sort of a ghost of important human rights, trade, and proliferation principles that have been crushed under the Communist tanks along with the sacrifices and aspirations of the brave Chinese freedom advocates.

The President can change or rescind his Executive order at any time that it suits his fancy to do so. By the way, the Executive order requires a "no" MFN renewal recommendation only if China cannot meet the Jackson-Vanik waiver and if China is not adhering to the 1992 prison labor agreement. That is it. If you doubt what I am saying, read the Executive order. As a matter of fact, I want to have printed the Executive order in the RECORD at the conclusion of my remarks, and I so ask unanimous consent.

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

(See exhibit 1.)

Mr. HELMS. But the second-degree amendment, which is now the pending amendment, does not even uphold President Clinton's standard. It is merely a sense-of-the-Senate piece of legislation. At a minimum, this Senate, in my judgment, should incorporate the binding language of the President's Executive order.

The Executive order is a sort of sellout. Already, the administration has cleverly crafted the weak justifications it needs to renew China's MFN under the Executive order. Secretary Bentsen went to Beijing and persuaded China to agree to comply with the prison labor agreement China made 2 years ago. Wow—China finally agreed to do—now—what it promised to do 2 years ago. That is progress? But, that is all that is technically needed to fulfill the Executive order.

What penalty has Clinton imposed on China for breaking its agreements with us in the first place? What price does China have to pay for flooding our markets with illegal slave-made goods and stealing hard-working American jobs? Absolutely nothing. Why do Bill Clinton and other China apologists place the American worker—whose job they let China steal—and his suffering family behind the Communist dictators in China?

What about all the other important issues this Senate has repeatedly raised—human rights, nonproliferation and trade?

While President Clinton's Executive order references human rights, the dictators in Beijing could lock up and torture half of Tibet and China and noth-

ing is required under the Executive order.

According to the State Department's 1993 Human Rights report on China, issued yesterday—and I quote:

"The Government's overall human rights record in 1993 fell far short of internationally accepted norms as it continued to repress domestic critics and failed to control abuses by its own security forces. * * * In 1993 hundreds, perhaps thousands, of political prisoners remained under detention or in prison. Estimates by some foreign researchers of the number of political prisoners are much higher. * * * Physical abuse, including torture by police and prison officials persisted, especially in regions with minority populations like Tibet. * * * There were accounts of extrajudicial killings by government officials."

And, it goes on and on and on for 34 pages detailing arbitrary arrests; denial of due process of law; extensive violations of privacy; forced abortions; severe political and religious persecution—especially in occupied Tibet; racial and ethnic discrimination; and widespread denial of basic labor rights among other serious abuses.

And, while the Clinton administration has tried to down-play these horrendous abuses in the new Human Rights report through classic State Department understatements and diplomatic-speak, the message between the lines is crystal clear. China is, as the internationally-recognized Freedom House organization proclaimed just a month and a half ago, one of the "terrible 20" worst human rights abusers in the world. It shares company with North Korea, Vietnam, Cuba and Iran.

And, what does the Clinton Executive order and the pending amendment do about this? Nothing. The Executive order has no binding requirements for human rights. At least the Mitchell bill and Helms amendment make significant overall progress in human rights a condition for MFN renewal.

I know what is going to happen. This administration and its apologists are going to tout the release of a couple of high-profile political prisoners as progress. While I welcome the release of every innocent spokesman for freedom in China and occupied Tibet, this administration is setting the stage to accept a less than the minimum passing grade on human rights. The pending amendment endorses this charade. What kind of standard is this Senate setting when it accepts China's "F" as a passing grade?

What if the murderous regime in Beijing expands China's new forced abortion law to authorize euthanasia for millions of disabled children as is being discussed in the current session of China's rubber-stamp Congress? Clinton's Executive order and this amendment do nothing. This Senate should oppose—not endorse—Chinese infanticide.

What about nonproliferation? As with the Executive order itself, this amendment says nothing about the serious and dangerous problem of continued Chinese violations of non-proliferation agreements.

In complete contempt for this Senate and this country, Red China sold missile technology to Pakistan—the only country this Congress has sanctioned by name because of nuclear proliferation. That happened just 5 months ago. Yet, on Friday, Senator KERRY argued this Senate should not even consider China's proliferation record as part of the MFN renewal process because President Clinton had a separate, but tough, nonproliferation policy.

Where is the tough stand Senator KERRY claimed on Friday? For China's missile proliferation violations, Beijing received only the minimal sanctions required by law. Through questionable legal reinterpretation, the so-called tough Clinton administration is in the process of waiving the heart of those sanctions and giving China important dual-use space technology that can be used to modernize and improve Communist China's offensive nuclear missile arsenal. This administration will be rewarding—yes, rewarding, the blood-stained Chinese military for proliferation violations. That sends a strong message?

And what, for example, if China sells nuclear missiles to terrorist Iran? Nothing. The Executive order's silence on proliferation is almost deafening.

So, Madam President, I simply cannot, as much as I wish I could, put my imprimatur on the second-degree amendment which will replace my amendment.

Mr. President, what is MFN? It is a special, favorable trade status. It allows a country, like China, to sell goods to the United States at very low, concessionary tariff rates making foreign goods highly competitive against American products. Therefore, most Americans would assume that how China conducts trade should be central to the question of MFN renewal. But, not in Clinton's Executive order or the pending amendment. They do not even mention trade.

So, what if Communist China continues to discriminate against American businesses and steal the jobs of hard-working Americans by illegally dumping subsidized goods here? Under Clinton's Executive order and the pending amendment, nothing. Explain that to John Q. Citizen—why protecting Chinese jobs in Shanghai is more important than protecting American jobs in Boston, New York, or Raleigh. Under the original Helms amendment, unfair trade practices that hurt Americans must be addressed. What is wrong with that?

Mr. President, there is a far superior alternative pending in the Senate. It is the original Helms amendment which is a sense of the Senate reminding both the administration and Communist China of the MFN renewal conditions laid out by the distinguished majority leader well after Bill Clinton was sworn into office.

I want to emphasize that. On Friday, Senator KERRY tried to paint the original amendment as an out-of-date, Bush-era measure. It is not. Nine months ago, I reiterate, on April 19, 1993, the distinguished Majority Leader, Senator GEORGE MITCHELL, introduced S. 806, legislation that would statutorily condition China's MFN renewal. Along with 19 other Democrats, the majority leader introduced this bill because of legitimate fears that President Bill Clinton would sell out on the earlier promises made by candidate Bill Clinton to get tough with China.

And how right the majority leader was then. With all due respect to him—and he is my friend—I wish he had stuck by his guns. He did not.

I yield the floor.

EXHIBIT 1

[Executive Order]

CONDITIONS FOR RENEWAL OF MOST-FAVORED-NATION STATUS FOR THE PEOPLE'S REPUBLIC OF CHINA IN 1994

Whereas, the Congress and the American people have expressed deep concern about the appropriateness of unconditional most-favored-nation (MFN) trading status for the People's Republic of China (China);

Whereas, I share the concerns of the Congress and the American people regarding this important issue, particularly with respect to China's record on human rights, nuclear nonproliferation, and trade;

Whereas, I have carefully weighed the advisability of conditioning China's MFN status as a means of achieving progress in these areas;

Whereas, I have concluded that the public interest would be served by a continuation of the waiver of the application of sections 402 (a) and (b) of the Trade Act of 1974 (19 U.S.C. 2432(a) and 2432(b)) (Act) on China's MFN status for an additional 12 months with renewal thereafter subject to the condition below;

Now, therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. The Secretary of State (Secretary) shall make a recommendation to the President to extend or not to extend MFN status to China for the 12-month period beginning July 3, 1994.

(a) In making this recommendation the Secretary shall not recommend extension unless he determines that:

Extension will substantially promote the freedom of emigration objectives of section 402 of the Act; and

China is complying with the 1992 bilateral agreement between the United States and China concerning prison labor.

(b) In making this recommendation the Secretary shall also determine whether China has made overall, significant progress with respect to the following:

Taking steps to begin adhering to the Universal Declaration of Human Rights;

Releasing and providing an acceptable accounting for Chinese citizens imprisoned or detained for the non-violent expression of their political and religious beliefs, including such expression of beliefs in connection with the Democracy Wall and Tiananmen Square movements;

Ensuring humane treatment of prisoners, such as by allowing access to prisons by international humanitarian and human rights organizations;

Protecting Tibet's distinctive religious and cultural heritage; and

Permitting international radio and television broadcasts into China.

Sec. 2. The Secretary shall submit his recommendation to the President before June 3, 1994.

Sec. 3. The Secretary, and other appropriate officials of the United States, shall pursue resolutely all legislative and executive actions to ensure that China abides by its commitments to follow fair, nondiscriminatory trade practices in dealing with U.S. businesses, and adheres to the Nuclear Non-Proliferation Treaty, the Missile Technology Control Regime guidelines and parameters, and other nonproliferation commitments.

Sec. 4. This order does not create any right or benefit, substantive or procedural, enforceable by any person or entity against the United States, its officers or employees.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 28, 1993.*

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. HELMS. If the Senator will yield just one moment, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

AMENDMENT NO. 1335 TO AMENDMENT NO. 1291

(Purpose: To express the sense of the Senate that certain conditions should be met before the People's Republic of China is accorded nondiscriminatory most-favored-nation treatment)

Mr. KERRY. If the Senator will withhold for one moment, I send to the desk a second-degree amendment.

The PRESIDING OFFICER. Is the Senator withholding his request?

Mr. HELMS. Yes. I was under the impression, with all the confusion, that the second-degree amendment had already been submitted.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 1335 to amendment No. 1291.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

In the amendment, strike all after the first word and insert the following:

The Congress finds that:

(a) In an Executive order of May 28, 1993, the President established conditions for renewal of most-favored-nation (MFN) status for the People's Republic of China in 1994.

(b) This Executive order requires that in making a recommendation about the further extension of MFN status to China, the Secretary of State shall not recommend extension unless he determines that—

(1) extension will substantially promote the freedom of emigration objectives of section 402 of the Trade Act of 1974; and

(2) China is complying with the 1992 bilateral agreement between the United States and China concerning prison labor.

(c) The Executive order further required that in making his recommendation, the Secretary of State shall determine whether China has made overall, significant progress with respect to:

(1) taking steps to begin adhering to the Universal Declaration of Human Rights;

(2) releasing and providing an acceptable accounting for Chinese citizens imprisoned or detained for the non-violent expression of their political and religious beliefs, including such expression of religious beliefs in connection with the Democracy Wall and Tiananmen Square movements;

(3) ensuring humane treatment of prisoners, such as by allowing access to prisons by international humanitarian and human rights organizations;

(4) protecting Tibet's distinctive religious and cultural heritage; and

(5) permitting international radio and television broadcasts into China.

(d) The Executive Order further requires the Executive branch to resolutely pursue all legislative and executive actions to ensure that China abides by its commitments to follow fair, nondiscriminatory trade practices in dealing with United States businesses, and adheres to the Nuclear Nonproliferation Treaty, the Missile Technology Control Regime guidelines and parameters, and other nonproliferation commitments.

(e) The Chinese government should cooperate with international efforts to obtain North Korea's full, unconditional compliance with the Nuclear Non-Proliferation Treaty.

(f) The President has initiated an intensive high-level dialog with the Chinese Government which began last year with a meeting between the Secretary of State and the Chinese Foreign Minister, included a meeting in Seattle between the President and the President of China, meetings in Beijing with the Secretary of the Treasury, the Assistant Secretary for Human Rights and others, a recent meeting in Paris between the Secretary of State and the Chinese Foreign Minister, and recent meetings in Washington with several Under Secretaries and their Chinese counterparts.

(g) The President's efforts have led to some recent progress on some issues of concern to the United States.

(h) Notwithstanding this, substantially more progress is needed to meet the standards in the President's Executive order.

(i) The Chinese Government's overall human rights record in 1993 fell far short of internationally accepted norms as it continued to repress critics and failed to control abuses by its own security forces.

Therefore, it is the Sense of the Senate that:

The President of the United States should use all appropriate opportunities, in particular more high-level exchanges with the Chinese Government, to press for further concrete progress towards meeting the standards for continuation of MFN status as contained in the Executive order.

Mr. KERRY. 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. Madam President, the Senator has described a China that we have all come to understand and to have very strong feelings about with respect to the abuses of human rights and the problems that exist. We know that in this Senate because we voted on it again and again.

The Senator from North Carolina has described some of the worst of those abuses. I do not know one U.S. Senator who could fairly be accused of supporting any of the abuses in any way that have been described by the Senator from North Carolina. That is not the issue here.

The issue that we need to keep our eyes focused on, and our minds, is to not undo a policy that is working or send to the Chinese a message that works against the interests that the Senator has expressed.

The second-degree amendment that Senator MITCHELL has sent to the desk, or I have sent to the desk on his behalf, contains in it every single component that is in the amendment of the Senator from North Carolina and that was in Senator MITCHELL's original amendment.

There is not one item—Tibet, prison labor, inspection of prisons, the question of access to information from the flow of outside radio transmissions being sent into China—there is not one issue raised by the Senator from North Carolina that is not contained in the amendment of Senator MITCHELL. The difference is in how it is being approached.

The Senator from North Carolina wraps each and every one of these items up into conditionality for MFN. But President Clinton, which is his prerogative, has separated MFN and some of the issues raised by the Senator from North Carolina, separated them only as to MFN.

That does not mean that they are not on the table in the negotiating process. That does not mean that the administration is not pressing them with greater vigor than they have been pressed previously. It simply means that, unlike the Senator from North Carolina, the President of the United States and the amendment of Senator MITCHELL are not linking all of those items to the conditionality of MFN.

I think the vast majority of colleagues in the U.S. Senate accept that concept; that, in fact, we want MFN to be linked separately. And some are even extremely apprehensive about linking MFN. There are many Senators who do not think it ought to be linked, but that you can make great headway on human rights and on these other issues through other avenues of diplomacy.

In point of fact, for years after President Nixon made his overtures to China, all the way through the process with President Carter and Zbigniew Brzezinski in moving toward normalization, we did not have a conditioning of MFN. And that was a China more brutal than the China today.

It was Tiananmen Square that brought about the conditioning of MFN. And I think most people who have been observing what is happening in China today would agree that a cer-

tain road has been traveled from that moment and that we might even describe ourselves as today in a different period of time, a different transitional period, if you will, from the immediate aftermath of the Tiananmen Square events.

But the fact is—and this is what I think colleagues should focus on—every single item that was in the original amendment of Senator MITCHELL is contained in the amendment at the desk. And, in fact, every item that is in the Executive order—the immigration objectives; the objectives with respect to prison labor; the objectives with respect to adherence to the universal declaration of human rights; the objectives with respect to releasing Chinese citizens who are imprisoned and having the process of accountability, particularly with regard to Tiananmen Square; the process of ensuring human treatment of prisoners; the process of protecting Tibet's distinctive religious and cultural heritage; the process of permitting international radio and television broadcasts into China; the legislative and executive actions that will guarantee that China abides by fair, nondiscriminatory trade practices; and the efforts to keep China adhering to Nuclear Nonproliferation Treaty and Missile Technology Control Regime guidelines.

All of those items, all of those items which were in Senator MITCHELL's original amendment and contained in the Helms amendment, are in the Executive order and are embraced in the amendment which Senator MITCHELL sends to the desk.

Moreover, there is additional language not in Senator HELMS' amendment which exhorts China to provide assistance with respect to the North Korean nuclear problem. In addition to that, there is very distinct and tough language with respect to the trade practices and the question of missile technology proliferation.

So I say to my colleagues that if you want to keep the process on track, if you want to send a strong message to China, if you want to send a message that is sensitive to the new dialog that the President has initiated with respect to China, and if we do not want to mix the process and confuse the Chinese, then we should support the second-degree amendment of Senator MITCHELL.

But if you want to undo the process and send confusion and, in fact, not even be as strong, then we can proceed down a road that will in fact set back our China policy.

Mr. BAUCUS. Mr. President, I rise to support the amendment of the Senator from Maine.

The President, with wide support in Congress, signed an Executive order last spring which will govern his decision on renewing China's most-favored-nation tariff status next June. It cited seven conditions: Freedom of emigration; living up to the Memorandum of Understanding on Prison Labor Products; moving toward meeting the obligations of the International Declaration on Human Rights; release and accounting for political prisoners; ensuring humane prison conditions, for example through allowing the International Committee on the Red Cross to inspect jails; protecting the religious and cultural heritage of Tibet; and ending the jamming of foreign radio broadcasts.

Last spring, like many other Members of the Senate, I endorsed this Executive order. We are operating under it today, and are working very hard to get China to meet its seven conditions. I personally visited Beijing, Chengdu, Lhasa, Guangzhou, and Shenzhen last summer in large part to urge China to meet them.

By substituting a much longer list of conditions including trade barriers and weapons proliferation, this amendment seeks to undo the President's policy and move the goalposts back many yards. That would be a serious mistake. If China believes we intend to change policy in midcourse, and find an excuse to revoke MFN regardless of their actions, they will not take the necessary steps on human rights. That would mean fewer jobs here and more suffering in China.

The Senator from Massachusetts has made the point very well. Congress and the administration have been united in urging China to meet the conditions in the Executive order, and we should remain united. When we consider renewing MFN status for China this spring, we should do so on the basis of the Executive order. I support the second degree amendment and I urge my colleagues to do likewise.

Mr. KERRY. Madam President, we have only one-half hour before all amendments have to be laid down. I do not want to be the person responsible for preventing that from happening.

So before we proceed forward and before I yield the floor, let me ask the distinguished minority leader if he wishes to lay down an amendment or proceed from where we were with respect to the amendment that he has already submitted.

Mr. DOLE. Madam President, it is my understanding, if the manager will yield, that our amendment is being compromised to the satisfaction of both myself and Senator MITCHELL and that it should be completed before 6 o'clock. So there would be a modified amendment. If not, we would hope to get unanimous consent, since we are working on it with the majority leader. But I think there are other amendments that need to be laid down.

Mr. KERRY. I thank the distinguished minority leader and yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Madam President, I ask unanimous consent that the current amendment on the floor of the body be set aside so I may proceed to an amendment that is on the list.

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

AMENDMENT NO. 1336

(Purpose: To authorize the International Boundary and Water Commission to negotiate agreements with Mexico on the financing, construction and operation of sewage treatment and other pollution control works along the United States-Mexico border.)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI] proposes an amendment numbered 1336.

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

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

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . SEWAGE TREATMENT ALONG THE UNITED STATES-MEXICO BORDER.

(a) DEFINITIONS.—As used in this section:

(1) COMMISSIONER.—The term "Commissioner" means the United States Commissioner of the International Boundary and Water Commission.

(2) CONSTRUCTION.—The term "construction" has the meaning provided the term under section 212(1) of the Federal Water Pollution Control Act (33 U.S.C. 1292(2)).

(3) TREATMENT WORKS.—The term "treatment works" has the meaning provided the term under section 212(2) of the Federal Water Pollution Control Act (33 U.S.C. 1292(2)).

(b) AGREEMENTS TO CORRECT POLLUTION.—

(1) IN GENERAL.—The Secretary of State, acting through the Commissioner, may enter into an agreement with the appropriate representative of the Ministry of Foreign Relations of Mexico to address the international problems related to pollution caused by the discharge of raw and inadequately treated sewage originating in the Republic of Mexico to waters which form or cross the boundary between the United States and Mexico.

(2) CONTENTS OF AGREEMENTS.—An agreement entered into under paragraph (1) shall consist of recommendations to the appropriate officials of the Federal Government and the Government of Mexico concerning measures to protect the health and welfare of individuals from adverse effects of the pollution referred to in paragraph (1), including recommendations concerning—

(A) whether treatment works should be constructed, operated, and maintained in Mexico or the United States;

(B) estimates of the cost of the planning, construction, operation, and maintenance of the treatment works referred to in subparagraph (A);

(C) formulas for the initial allocation of costs between the United States and Mexico with respect to the planning, construction,

operation, and maintenance of the treatment works referred to in subparagraph (A);

(D) a method for the review and adjustments of the formulas recommended under subparagraph (C), not later than 5 years after the date of issuance of the formulas, and every 5 years thereafter, that recognizes that the initial formulas should not be used as a precedent with respect to a subsequent review and adjustment carried out pursuant to this subparagraph; and

(E) an estimated time period for the construction of a treatment works referred to in subparagraph (A).

(c) AUTHORITY OF SECRETARY OF STATE TO PLAN, CONSTRUCT, OPERATE, AND MAINTAIN FACILITIES.—The Secretary of State, acting through the Commissioner, may act jointly with the appropriate representative of the Government of Mexico to supervise—

(1) the planning of; and

(2) the construction, operation, and maintenance of, the treatment works recommended in an agreement entered into pursuant to subsection (b)(1).

(d) CONSULTATION WITH THE ADMINISTRATOR AND OTHER OFFICIALS.—In carrying out subsection (b), the Secretary shall consult with the Administrator and other appropriate officials of the Federal Government, and appropriate officials of the governments of States and political subdivisions of States.

(e) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of termination of each fiscal year, the Secretary of State, acting through the Commissioner, shall prepare and submit to the President, the Speaker of the House of Representatives, and the Majority Leader of the Senate an annual report concerning the activities of the International Boundary and Water Commission in carrying out the responsibilities of the Secretary of State pursuant to this section.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) a summary of the activities of the Commission during the fiscal year;

(B) a review of the problems related to pollution caused by the discharge of raw and inadequately treated sewage from the Republic of Mexico to the waters which form or cross the boundary between the United States and Mexico;

(C) a summary of the progress made by the Commissioner during the fiscal year in entering into an agreement pursuant to subsection (b)(1);

(D) a summary of the progress made toward fulfilling the recommendations included in an agreement referred to in subparagraph (C);

(E) a summary of any actions taken by the Commissioner to plan, construct, operate, and maintain treatment works pursuant to this section;

(F) a summary of the consultations made by the Commissioner pursuant to subsection (e);

(G) recommendations that the Commissioner determines will be beneficial in correcting pollution caused by the discharge of raw and inadequately treated sewage from the Republic of Mexico to waters which form or cross the boundary between the United States and Mexico; and

(H) such other information as the Commissioner determines is necessary or appropriate.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) there is authorized to be appropriated to the Secretary of State such sums as may be necessary to support agreements concluded pursuant to subsection (b).

(2) nothing in this section authorizes funds appropriated pursuant to the fiscal year 1994 appropriations bill for the Departments of Veterans Affairs, Housing and Urban Development, and Independent Agencies (Public Law 103-124).

Mr. DECONCINI. Madam President, the amendment I am proposing clarifies and expands the present authority of the International Boundary and Water Commission [IBWC] to negotiate agreements with Mexico to jointly finance the construction and operation of sewage treatment facilities along the United States-Mexico border to treat raw sewage entering this country from Mexico.

The IBWC already believes it has the authority to enter into this type of agreement with Mexico but this amendment sets it forth in specific terms so that there can be no question.

This is an appropriate role for the IBWC and the State Department and is not precedent setting. This same authority already exists for the IBWC along the water boundary of the Rio Grande in the Rio Grande Pollution Correction Act of 1987, Public Law 100-465.

This amendment would extend that authorization to the land boundary of the United States-Mexico border, as well as the Rio Grande.

It is my understanding that the IBWC does not have a problem with this amendment. As a matter of fact, I believe it would welcome the clarification of this authority.

This amendment specifically states that this authority is not meant to be used to tap into the $500 million set aside for hardship communities in the fiscal year 1994 VA, HUD appropriations bill, which I had something to do with it getting there for the purpose of dealing with some border communities in my States.

Hopefully, those funds will be authorized for the EPA in the upcoming Clean Water Act.

I also want to make it clear that this does not preclude border communities from securing EPA funding for pollution problems on the border. This amendment deals only with preventing raw sewage from flowing from Mexico into the United States.

This amendment is extremely critical to protect the public health and environment of my State and to all of the Southwest border States. The conditions in many border communities are deplorable and rectifying the dangerous pollution problems on our border should be one of our highest priorities.

In my State, Nogales, AZ is a community in desperate need of Federal assistance to meet its wastewater treatment needs. This city is located immediately downhill and downstream from Nogales, Sonora, Mexico. Because of the topography of the area, the treatment facility is on the U.S. side of the border and services the communities in both countries.

Until the recent expansion of the Nogales International Wastewater Treatment Plant, raw sewage from Mexico community flowed unmitigated into the Santa Cruz River, washes and even the streets into Nogales, AZ.

The existing treatment facility was designed to satisfy the treatment needs of both communities for the next 20 years. Because of a population explosion in Nogales, Sonora, the inability of Mexico to pretreat its industrial waste and increased sewer link-ups in Mexico, the facility has already reached 75 percent of its operating capacity.

By April 1994, the facility is estimated to reach 100 percent of its capacity and a moratorium will have to be placed on new sewer linkups in Nogales, AZ. Thus, one of Arizona's fastest growing border communities will be penalized because of problems beyond its control across the border—very disturbing with the ongoing NAFTA implementation.

Right now there is a cancer cluster in Nogales, AZ. The specific cause is unknown at this time, but evidence points to chemical and heavy metal contaminants used in Mexican factories that flow down Nogales Wash from Mexico into Arizona. Mexico does not pretreat its industrial waste and the existing facility is unable to handle the amount of inflow. Citizens of Nogales are facing a cancer epidemic.

A study by the University of Arizona Cancer Center found that Nogales has 4.8 times the expected average of mylow-ma (myeloma) cases, 1.6 times the leukemia cases and 4.5 times the lupus cases—the highest rate of lupus in the world. The exact cause of lupus is unknown, but one of the probable causes is exposure to toxic chemicals.

I am sad to say that I could continue citing birth defect and disease statistics for the Southwest border region and even specific cases. These are horrible cases and horrifying statistics.

Negotiations for the present Nogales facility required specific authorization for the IBWC for Nogales. Between securing this site-specific authorization and conducting these difficult negotiations, the process took 12 years. We do not have 12 years of leeway this time—not with Nogales and not with other border communities.

Authorizing the IBWC to negotiate and enter into agreements with Mexico along the land border, will allow the IBWC to work with Mexico to plan, finance and construct desperately needed wastewater treatment facilities.

Hopefully, in the Clean Water Act we will authorize EPA to use funds for wastewater treatment on the border and in other hardship communities. But to remedy the problem on the United States side of the border, it is also necessary to deal with the sewage problem in neighboring Mexican communities.

I hope that my colleagues see the necessity of this amendment, and I urge them to approve it.

I hope the committee will accept the amendment and try to keep it in conference.

Mr. KERRY. Madam President, we are prepared to accept this amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1336) was agreed to.

Mr. DECONCINI. Madam 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. DECONCINI. Madam President, I want to thank the distinguished Senators from Massachusetts and North Carolina and their staffs for their cooperation and for accepting this amendment.

The PRESIDING OFFICER. The minority leader.

Mr. DOLE. Madam President, I ask unanimous consent I might use 5 minutes of my leader time not to be charged against the time between now and 6 o'clock, so in effect it would extend it to 6:05 because it is not an amendment to this bill.

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

The Senator from Kansas is recognized.

Mr. DOLE. I thank the Chair.

(The remarks of Mr. DOLE pertaining to the introduction of S. 1815 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 1337

(Purpose: To express the sense of the Senate supporting Malaysia's continued participation in the Generalized System of Preferences [GSP])

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. COHEN] proposes an amendment numbered 1337,

At the end of the bill add the following new section:

SEC. . SENSE OF THE SENATE REGARDING MALAYSIA'S GSP STATUS.

It is the sense of the Senate that the President should maintain Malaysia's benefits under the Generalized System of Preferences (GSP) unless it is determined that, under the terms of 19 U.S.C. sec. 2462(c)(2), Malaysia has developed economically beyond the goals of the GSP.

Mr. COHEN. Madam President, I will only take a moment to outline the basic thrust of this sense-of-the-Senate resolution. There are a number of other Members who would like to offer amendments before the cutoff time of 6:05. I will, therefore, defer any lengthy debate at this particular point. Malaysia is a country that has been extended benefits under the generalized system of preferences, or GSP, program. A petition has been filed, the fourth in nearly as many years, to withdraw that status. The basis is that Malaysia prohibits the formation of national unions in its electronics industry. However, the fact is that Malaysia allows each company to be unionized, but does not allow national unions.

I must say to an administration that is interested in opening up trade to Asia that Malaysia is one of our more important trading countries. They have made tremendous progress, and we ought not punitively withdraw GSP benefits at this time. They are improving the nature of their work force, their education level, and their compensation level, having made what I think is quite marked advancement in recent years. So I will reserve further debate.

I do have a letter that I will be submitting to Ambassador Kantor which now contains some 36 signatures of Members of the Senate from both sides of the aisle. I think we have to have a very strong message to the administration that GSP status ought to continue until such time as Malaysia graduates from the GSP Program as a result of its continued economic development.

I yield back the remainder of any time I might have so we can consider other amendments.

The PRESIDING OFFICER. Is there further debate on the amendment? The Senator from Massachusetts.

Mr. KERRY. Madam President, indeed there is, and this is not acceptable on this side of the fence. So we need to wait. I am trying to see where the Finance Committee is on it. I, personally, have some problems with it. I first want to see where they are and hopefully we can proceed later. I ask unanimous consent that we temporarily set it aside.

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

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina was seeking recognition.

Mr. HELMS. Did the Chair recognize me?

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. I thank the Chair. Let me see if I can propound a unanimous-consent request that makes sense that takes care of the problem we have.

Mr. KERRY. Could I ask my colleague if he will withhold. We can get rid of one piece of business quickly.

AMENDMENT NO. 1249, AS FURTHER MODIFIED

Mr. KERRY. Madam President, I ask unanimous consent that relative to amendment No. 1249, previously adopted, that a modification in the language, a technical correction, be made, and I send it to the desk. I ask unanimous consent that that be accepted.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, it is so ordered.

The modification is as follows:

On page 179, line 6, after the language added by amendment No. 1249 (as modified) add the following: "entered into after the date of enactment of the Nuclear Non-Proliferation Act of 1978.".

Mr. HELMS. Madam President, I suggest to the distinguished Senator from Massachusetts that we ask unanimous consent jointly, that each of us send identification of amendments that we have from Senators from our respective sides, and ask unanimous consent that they be considered offered for the purpose of the unanimous consent agreement about 6:05.

Mr. KERRY. To be honest with you, it does not appeal to me tremendously, but we may have to do it.

Mr. HELMS. We are going to have to do something.

Mr. KERRY. I would like to suggest the absence of a quorum for a moment. I want to confer with my colleague. I withhold the request for a quorum call and I think there is an amendment that can be offered quickly.

AMENDMENT NO. 1338

(Purpose: To require the Secretary of State to report to Congress within 60 days on Bosnian refugees)

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

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 1338.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

A. The Senate finds that:

1. In Bosnia-Hercegovina the civilian population has been subject to egregious violations of basic human rights, including widespread willful killing, the torture of prisoners, deliberate attacks on non-combatants, the intentional impeding of the delivery of food and medical supplies to the civilian population, mass forcible expulsion and deportation of civilians, the abuse of civilians in detention centers, and the wanton devastation and destruction of property.

2. Ethnic cleansing, the systematic persecution of minorities, indiscriminate attacks on civilians, violations of internationally-held humanitarian principles, and the deliberate targeting of aid workers has been and continues to be common events in the conflict in Bosnia-Hercegovina.

B. The Department of State shall within 60 days after the enactment of this law brief

the Committees of Judiciary of the House of Representatives and the Senate on the steps being taken by the United States to assure that all appropriate efforts are being made to expeditiously identify and assist all cases of Bosnian individuals and families who are requesting third country resettlement and who are eligible to seek refugee status in the United States and who are seeking such refugee status.

Mr. LEVIN. Madam President, the civilian population in Bosnia has been subjected to egregious violations of humans rights. Many of them are eligible for resettlement in third countries, including this country. There have been a number of bottlenecks, however, to that resettlement, even for those who are eligible for resettlement in this country.

Having not come to their direct military assistance, and having not even lifted the arms embargo so they can defend themselves, the least we can do, it seems to me, is eliminate bottlenecks and roadblocks to the resettlement of those refugees where they are eligible for resettlement here.

This amendment simply would require the Department of State, within 60 days after the enactment of this law, to brief the Judiciary committees of the House and the Senate on the steps being taken by the United States to assure that all appropriate efforts are being made to expeditiously identify and assist all cases of Bosnian individuals and families who request third-party resettlement here and who are eligible to seek that status and refugee status in the United States.

I understand this has been cleared by the Senator from Massachusetts and the Senator from North Carolina. Based on that assumption, I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. KERRY. Madam President, this is a good amendment. We want to accept it. I congratulate the Senator for bringing it forward.

Mr. LEVIN. I thank my friends from North Carolina and Massachusetts.

Mr. HELMS. The amendment is satisfactory on this side.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1338) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. KERRY. 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. JOHNSTON. Madam President, I ask unanimous consent that the order for the quorum all be rescinded.

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

AMENDMENT NO. 1291

Mr. JOHNSTON. Madam President, I rise to speak in opposition to the Helms amendment relative to China MFN. I would like to say at the outset that I feel very strongly, as I think every Senator in this Chamber feels, that human rights is the hallmark of this country. It is that which gives us legitimacy, it is that which distinguishes this country from virtually every country on the face of the Earth. There are others that celebrate human rights to the extent that we do, but very few. Certainly, no superpower does. We should insist at every turn on promoting and promulgating our human rights agenda across the world.

Where I differ with the Helms amendment is in the fact that MFN should not be used, is not an appropriate way to either maximize the influence of this country or to promote human rights.

I perceive from, I think, the very clear fact that the one thing that has promoted human rights more than any other single thing in China is trade. At the end of the Cultural Revolution, China was coming off a period of isolation in which there were no public human rights or private human rights. By public human rights, I mean the ability to demonstrate in Tiananmen Square, the ability to form a political party, to make a political speech, to communicate publicly your opposition to the government. There were no public human rights.

There were also no private human rights. By private human rights, I mean not only freedom from hunger, but freedom to take a job anywhere you wished, freedom to speak to your neighbor, freedom to have a fax machine, to listen to television, to listen to a radio, to buy at a market, to live where you want to. There were no private human rights coming off the Cultural Revolution. That has drastically changed in China.

Today, private human rights are, if not perfect, if not perfect certainly by American standards, light years away from where they were. Private human rights in China, to those who go there and see for themselves, are rather extensive. There are about 150 million Chinese today who travel around China and seek and receive jobs in various endeavors. In coming off the old cultural revolution, jobs were assigned by the old danwei or unit system. The block captain assigned the jobs, gave the place to live, gave the ration cards, and controlled every aspect of life.

Today, Madam President, those 150 million-odd people who move about China seek and secure their own jobs, make their own money, are not subject to rationing, can buy their own goods, can get their fax machine, can buy the color television, and by the millions they buy color televisions and listen to Hong Kong TV and listen to all kinds of outside influences.

Madam President, we are propagating American values and American culture through trade, and it would be unthinkable to stop that flow of ideas, that flow of Western influence. It is changing the landscape, the economic, the cultural, the political, the human rights landscape in China right before your very eyes. And so the threat of removing MFN is not a credible threat, Madam President, just not credible.

The second aspect of this is that the United States, in order to have stability in the Far East, in order to maximize its influence, needs to have China as a good friend. The most obvious example is Korea and Northern Korea and their atomic bomb. We are dependent on China and its influence with North Korea. More than that, Madam President, as long as we are friendly with China, the two of us standing together promote stability throughout Asia and the Asian economy. As long as we are together, Japan is reassured, Indonesia feels better; Vietnam, which has been a traditional enemy of China, is much reassured that we have influence with China. Now, if we should revoke MFN, our influence with China would go to zero. There would undoubtedly be retaliation against American companies, and we could see a deterioration in our situation, in our influence, in our relationship with China.

Madam President, the best thing we can do is to do as our Ambassador in China, Winston Lord, has stated, and move beyond MFN as an annual exercise. I believe there are ways to do that. I believe we could form a bilateral relationship formalized with China under which we would set goals. We would discuss them publicly. We would have a staff in place. We would have the ability to investigate all kinds of complaints, whether from Amnesty International or Asia Watch or any of those groups.

I believe the Chinese would be willing to form that kind of group with us and pledge their cooperation to it—perhaps not pledge to dance the tune exactly that America calls, but at least to discuss and to bring human rights up as a discussion point and take it seriously.

Li Peng, the Premier of China, has stated that he wished to pursue human rights but not as an annual MFN exercise. Madam President, I believe all over Asia this country should quit treating trade as if it is a favor which we bestow upon our friends for good behavior. Trade is the key that promulgates America's influence throughout Asia. It is the key that allows us the dialog that will promote human rights. Without trade, we, as we say, shoot ourselves in the foot, and it is simply not credible to do that. We need to do as Assistant Secretary of State Winston Lord says and move beyond MFN as an annual exercise.

Now, having said that, I can report that when we had our meeting, seven Senators strong, with the Premier of China, we asked that he improve human rights and he indicated he was; and I hope the State Department is going to be satisfied and find the facts upon which to base a record of progress on human rights.

Madam President, I see my colleague needs to reclaim the floor. Let me close by saying we should defeat the Helms amendment. We should allow the administration to continue to pursue its policy, which is a flexible one, which I believe will lead us beyond an annual exercise on human rights and MFN.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 1339

(Purpose: To eliminate the proposed repeal of a provision of law relating to burdensharing)

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the pending amendment be laid aside so that I could introduce an amendment which I would like to send to the desk at this moment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself, Mr. BYRD, Mr. DORGAN, Mr. KOHL, and Mr. FEINGOLD, proposes an amendment numbered 1339.

Mr. LAUTENBERG. Madam 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 47, strike out lines 1 through 3.

Mr. LAUTENBERG. Mr. President, the version of the State Department authorization bill reported by the Senate Foreign Relations Committee eliminates the position of Ambassador at Large for burdensharing which was created by the Congress in the fiscal year 1989 Defense Department Appropriations Act.

Our amendment would restore the position.

Eliminating this ambassadorial-level position would send our allies exactly the wrong signal at exactly the wrong time. It would undoubtedly be viewed as a sign of a reduced U.S. commitment, a declining level of American concern. It could even be viewed as a sign that our Government is satisfied with the progress our allies are making.

That, Mr. President, would be a mistake.

I believe this administration is committed to securing greater contributions from the allies. For example, when I proposed a burdensharing amendment to the Defense authorization bill last fall, Secretaries Aspin and Christopher assured us that they "share the Congress' concern about equitable burdensharing, and this remains a primary administration policy. We will continue to negotiate vigorously arrangements with our allies that seek to be more beneficial to the United States."

Eliminating or downgrading the position of ambassador at large for burdensharing will not advance the administration's policy. It will not help us achieve our goals. It will not give us any leverage in negotiation. Indeed, eliminating the individual with sole responsibility for burdensharing negotiations, will do just the opposite.

Mr. President, I guess some say that eliminating or downgrading the position would save money. The CBO, however, has made no such claim.

And I understand why. What I have been told is that the State Department, instead of having a burdensharing ambassador at large, would designate a special coordinator on burdensharing. Like a burdensharing ambassador at large, this special coordinator would still be paid a salary—but he or she wouldn't have as much institutional clout.

So, in addition to downgrading the level of importance America places on this issue, we do not get any meaningful savings.

In fact, this proposal might actually end up costing us money.

Since 1989, the Ambassador at large, with a two-person staff, has cost the State Department less than a million dollars. In the same time, burdensharing agreements have been negotiated with Japan in which they agreed to pay 75 percent of our overseas basing costs. Some estimate that burdensharing negotiations with Japan and the Republic of Korea have brought $2.77 billion to the U.S. Treasury. We may be able to get even more.

An effective burdensharing ambassador could help bring down the tab the American taxpayers currently pay operating military installations outside of Asia as well. In 1993, the American taxpayers spent $10 billion on the cost of operating military installations in foreign countries. Our burdensharing ambassador should be working to bring those costs down.

Additionally, an aggressive and effective burdensharing ambassador could work to ensure that the allies pay us for the value of the investments—buildings, roads, sewers and such—we are leaving behind as we withdraw from Europe.

The Pentagon has announced plans to close or reduce our presence at 854 military sites overseas, a large majority of which are in Europe. America has already closed 427 military sites in Europe.

The facilities we leave behind represent a significant investment of American taxpayer dollars—about $6.5 billion, according to the Defense Department—in the collective security of the West. An estimated $3.89 billion of that investment is in Germany, where we have already left over 60 percent of the military sites slated for closure.

Through a series of residual value agreements, some allies have agreed to repay us for the value of what we leave behind.

We ought to turn those commitments into cash. But so far we haven't.

Over the past few years, we have collected less than $50 million out of the $6.5 billion the facilities are worth.

We should be encouraging our burdensharing Ambassador at Large to get the allies to make good on these commitments. We shouldn't be downgrading the position. We should be strengthening it and getting some real results.

Clearly our allies can do better. And to get them to do better, we need to convince them we mean business. To convince them we mean business, we need at least an Ambassador at Large whose sole portfolio is producing fair agreements with our allies.

Mr. President, the task of soliciting greater contributions for the collective defense is a daunting one. It is difficult enough even to hold the line when the world economy is dragging.

I hope my colleagues share my view that we should not make it more difficult by eliminating—or even downgrading—this position at a time when his job is hardest—and more important than ever.

Mr. BYRD. Mr. President, over the past several years the Congress has become increasingly interested in the distribution of costs for the collective defense of the United States and its allies. Much of that interest has been generated by the efforts of the distinguished Senator from New Jersey [Mr. LAUTENBERG], and he deserves credit for keeping our attention on this issue. I am happy to cosponsor this amendment to retain the office of Ambassador at Large for Burdensharing.

For most of the Cold War, the U.S. occupied a position of both military and economic supremacy within the Western alliance. During this time, America shouldered the largest share of the burden for the common defense of Western Europe, Japan, Korea, and other allies. We all know that after World War II the United States stood as the only Western nation with the industrial and economic might to carry this responsibility. It is a role which we played well and one of which we should be proud.

But as our allies have grown and prospered over the years, and as the threats to them have receded, the share of the costs borne by the United States has become unreasonably high. In recent years, the Congress has enacted legislation to try to remedy this

situation. Each of the last three Defense Authorization Acts required the President to work for more favorable agreements with countries where the U.S. bases troops. In some cases, notably Japan, the Executive branch has succeeded. But in many other countries negotiations continue.

The organization charged with carrying on these negotiations is the Office of the Ambassador at Large for Burdensharing, a position created by the Fiscal Year 1989 Defense Appropriations Act. From October of 1989 until his appointment as Assistant Secretary of Defense last November, Ambassador Henry Allen Holmes filled this statutorily-created post. During his tenure, Ambassador Holmes successfully negotiated agreements with Japan and South Korea. These agreements will result in billions of dollars flowing to the U.S. Treasury either in direct payments from the host nations or in savings to the Defense Department. The Office of the Ambassador at Large for Burdensharing estimates that the U.S. has already realized $2.77 billion in incremental savings as a result of these agreements, with larger savings projected. When one stops to realize that these savings were achieved by a three-person office at the State Department, the favorable cost-benefit outcome is obvious.

This office will be renegotiating the agreements with Japan and South Korea in 1995 and is currently negotiating burdensharing issues with several NATO allies, including Germany and the United Kingdom. Yet, despite the success of Ambassador Holmes, and the clear need for continued attention to these negotiations, the Administration has asked that the Congress repeal the legislative requirement for the position of Ambassador at Large for Burdensharing. I understand that the Secretary of State plans to keep the office in place for one year, after which time the Under Secretary of State for International Security Affairs would determine whether to retain the office or fold its functions into another bureau of the State Department.

I find it unfortunate, and somewhat troubling, that the State Department would consider eliminating or downgrading one of the few offices anywhere in the government that actually brings money into the U.S. Treasury. I understand that the Secretary of State wants the flexibility to organize the State Department in an efficient manner, and I realize that no final decision has been made as to the future of this office, but this position exists because of serious Congressional concern over inattention to the question of burdensharing. To suggest eliminating the statutory requirement for this position at a time when important negotiations are pending, or on the horizon, seems odd indeed.

The Congress created this office at the level of ambassador in order to give this issue visibility within the bureaucracy, but more importantly as a signal to U.S. allies that we are serious about achieving more equitable burden-sharing arrangements. To now repeal the requirement would have the opposite effect, and would tell our allies, all of whom carefully scrutinize Congressional actions, that the pressure is off and they can stop worrying about making further concessions. That is certainly not the case and we should make that abundantly clear by striking Section 140(b) of this bill.

Once again, I commend Senator LAUTENBERG for his efforts on this issue.

Mr. LAUTENBERG. Madam President, I simply sent the amendment to the desk so that we can take it up at a later time.

I thank the Chair.

Mr. KERRY. Madam President, I ask unanimous consent that immediately after the vote on the Helms amendment No. 1320, the Senate proceed without intervening business to vote on the second-degree amendment to the Helms amendment No. 1291, the second-degree amendment of Senator MITCHELL sent to the table by Senator KERRY, and that that vote would occur and be a 10-minute vote.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. KERRY. Madam President, I believe the Senator from North Carolina and I would like to join together in a unanimous-consent request to send to the desk a series of amendments to be considered as offered, each amendment qualifying to be offered by virtue of being on the list under the previous order.

Madam President, is it necessary for the Senator to name each of the amendments or should we simply send them to the desk?

We will name the amendments. There is an amendment from Senator BROWN and Senator SIMON, which is one of the relevant amendments; a second amendment from Senator BROWN, which is relevant; an amendment from Senator BINGAMAN, which is his reserved position on the list; and that is all the amendments from this side that are being sent to the desk.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Madam President, I believe the Senator referred to the Brown amendments?

Mr. KERRY. That is correct. I had two of the Brown amendments. Those obviously properly belonged on the Senator's side.

Mr. HELMS. There will be a total of three Brown amendments, all relevant; one Pressler amendment, relevant; three Helms amendments, relevant; Mr. MCCONNELL has one amendment, relevant; and Mr. DOLE has three amendments, relevant. I am advised there is another amendment of Senator DOLE on Vietnam, and one relevant amendment by Mr. D'AMATO.

I send these amendments to the desk.

Madam President, I may say for the record that I realize that we are sort of jamming the machinery for the gentleman at the desk. But they, in short order, will give us the numbers for each one of these amendments as we proceed.

Mr. KERRY. Madam President, let me also say that the vast majority of these amendments are probably going to be acceptable. We have had a chance to look at most of them. So while there are a number coming to the desk at the last minute, it is not assumed that we are suddenly looking at a huge number of rollcall votes.

However, we are looking at several rollcall votes and, hopefully, in the intervening time while we are voting now or shortly it will be possible for us to try to work out a schedule with time agreements and understand exactly what we are looking at.

I believe that we can shortly have a vote after the two votes to come on the Helms amendment—on the Lott-Helms amendments for the United Nations. But the Senator has indicated that he would like to say a few more words. Senator LOTT has indicated he would like a few more words with respect to that. The Dole peacekeeping amendment has been worked out. So we now have a series of amendments which will be acceptable. That will not require, I believe, a rollcall vote.

So I think notwithstanding the number of amendments, we are closing the door and coming down to the final vote.

The PRESIDING OFFICER. The Chair will note that the amendments have been received, qualified, and will be numbered.

Mr. KERRY. Madam President, I send one other amendment to the desk under my name.

The PRESIDING OFFICER. The amendment will be received, and will be qualified and numbered.

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

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

Mr. KERRY. Madam President, I ask for regular order.

VOTE ON AMENDMENT NO. 1320

The PRESIDING OFFICER. Under the previous order, a rollcall vote will now occur with respect to amendment 1320.

Mr. KERRY. Madam President, I move to table amendment 1320, 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. HOLLINGS. Mr. President, I want to make a few comments in opposition to Senator HELMS' amendment which limits the number of State Department Assistant Secretaries.

As chairman of the appropriations bill that funds the State Department, I have inspected many embassies overseas and discussed management and policy issues with Secretary Warren Christopher and Under Secretary for Management Dick Moose.

Now, I think that most Senators would agree that the position of Secretary of State is regarded as the most prestigious Cabinet position in the U.S. Government. That is because of the diplomatic responsibilities that the position carries with it—like nuclear arms negotiations, Russian aid, and the Middle East peace process. It is not because of the operations of the Department itself. It is no secret that it has been hard to find Secretaries of State who take time to care about the management of the Department. To worry about everyday "nuts and bolts" issues—like personnel, real property management, and the budget.

Mr. Chairman, I have chaired the State Department appropriations bill since 1977, and I have met with a lot of Secretaries of State—appointed by both Democrats and Republicans. And I can say that this team is the first in a long time that has focused on management. Warren Christopher's first act was to reorganize the Department of State to reduce duplication, make his span of control manageable by having five Under Secretaries, and to reduce the overseas post structure that the budget can no longer afford to finance. He closed 20 overseas posts—with little help from Congress. He inherited 105 deputy assistant secretary positions and has cut that down to 78 positions.

And for Under Secretary for Management he has chosen the best—Dick Moose. Dick came from the private sector—from investment banking. He started his career as a foreign service officer, and served with President Johnson—and he was a professional staff member of the Foreign Relations Committee. And, he also has worked on the policy side of the House—having served as Assistant Secretary for African Affairs. I have traveled with him to several State Department posts. He gets down in the trenches and conducts in depth reviews of how each embassy is staffed and how they are using their resources. He takes time to meet with all embassy employees—not only the senior staff—but also the junior officers and the foreign national employees.

And Secretary Christopher's team has been thrown into the "deep end of the pool" with this budget—they have been forced to pay close attention to the day-to-day issues out of necessity. That is because the "fire walls" in the budget agreement are off. And the Clinton administration submitted a freeze budget—no inflation, and no increases. Congress took that budget and cut $89 million below that level in the appropriations process.

I can say with some pride that in the fiscal year 1994 appropriations bill we have not done any of this "micro-management." We have not put in limitations or earmarks. There is no language regarding number of secretaries or about maintaining offices that the Secretary has proposed to close. We have been trying to let Secretary Christopher do his job. And we approved his reorganization months ago through the reprogramming process, the very reorganization being debated today.

Frankly, I am not happy that the Foreign Relations Committee's bill felt it necessary to legislate that the Secretary maintain in law a number of bureaus and I hope that the managers will allow him more flexibility in conference. Furthermore, I have heard that there are additional amendments requiring retention of positions that Secretary Christopher has proposed consolidating.

Now the senior Senator from North Carolina is proposing something more drastic. He is accepting the mandated positions in this bill and then forcing the Secretary to operate with fewer assistant secretaries than necessary to implement his reorganization.

Secretary Christopher is trying to reorganize the Department of State to react and plan for changing world events—to fight nuclear proliferation, to tighten up on immigration, to promote U.S. industry. So let's not tie the Secretary's hands. Let's give him some flexibility and the ability to do his job. Let's stop micromanaging.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts to lay on the table the amendment of the Senator from North Carolina.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The PRESIDING OFFICER (Ms. MIKULSKI). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 15 Leg.]

YEAS—51

Akaka	DeConcini	Lautenberg
Baucus	Dodd	Leahy
Biden	Exon	Levin
Bingaman	Feinstein	Lieberman
Boren	Ford	Mathews
Boxer	Glenn	Metzenbaum
Bradley	Graham	Mikulski
Breaux	Heflin	Mitchell
Bryan	Hollings	Moseley-Braun
Bumpers	Inouye	Moynihan
Byrd	Johnston	Murray
Campbell	Kennedy	Nunn
Conrad	Kerrey	Pell
Daschle	Kerry	Pryor
Reid	Rockefeller	Simon
Riegle	Sarbanes	Wellstone
Robb	Sasser	Wofford

NAYS—49

Bennett	Feingold	McCain
Bond	Gorton	McConnell
Brown	Gramm	Murkowski
Burns	Grassley	Nickles
Chafee	Gregg	Packwood
Coats	Harkin	Pressler
Cochran	Hatch	Roth
Cohen	Hatfield	Shelby
Coverdell	Helms	Simpson
Craig	Hutchison	Smith
D'Amato	Jeffords	Specter
Danforth	Kassebaum	Stevens
Dole	Kempthorne	Thurmond
Domenici	Kohl	Wallop
Dorgan	Lott	Warner
Durenberger	Lugar	
Faircloth	Mack	

So, the motion to lay on the table was agreed to.

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

Mr. EXON. I move to lay that motion on the table. The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1335

The PRESIDING OFFICER. The question now is on agreeing to Amendment No. 1335. On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 39, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—61

Akaka	Feinstein	Mikulski
Baucus	Ford	Mitchell
Bennett	Glenn	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boren	Hatch	Nunn
Boxer	Hatfield	Pell
Bradley	Hollings	Pryor
Breaux	Inouye	Reid
Bryan	Jeffords	Riegle
Bumpers	Johnston	Robb
Burns	Kennedy	Rockefeller
Byrd	Kerrey	Sarbanes
Campbell	Kerry	Sasser
Conrad	Kohl	Shelby
Daschle	Lautenberg	Simon
DeConcini	Leahy	Wallop
Dodd	Levin	Wellstone
Dorgan	Lieberman	Wofford
Exon	Mathews	
Feingold	Metzenbaum	

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Bond	Faircloth	McCain
Brown	Gorton	McConnell
Chafee	Gramm	Murkowski
Coats	Grassley	Nickles
Cochran	Gregg	Packwood
Cohen	Heflin	Pressler
Coverdell	Helms	Roth
Craig	Hutchison	Simpson
D'Amato	Kassebaum	Smith
Danforth	Kempthorne	Specter
Dole	Lott	Stevens
Domenici	Lugar	Thurmond
Durenberger	Mack	Warner

So the amendment (No. 1335) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. If there is no further debate, then the question is on agreeing to Helms amendment 1291, as amended.

Mr. KERRY. Madam President, are the yeas and nays requested?

The PRESIDING OFFICER. No, they have not been.

Mr. KERRY. Madam President, I suggest we vote.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1291), as amended, was agreed to.

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

Mr. FORD. 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 Massachusetts, the manager of the bill.

Mr. KERRY. Madam President, if I can just say to my colleagues, I know there is a lot of interest in where we are going, whether or not we can finish and what the schedule will be. Senator HELMS and I believe that we could wrap this up this evening. Obviously we would like to.

There are only a few amendments that may require record votes. There are a number of amendments at the desk, a good many of which we have already been able to determine we will accept. What we are prepared to do—a couple of Members have mentioned they would yet like to debate one or two of the amendments that were laid down earlier. We are, therefore, prepared to try to bundle up those amendments that we could agree to and do so over the course of the next hour or so, set up for votes in sequence those amendments which cannot be disposed of otherwise, and hopefully be able to proceed in that fashion seriatim in votes in a way that would allow Senators to have a gap, now, for 1½ or 2 hours, go eat, do whatever, and then hopefully come back and finish up. Unless somebody has a belief that there is an amendment which would take longer? But I think we could probably do that.

Mr. HELMS. I concur. I think we should move along rapidly.

The PRESIDING OFFICER. Will the Senator from North Carolina withhold? The Senate is not in order.

Mr. HELMS. Madam President, I suggest the absence of a quorum.

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

The bill 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, let me just say to colleagues we have made terrific progress in the course of the last 10 minutes. I thank my colleague. We are really narrowing down. We have now almost a finite list of the amendments that we are able to accept. We are down to a very few possibilities of rollcall votes.

So if colleagues will bear with us just a little bit longer, we will come up with the final number of rollcall votes, and hopefully it will happen sooner than later this evening.

So I think that is encouraging. I know the Senator from Maine wants to address one of the amendments which will be withdrawn. He wants to make some comments prior to that.

Why do we not proceed with that? Meanwhile we will proceed with our process.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 1337

Mr. COHEN. Mr. President, during the break I have had an opportunity to talk with the distinguished Senator from Massachusetts. As a result of our discussions, I have agreed to withdraw the amendment that I was prepared to offer; namely, a sense of the Senate that the President ought to maintain Malaysia's benefits under the Generalized System of Preferences unless it is determined that Malaysia has developed economically beyond the goals of GSP.

Let me just take a few moments to explain the situation as I see it.

I have a letter signed by 41 Members of the Senate directed to our Trade Representative, Ambassador Kantor. It is bipartisan in nature. We have Senators NUNN, ROBB, JOHNSTON, BUMPERS, BOREN, and others who have joined a number of Republicans totalling some 41 Members of the Senate to indicate our concern regarding Malaysia's continued participation in the GSP program.

I am pursuing this matter this evening because Malaysia, I think, is one of those success stories that has been building in Southeast Asia as a result of the trade relationship that we have established with that country. We are enjoying Malaysia's rising standard of living in this country, as Malaysia engages in more trade with the United States, and is able to purchase our goods and services. It has become quite a remarkable country.

Much of that region has become prosperous. From Taiwan, Tunisia, Thailand, China and now even Vietnam, that entire region is really booming economically.

In Malaysia the question has arisen as to whether GSP status should be withdrawn because its laws do not permit nationwide unionization of its electronics industry. However, Malaysia does allow individual companies to unionize.

There has been pressure to withdraw its status from GSP. I think it would be a terrible mistake. This is a country which has developed tremendously economically. It is providing better and better jobs for its citizens. Its electronics industry in particular pays among the highest wages in that nation. They are making tremendous progress from any human rights point of view. Denying GSP privileges would significantly raise tariffs on Malaysian products and undermine our growing bilateral trade with Malaysia.

Withdrawing GSP treatment would hurt the very people that the makers of the petition are trying to help, Malaysian workers. Denying GSP would cost many Malaysian workers their jobs. It also, I think, would deal blows to various States that now are enjoying a positive trade relationship with Malaysia, Maine being one of them. I was surprised this year to learn that Malaysia is our largest overseas trading partner.

I have made two trips to Malaysia to visit with their Prime Minister, Finance Minister, and Defense Minister. Based on those meetings, I am convinced that this Nation, like the others in that region, want desperately to establish a good, solid trade relationship with the United States and are making progress in virtually every facet of their society.

I had intended to offer a sense-of-the-Senate resolution. I am told it would not at all have interfered with the ability of this bill to move in the House. There was some suggestion that perhaps it might be "blue-slipped" because it might have an impact on the revenue. I hope that does not come about if the administration ever decides to withdraw GSP from Malaysia. I have been advised that a sense-of-the-Senate resolution does not amount to jeopardizing this particular bill.

Nonetheless, in the interest of moving forward this evening, I am prepared to withdraw my amendment. But let me say to those who may be watching down at the White House or the Trade Representative's office we are coming rapidly, I think, to the conclusion, whether we are talking about China, whether we are talking about any of the nations in that region, that we want to establish solid trading relationships and not interfere, unless there is great cause to do so, in the internal affairs of another nation.

Obviously, if there are violent or egregious human rights abuses, we must take that into account. But we ought not to be constantly using GSP as a club to be whacking the heads of our trading partners. I think that we can establish our respective positions relative to human rights, and certainly we can take note of the development taking place in these countries. If those who are here in this Chamber were to travel to that part of the world, they would see enormous progress in terms of economic growth

and savings rates. In Malaysia, the savings rate is 35 percent. In Singapore, it is 40 percent.

Both Malaysia and Singapore are now sustaining growth rates of roughly 8 percent. The same is true with respect to Indonesia. These countries are starting to prosper. When they prosper, they are going to be positioned to start buying our goods, as well.

Malaysia recently decided to purchase some F-18 aircraft, as I recall. They are interested in purchasing the goods and services. In fact, I will be leading a trade mission to Malaysia in late March. By opening up the eyes of the people in my State to the opportunities available in that country, hopefully, we can stimulate the creation of more jobs in my own State of Maine.

There are unique opportunities for us to take advantage of, and we ought to explore those opportunities without trying to, once again, micromanage the internal affairs of other countries. If we have a legitimate complaint, we can voice it. We can try to negotiate our way through those particular obstacles. But to withdraw this preferential treatment from Malaysia, I think would be really detrimental to our emerging relations with that country.

We have not always had such a positive relationship in recent years with Malaysia. That has improved in large part due to the efforts of John Wolf, our Ambassador there. He has been active, aggressive, and dynamic. He is young and he is promoting business, and he is making tremendous inroads in that society and others, promoting U.S. interests abroad.

So I think that we ought to really expand upon his work and the work of his staff, and our other ambassadors in the region, to really tell these nations that we want to do business; we want to maintain our high standards and our concerns about human rights and worker rights and, hopefully, to work with those countries to improve their domestic situation.

I would hope that Mr. Kantor and those in the administration will take into account that we have 41 Senators now on record supporting a continuation of GSP for Malaysia until that country does, in fact, develop beyond the goals of the GSP.

With that, Mr. President, I ask unanimous consent that my amendment be withdrawn.

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

The amendment (No. 1337) was withdrawn.

Mr. COHEN. 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. 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, I thank all of our colleagues for their patience here. It has paid off. We have now reduced some 24 amendments to an en bloc amendment which we will accept and to two votes, both of which votes, pending the action we are about to take, will be able to occur tomorrow morning. One of those votes will be on the Lott amendment on the United Nations, and a second vote will be a final passage vote—again pending the action we are about to take.

AMENDMENT NOS. 1339, 1340, 1341, 1342, 1345, 1346, 1347, 1348, 1349, 1350, AND 1354

Mr. KERRY. Mr. President, I ask unanimous consent that the following amendments be considered and agreed to en bloc: Amendment Nos. 1339, 1340, 1341, 1342, 1345, 1346, 1347, 1348, 1349, 1350, and 1354; that the motions to reconsider be laid upon the table en bloc; and that the consideration of these amendments appear separately in the amendment.

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

The amendments agreed to en bloc are as follows:

AMENDMENT NO. 1339

On page 47, strike out lines 1 through 3.

AMENDMENT NO. 1340

(Purpose: To require reports every 6 months by the President on the implementation of the Partnership for Peace)

At the appropriate place in the bill, add the following new section—

SEC. . IMPLEMENTATION OF PARTNERSHIP FOR PEACE.

REPORT.—The President shall submit every six months, beginning six months after the date of enactment of this Act, a detailed report to the Senate Foreign Relations Committee, the House Foreign Affairs Committee, and the House and the Senate Armed Services Committees on the implementation of the "Partnership for Peace" initiative, including an assessment of the progress made by former members of the Warsaw Treaty Organization in meeting the criteria for full membership articulated in Article 10 of the North Atlantic Treaty, wherein any other European state may, by unanimous agreement, be invited to accede to the North Atlantic Treaty if it is in a position to further the principles of the treaty and to contribute to the security of the North Atlantic area.

AMENDMENT NO. 1341

At the appropriate place in the bill add the following new section:

SEC. . In addition to the other matters to be reviewed by the commission established by this Act to study the effectiveness of democracy programs funded by the United States, the commission shall also undertake a review of the feasibility and desirability of mandating non-U.S. government funding, including matching funds and in-kind support, for democracy promotion programs. If the commission determines that mandating such non-government funding is feasible and desirable it shall make recommendations regarding goals and procedures for implementation.

AMENDMENT NO. 1342

(Purpose: To provide for limitations on the transfer of excess defense articles)

On page 179, below line 6, add the following:

SEC. 714. LIMITATION ON AUTHORITY TO TRANSFER EXCESS DEFENSE ARTICLES.

(a) TRANSFERS TO COUNTRIES ON THE SOUTHERN AND SOUTHEASTERN FLANK OF NATO.—Section 516(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(b)) is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph.

"(4) the President first considers the effects of the transfer of the excess defense articles on the national technology and industrial base, particularly the extent, if any, to which the transfer reduces the opportunities of entities in the national technology and industrial base to sell new equipment to the country or countries to which the excess defense articles are transferred."

(b) TRANSFERS TO COUNTRIES PARTICIPATING IN A COMPREHENSIVE NATIONAL ANTINARCOTICS PROGRAM.—Section 517(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k(f)) is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(4) the President first considers the effects of the transfer of the excess defense articles on the national technology and industrial base, particularly the extent, if any, to which the transfer reduces the opportunities of entities in the national technology and industrial base to sell new equipment to the country or countries to which the excess defense articles are transferred.".

(c) TRANSFERS TO COUNTRIES ELIGIBLE TO PARTICIPATE IN A FOREIGN MILITARY FINANCING PROGRAM.—Section 519(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321m(b)) is amended—

(1) by striking out "and" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(5) the President first considers the effects of the transfer of the excess defense articles on the national technology and industrial base, particularly the extent, if any, to which the transfer reduces the opportunities of entities in the national technology and industrial base to sell new equipment to the country or countries to which the excess defense articles are transferred.".

(d) SALES FROM STOCK UNDER ARMS EXPORT CONTROL ACT.—Section 21 of the Arms Export Control Act (22 U.S.C. 2761) is amended by adding at the end the following new subsection:

"(k) Before entering into the sale under this Act of defense articles that are excess to the stocks of the Department of Defense, the President shall first consider the effects of the sale of the articles on the national technology and industrial base, particularly the extent, if any, to which the sale reduces the opportunities of entities in the national technology and industrial base to sell new equipment to the country or countries to which the excess defense articles are sold.".

(e) LEASES UNDER ARMS EXPORT CONTROL ACT.—

Section 61(a) of the Arms Export Control Act (22 U.S.C. 2796(a)) is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (2) the following new paragraph (3):

Mr. BINGAMAN. Mr. President, the amendment I am offering is a simple one. What it says is that the President should consider the effects of the transfers of excess defense articles on our industrial base before we proceed with the transfers.

This amendment in a very similar form was adopted last year by the Senate Armed Services Committee and included in the fiscal year 1994 Defense Authorization Act which was reported to the full Senate. It was adopted by our committee in response to testimony we received from industry that these transfers were in some instances directly competing with the undercutting U.S. industry efforts to sell new equipment. I would ask that an excerpt from the Armed Services Committee's report (Senate report 103-112) be included at this point in my statement.

There being no objection, the excerpt was ordered to be printed in the RECORD, As follows:

LIMITATION ON AUTHORITY TO TRANSFER EXCESS DEFENSE ARTICLES

The drawdown of U.S. armed forces around the world has resulted in a large amount of excess military equipment. At the same time, funding for security assistance is declining. These factors have led to more transfers of excess equipment on a grant or low cost basis to eligible countries under sections 516, 517, 518, and 519 of the Foreign Assistance Act of 1961.

The committee supports the transfer of excess defense articles to U.S. allies and friends as a cost-effective means of realizing security benefits from the transfer of equipment that is no longer needed by U.S. military forces. In fact, in 1986, the committee initiated the so-called "Southern Flank" amendment (section 516 of the Foreign Assistance Act of 1961).

However, at this time, the number and size of these transfers are substantial enough to compete directly with U.S. industry efforts to sell new equipment. The transfer of excess equipment can undercut new equipment sales which strengthen the national technology and industrial base, maintain jobs, and reduce the unit costs of equipment purchased by the Defense Department. Both the sale of new equipment and the transfer of excess equipment offer important benefits; however, the U.S. government does not appear to systematically consider the effect of transferring excess defense articles to a country upon any U.S. industry efforts that might be underway to sell new equipment to the same country. The committee recommends a provision that would require the President to consider, on a case-by-case basis, the effects of a transfer of excess defense articles on the national technology and industrial base.

Mr. BINGAMAN. Mr. President, at the request of Senator PELL, chairman of the Senate Foreign Relations Committee, this provision was dropped from the defense authorization bill when the full Senate took up the bill. The chairman felt that the State Department authorization bill we are now debating was the more appropriate vehicle for this provision since it amends the Foreign Assistance and Arms Export Control Acts. The chairman's staff indicated that they had no substantive disagreement with the provision.

Mr. President, according to a just-completed GAO report done at the request of the chairman of the House Foreign Affairs Committee, Congressman HAMILTON, the scale of these excess defense article transfers has increased significantly in recent years as we draw down our forces. According to GAO, between fiscal years 1990 and 1992, DOD notified Congress of proposed transfers of excess defense articles with an estimated current value of nearly $1 billion and an original acquisition value of about $3.5 billion. Given the scale of these transfers, it is not surprising that in some instances these transfers undercut potential sales of new items which could help sustain our industrial base. My amendment asks the Defense Department and the State Department to try to avoid such cases, but leaves the mechanism for obtaining industry input on these transfers and the ultimate decision on whether to proceed with the transfers to the executive branch.

Mr. President, I would also note that I would hope that the fact the United States is supplying such large amounts of excess defense articles to some of our allies can have a positive contribution on our industrial base by influencing those countries to buy American in purchasing other military equipment. None of our competitors in the international arms market has a program on anything like the scale we have to dispose of excess defense articles on very attractive terms. It would be disappointing indeed to see beneficiaries of the excess defense article transfers turn around and not buy new equipment from U.S. industry.

Mr. President, I believe that this amendment has been cleared on both sides, and I would urge its adoption.

AMENDMENT NO. 1345

On page 74, line 5, strike "agencies." and insert: agencies.

SEC. 166A. AMERICAN PARTICIPATION IN MANAGEMENT OF UNITED NATIONS.

(a) Funds authorized in section 102(a) of this Act for fiscal year 1995 for the assessed contribution of the United States to the United Nations are authorized to be appropriated only upon a certification by the Secretary of State to the appropriate committees of the Congress that the position of Under Secretary-General of the United Nations for Administration and Management is being held by a citizen of the United States as of October 1, 1994.

(b) Subsection (a) may be waived by the Secretary of State only upon a certification to the appropriate committees of the Congress that—

(1) such waiver is in the national interest of the United States, including the reason or reasons it is in our interest; and

(2) the Secretary of State has confidence the individual holding the position of Under Secretary-General of the United Nations for Administration and Management is committed to efficient management practices and restrained budgets for the United Nations.

(c) If a waiver and certification is made pursuant to subsection (b), such certification shall include a justification why a citizen of the United States does not hold said position, since the United States is the largest single contributor to the United Nations.

(d) SENSE-OF-THE-CONGRESS.—It is the sense of the Congress that the position of Under Secretary-General of the United Nations for Administration and Management should be held by a citizen of the United States.

AMENDMENT NO. 1346

(Purpose: To require notification of Congress of billing requests for United States contributions to United Nations peacekeeping activities, and for other purposes)

On page 82, after line 23, insert the following:

SEC. 170B. TRANSMITTALS OF UNITED NATIONS DOCUMENTS.

(a) TRANSMITTAL TO CONGRESS OF UNITED NATIONS RESOLUTIONS AND REPORTS.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b), as amended by subsection (a), is further amended by adding at the end the following:

"(c)(1) Not later than 72 hours after adoption by the Security Council of a resolution authorizing United Nations peacekeeping activities or any other action under the Charter of the United Nations (including any extension, modification, suspension, or termination of any previously authorized United Nations peacekeeping activity or other action) which would involve the use of United States Armed Forces or the expenditure of United States funds, the Permanent Representative shall transmit the text of such resolution and any supporting documentation to the appropriate congressional committees.

"(2) The Permanent Representative shall promptly transmit to the appropriate congressional committees any report prepared by the United Nations distributed to the members of Security Council assessments of any proposed, ongoing, or concluded United Nations peacekeeping activity.".

(c) DEFINITIONS.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"SEC. 10. For purposes of this Act—

"(1) the term 'appropriate congressional committees' means the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate and the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives;

"(2) the term 'Permanent Representative' means the Permanent Representative of the United States to the United Nations appointed by the President pursuant to section 2 of this Act; and

"(3) the term 'United Nations peacekeeping activities' means any international peacekeeping, peacemaking, peace-enforcing, or similar activity involving the use of nationals of member countries of the United Nations that is authorized by the Security Council under chapter VI or VII of the United Nations Charter.".

Mr. HELMS. Mr. President, this is a very straightforward amendment. It simply requires: notice to Congress and transmittal to Congress of U.N. peacekeeping resolutions and reports. I know of no opposition to this amendment. I understand that with recent changes just completed there is no opposition.

The Congress and the American people do not know what is going on up at U.N. headquarters in New York. We have to rely on the good will of State Department or U.N. bureaucrats to share what they want and when they want. We cannot afford to do business like that any longer.

Every peacekeeping operation is preceded by a detailed U.N. report. Every peacekeeping operation is authorized—and regularly extended—with resolutions in the Security Council. My amendment simply makes sure Congress has access to that information.

I cannot imagine any argument against this amendment—especially from a Congress that has enacted hundreds, if not thousands, of foreign policy reporting requirements on Republican administrations. I urge my colleagues to support the amendment.

AMENDMENT NO. 1347

(Purpose: To strengthen controls on missile technology exports to countries the governments of which have repeatedly provided support for acts of international terrorism)

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 Council 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 final destination of the item is a country the government of which the Secretary of State determines, for purposes of 6(j)(1)(A) of the Export Administration Act of 1979, has repeatedly provided support for acts of international terrorism.".

(b) EXPORTS BY FOREIGN PERSONS.—Section 73 of the Arms Export Control Act (22 U.S.C. 2797b) is amended—

(1) be 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 final destination of the item is a country the government of which the Secretary of State determines, for purposes of 6(j)(1)(A) of the Export Administration Act of 1979, has repeatedly provided support for acts of international terrorism.".

Mr. PRESSLER. Mr. President, it is not often that Members on both sides of the aisle find themselves in agreement. However, curbing the proliferation of weapons of mass destruction is an issue upon which I think we can all agree. In his State of the Union Address, President Clinton spoke of the dangers of "rampant arms proliferation." Several of my colleagues have spoken on the issue during debate on this bill.

The most horrifying kind of arms proliferation occurring in the world today is the proliferation of weapons of mass destruction. The greater part of this despicable trade in instruments of death is carried out among antidemocratic regimes. Indeed, by regimes which, under the terms of the Export Administration Act, are labeled as terrorist countries. We all know who these "bad actors" are: Cuba, Iran, Iraq, Libya, North Korea, Sudan, and Syria.

Today, I offer an amendment designed to give the administration new authority to deal with this serious problem. Specifically, it is enhanced authority to impose sanctions on countries trading in the equipment and technology necessary to make long-range ballistic missiles. As a nation of laws, we do not impose sanctions, even on non-U.S. citizens, without cause.

The proliferation of weapons of mass destruction is largely an illicit trade—modern-day smuggling with extremely high stakes. The difficulty is that information on the final destination of equipment and technology that can be used to produce long-range ballistic missiles, even from our excellent intelligence services, is difficult to obtain.

For instance, in the case of ballistic missile trade, our intelligence services often learn that some equipment or material is going to a missile program in the Middle East. What they are unable to determine is whether the items in question are destined for a missile program covered by the Missile Technology Control Regime [MTCR] or for a different program. The MTCR covers only large, long-range missiles—those with more than 300 kilometers in range or 500 kilograms in payload. Typically, a country starting a missile program begins small. Only later will it move to an MTCR-class missile program. Because we usually cannot determine precisely for which missile program this illicit trade is intended, the administration is reluctant to impose sanctions on the exporter.

My amendment is designed to give the administration new authority by creating a legal presumption that anything listed on the MTCR annexes and destined for countries of particular proliferation concern—those countries listed in section 6(J) of the Export Administration Act—is, in fact destined for an MTCR-class missile program and therefore subject to U.S. sanctions. Let me repeat the countries we currently are talking about: Cuba, Iran, Iraq, Libya, North Korea, Sudan, and Syria.

The presumption is specifically rebuttable. This means the sanctioned firm or individual may show that the materials or equipment are destined for an innocent purpose. If the presumption is rebutted, sanctions will be lifted immediately.

Mr. President, the proliferation of weapons of mass destruction is the most serious national security issue facing the United States and its allies. All one need do is contemplate a nuclear weapon in the hands of a terrorist country to understand the grave implications of allowing this trade to continue. My amendment gives this country an enhanced ability to deal with proliferation. It is simple to understand. It will put suppliers on notice that their illicit actions will have consequences. I urge its adoption.

AMENDMENT NO. 1348

(Purpose: To place limitations on United States funding of United Nations peacekeeping activities)

On page 82, after line 23, insert the following new section:

SEC. 170B. LIMITATIONS ON UNITED STATES FUNDING OF UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) It is the sense of the Senate that beginning October 1, 1995, funds made available to the Department of Defense (including funds for "Operation and Maintenance") shall be available for—

(1) United States assessed or voluntary contributions for United Nations peacekeeping activities, or

(2) the incremental costs associated with the participation of United States Armed Forces in United Nations peacekeeping activities,

only to the extent that the Congress has authorized, appropriate or otherwise approved funds for such purposes.

(b) ASSESSED CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING ACTIVITIES.—

(1) REASSESSMENT OF CONTRIBUTION PERCENTAGES.—The Permanent Representative should make every effort to ensure that the United Nations completes an overall review and reassessment of each nation's assessed contributions for United Nations peacekeeping activities. As part of the overall review and assessment, the Permanent Representative should make every effort to advance the concept that host governments and other governments in the region where a United Nations peacekeeping activity is carried out should bear a greater burden of its financial cost.

(2) UNITED STATES CONTRIBUTIONS.—(A) The Permanent Representatives should make every effort to obtain agreement by the United Nations to a United States assessed contribution for United Nations peacekeeping activities that is no greater a percentage of such contributions by all countries than the United States percentage share of assessed contributions for other United Nations activities.

(B) The Congress declares that, effective for fiscal year 1996, it does not intend to

make available funds for payment of United States assessed or voluntary contributions for United Nations peacekeeping activities that exceed 25 percent of the total amount of the assessed and voluntary contributions of all countries for such activities unless, after the date of enactment of this Act, the Congress enacts a statute specifically authorizing a greater percentage contribution.

(C) The Permanent Representative shall inform the Secretary General of the congressional intent expressed in paragraph (2).

(c) UNITED STATES CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING ACTIVITIES.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

(1) by inserting "(a)" before "The President"; and

(2) by adding at the end the following:

"(b)(1) The President shall, at the time of submission of his annual budget request to the Congress, submit a report to the Congress on the anticipated budget for the fiscal year for United States participation in United Nations peacekeeping activities.

"(2) The report required by paragraph (a) shall state—

"(A) the aggregate amount of funds available to the United Nations for that fiscal year, including assessed and voluntary contributions, which may be made available for United Nations peacekeeping activities; and

"(B) 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 United Nations peacekeeping activities.

"(3) The President shall include in his budget submission for fiscal year 1996 a projection of all United States costs for United Nations peacekeeping activities during each of fiscal years 1996, 1997, and 1998, including costs of in-kind contributions and assessed and voluntary contributions.".

(d) DEFINITIONS.—

(1) AMENDMENT.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"SEC. 10. For purposes of this Act—

"(1) the term 'appropriate congressional committees' means the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate and the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives;

"(2) the term 'Permanent Representative' means the Permanent Representative of the United States to the United Nations appointed by the President pursuant to section 2 of this Act;

AMENDMENT NO. 1349

(Purpose: To withhold contributions for United Nations peacekeeping activities unless certain budget and management reforms in the United Nations are made)

On page 82, after line 23, insert the following:

SEC. 170B. UNITED NATIONS PEACEKEEPING BUDGETARY AND MANAGEMENT REFORM.

(A) WITHHOLDING OF CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING.—(1) At the beginning of each fiscal year (beginning with fiscal year 1995), 20 percent of the amounts of funds made available for United States assessed contributions for United Nations peacekeeping activities shall be withheld from obligation and expenditure unless a certification has been made under subsection (b).

(2) For each fiscal year (beginning with fiscal year 1995), the United States may not pay any voluntary contribution for international peacekeeping activities unless a certification has been 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 United Nations peacekeeping activities carried out by 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 United Nations peacekeeping activities carried out by the United Nations;

(B) have access to all records and documents or other material available which relate to those activities; and

(C) have direct and prompt access to relevant officials of the United Nations, including any official of the United Nations Secretariat;

(4) the United Nations Office of Inspector General is keeping the Secretary General and the members of the Security Council 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 Inspector General recommendations.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "appropriate congressional committees" means the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate and the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives;

(2) the term "Permanent Representative" means the Permanent Representative of the United States to the United Nations appointed by the President pursuant to section 2 of this Act; and

Mr. PRESSLER. Mr. President, last week I offered an amendment—adopted by this body by a vote of 93-6—designed to put pressure on the United Nations [U.N.] to appoint a permanent, independent inspector general. Today I seek to enhance our leverage with the U.N. on this point.

As I said last week, this is an issue I have struggled with for years. It concerns the rampant waste, fraud, and abuse at the U.N. The examples are innumerable. I presented a litany during consideration of my earlier amendment. I will not reiterate them all here. However, let me touch upon the highlights. The U.N. has no system to monitor its cash flow. No U.N. official can tell us how many people are on the U.N. payroll. Millions of dollars are spent on equipment that is not needed or does not work. There is absolutely no accountability.

Some will say that the U.S. Congress suffers from the same sorts of problems. The difference is that we have independent inspectors general to investigate and recommend punishment for those guilty of misconduct. U.S. attorneys can indict any one of us here in Congress for violating the law. Not one U.N. official has that kind of authority. The U.N. needs a permanent, independent inspector general.

My amendment which passed last week requires that, beginning in fiscal year 1994, 10 percent of our assessed contributions to nonpeacekeeping operations of the U.N. be withheld until the President certifies the U.N. has established a permanent, independent inspector general. Beginning in fiscal year 1995, the President must make this certification or 20 percent of our assessed contributions for nonpeacekeeping operations will be withheld.

The amendment I offer today would—beginning in 1995—withhold 20 percent of the funds made available for U.S. assessed contributions for peacekeeping operations unless the President makes the certification. In other words, I simply seek to extend—after this year—the terms of the amendment adopted by a large margin last week to peacekeeping as well as nonpeacekeeping U.N. activities.

I proposed this measure not because I have lost faith in the U.N. as an institution, but because I have lost faith in the ability and willingness of the U.N. leadership to police its own organization. It is time we take serious steps to insist the U.N. police itself with the same vigor and commitment with which it polices the world. Last week's amendment was a serious step. This is another. It also is the right step. It is designed to force the U.N. to reform its ways. At the very least, it will ensure the U.S. taxpayer that Congress refuses to write a blank check to an institution which is out of control.

I urge the adoption of the amendment.

AMENDMENT NO. 1350

(Purpose: To require reports involving the status of prisoners and human rights observance during multilateral peacekeeping activities)

On page 82, after line 23, insert the following:

SEC. 170B. REPORTING REQUIREMENTS INVOLVING MULTILATERAL PEACEKEEPING ACTIVITIES.

(a) UNITED STATES PERSONNEL TAKEN PRISONER WHILE SERVING IN MULTILATERAL PEACEKEEPING FORCES.—

(1) FINDINGS.—The Congress finds that—

(A) until recent years United States military personnel rarely served as part of multilateral forces under the United Nations or regional international organizations;

(B) despite infrequent service as part of multilateral forces, United States personnel, such as Colonel William Higgins in Lebanon, have been captured, tortured, and murdered;

(C) in recent years, United States military personnel have served much more frequently as part of multilateral forces;

(D) the capture and torture of Chief Warrant Officer Michael Durant in Somalia in October 1993 was a horrendous and recent example of the risk to United States personnel in multilateral forces;

(E) continued multilateral service increases the probability that United States military personnel will be captured, and subject to mistreatment;

(F) United States military personnel captured while serving as part of multilateral forces have not been treated as prisoners of war under the 1949 Geneva Conventions and other international agreements intended to protect prisoners of war; and

(G) failure of United States military personnel serving as part of a multilateral force to receive protection under international law increases the risk to personnel while serving in multinational forces.

(2) POLICY.—It is the sense of the Congress that—

(A) the President should take immediate steps, unilaterally and in appropriate international bodies, to assure that any United States military personnel serving as part of a multilateral force who are captured are accorded the protection accorded to prisoners of war; and

(B) the President should also take all necessary steps to bring to justice all individuals responsible for any mistreatment, torture, or death of United States military personnel who are captured while serving in a multilateral force.

(3) REPORT.—Each report submitted pursuant to section 169 of this Act shall include a separate section setting forth—

(A) the status under international law of members of multilateral peacekeeping forces, including the legal status of such personnel if captured, missing, or detained,

(B) the extent of the risk for United States military personnel who are captured while participating in multinational peacekeeping forces in cases where their captors fail to respect the 1949 Geneva Conventions and other international agreements intended to protect prisoners of war, and

(C) the specific steps that have been taken to protect United States military personnel participating in multinational peacekeeping forces, together (if necessary) with any recommendations for the enactment of legislation to achieve that objective.

(b) HUMAN RIGHTS OBSERVANCE IN UNITED NATIONS PEACEKEEPING ACTIVITIES.—(1) Section 1769 of the bill is amended to include the following at the end:

"(5) a description of respect for internationally recognized human rights in countries or territories where a United Nations peacekeeping activity has taken place during the preceding year by UN Forces, including a description of United Nations' efforts to investigate and take appropriate action in cases of alleged human rights violations.".

AMENDMENT NO. 1354

At the appropriate place in the bill add the following new section:

"SEC. . It is the sense of the Senate that the President should not restrict informational, educational, religious, or humanitarian exchanges, or exchanges for public performances or exhibitions, or travel for any such informational, eucational, religious, performance, or exhibition exchanges, or travel for furtherance of humanitarian activities, between the United States and any other country."

AMENDMENT NO. 1334, AS MODIFIED

Mr. KERRY. Mr. President, I call up amendment numbered 1334.

The PRESIDING OFFICER. That is the pending question.

Mr. KERRY. I ask unanimous consent that amendment No. 1334 be modified with the language that I now send to the desk.

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

The amendment (No. 1334), as modified, reads as follows:

SECTION 1. FINDINGS.

The Congress finds that—

(A) The international boundaries between the independent countries of the former Yugoslavia are the same as the internal borders among the constituent republics of the former Yugoslavia as specified in the 1974 Yugoslav Federal Constitution (except with regard to the border between Serbia and Montenegro) and cannot be altered without the consent of all countries concerned.

(B) The Government of Croatia is violating the sovereignty of Bosnia-Hercegovina by sending thousands of Croatian troops to Hercegovina, ostensibly to counter an offensive against ethnic Croatian civilians by Bosnian Government forces.

(C) Croatian forces are interfering with U.N. peacekeeping operations, including the delivery of humanitarian aid to Bosnia-Hercegovina.

SEC. 2. POLICY TOWARD CROATIA.

It is the Sense of the Senate that the President should consider taking the following actions—

(A) Instruct the United States Executive Director or representative at all international financial institutions of which the United States is a member to vote against all loans except for loans directed at programs which serve basic human needs to Croatia;

(B) Provide no assistance to Croatia (except for humanitarian and refugee assistance);

(C) Make no sales to Croatia of any kind of military equipment;

(D) Prohibit the licensing of commercial military sales to Croatia;

(E) Provide no credits, and provide no guarantees of any credits to Croatia;

(F) Prohibit the sale or transfer to Croatia of any item subject to export controls by any agency of the United States;

(G) Direct the Secretary of Transportation to revoke the right of any air carrier designated by the Government of Croatia to provide service to the United States; and

(H) Negotiate comprehensive multilateral sanctions pursuant to the provisions of Chapter 7 of the United Nations Charter.

Mr. PELL. Mr. President, this amendment expresses the sense of the Senate that the President should impose sanctions on Croatia. The government of Croatia has sent several thousand troops into Bosnia and Herzegovina ostensibly to counter a Bosnian Government offensive in Herzegovina, where there is an overwhelming ethnic Croatian minority. While Croatia's short-term goal may indeed be to protect the ethnic Croats, many believe that Croatia's longer term purpose is to change borders by force.

Even if Croatia's goals are limited to protecting ethnic Croats, that is an unacceptable excuse for unilaterally sending troops into Bosnia. To let Croatia off the hook would be a dangerous signal to other governments throughout the world who could use protection of ethnic groups to justify naked aggression. The Iraqis, for instance, could invade Kurdistan based on a dubious Iraqi claim to be protecting ethnic Arabs that inhabit Kurdistan. The Russians, too, could use a similar claim to keep their troops in the Baltic countries indefinitely.

For many months, Croatian forces have been uncooperative at best, obstructionist at worst, in the delivery of humanitarian assistance to Bosnia. Bosnian Croat forces, with the backing of Croatian Government forces, have carried out vicious atrocities in the Bosnian war. I ask unanimous consent that a recent Washington Post article that chronicles the increased Croatian presence in Bosnia be printed in the RECORD at the end of my remarks.

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

(See Exhibit 1.)

Mr. PELL. Given Croatia's stepped-up involvement in the war, I believe that we have little choice but to sanction Croatia. Accordingly, I am offering an amendment that states that the President should begin imposing sanctions on Croatia. I would add that the amendment offers the President broad flexibility in choosing which tools to use in responding to Croatia's blatant violation of international borders.

In May 1992, the Senate passed, by a vote of 99 to 0, an original Foreign Relations Committee bill to impose sanctions on Serbia because of the aggressive actions that it has—and continues to take—in Bosnia. Subsequently, a strict international sanctions regime has been imposed on Serbia. The Senate bill also set standards for imposing sanctions against the other former Yugoslav republics.

Had the Senate bill become law, Croatia's current activities would have resulted in sanctions. That bill instructed the President to apply sanctions "to any other independent country of the Former Yugoslavia which he determines is engaged, directly or indirectly, in military aggression against a neighbor for the purpose of changing its boundaries."

In essence, the Senate is already on record as endorsing some of the sanctions encompassed in my amendment. Indeed, my amendment holds Croatia to the same standards to which we are holding Serbia. It states that unless the President can certify, among other things, that Croatia is not occupying the territory of another country, sanctions should be imposed. Accordingly, I

would urge my colleagues to support this amendment.

Finally, I would note that although this amendment addresses Croatia, we cannot ignore the actions of Bosnian Government forces which ostensibly precipitated the Croatian Government decision to send troops into Herzegovina. As I mentioned, ethnic Croats make up the vast majority of the population in the Herzegovina area, which until now, has been relatively untouched by the vicious fighting that is gripping Bosnia. The Bosnian Government should be told unequivocally that offensive actions in Herzegovina—particularly against innocent civilians—are unacceptable. The United States should take the lead in sending this message to Bosnia.

Exhibit 1

CROATIA SENDS ITS TROOPS INTO BOSNIA

(By David B. Ottaway)

POSUSJE, BOSNIA.—Croatian President Franjo Tudjman has sent several thousand Croatian army regulars into Bosnia to help Bosnian Croat forces counter an expected offensive by the Muslim-led Bosnian army, according to Croatian, U.N. and diplomatic sources.

A senior officer of the U.N. Protection Force in Zagreb, the Croatian capital, said Croatia is now far more openly involved in the three-sided Bosnian war than neighboring Serbia, which from the other side of Bosnia has backed the Bosnian Serbs as they captured 70 percent of Bosnia over the last 21 months from the Muslim-dominated government in Sarajevo.

Although there have been previous reports of Croatian army regulars fighting in Bosnia, U.N. confirmation of the army's direct involvement raises the question of whether the U.N. Security Council will now impose sanctions on Croatia.

The U.S. ambassador to the United Nations, Madeleine K. Albright, warned Jan. 5 during a visit to Zagreb that Tudjman's government risked such sanctions if it stepped up involvement in the Bosnian war.

The council decreed a series of devastating economic and financial sanctions against Serbian-dominated Yugoslavia in 1992–93 because of the Serb-run regular Yugoslav army's support for Bosnian Serb forces.

The U.N. officer said, however, that the U.N. peacekeeping force has no evidence so for to confirm reports this week from Belgrade that regular Yugoslav army units, plus hundreds of Serbian "volunteers," have recently gone again into Bosnia to help Bosnian Serb forces.

Bosnian Prime Minister Haris Silajdzic called yesterday for an emergency session of the Security Council "to condemn this * * * open military intervention by the republic of Croatia" and take measures to stop it, the Reuter news agency reported from Sarajevo.

Silajdzic put the number of Croatian army regulars at 12,000 and said they were fighting alongside the Bosnian Croat militia near the central Bosnian towns of Prozor, Gorni Vakuf and Jablanica.

The reason for the direct engagement of the Croatian army in the Bosnian conflict, according to U.N. and other sources, is Tudjman's mounting fear that the Bosnian army will seek to push the remaining Croat population out of central Bosnia and then move to establish a corridor through Croat-held territory to the Adriatic Sea.

But the Croatian army's involvement seems to be part of a larger process in which Tudjman is accelerating the incorporation of Herzegovina, the Croat-populated lands of southwestern Bosnia, into Croatia. Tudjman has long dreamed of creating a "Greater Croatia," just as the Serbian leader, Slobodan Milosevic, has sought a "Greater Serbia" to be formed by eventually annexing Serb-held lands in Bosnia and Croatia.

Another sign of Croatia's progressive takeover of Herzegovina, according to various sources is Tudjman's decision to oust from power Mate Boban, the controversial Bosnian Croat leader whom he personally installed in 1992. Tudjman now sees Boban as a huge liability, because his ruthless policies against Bosnian Muslims may lead to his indictment and prosecution as a war criminal, according to Croatian and diplomatic sources.

The efforts of U.N. and European Union mediators to end the war, the bloodiest in Europe since World War II, by partitioning Bosnia into separate Serb, Croat and Muslim republics have reached an impasse, with the government in Sarajevo demanding more territory for a Muslim-majority republic in central Bosnia.

Croatia, one of the six republics of the prewar Yugoslav federation, broke away to become independent in 1991 and fought a six-month war against Croatian Serb militias backed by the Serb-led Yugoslav national army. More than one-fourth of Croatia is still occupied by a self-proclaimed Serb state.

Tudjman faces the prospect of seeing fellow Croats lose part of Herzegovina, the strategic area behind Croatia's narrow Dalmatian coast, to the Bosnian Muslim army, which has already pushed Bosnian Croat forces out of large parts of central Bosnia.

Tudjman is under considerable pressure from the "Herzegovina lobby," as members of his government born there are called, to make sure the region is held, no matter the political cost or the risk of U.N. sanctions being imposed on Croatia.

In December, Tudjman named the head of the Croatian army's special forces, French Foreign Legion veterans Ante Roso, to take over the Bosnian Croat militia.

In addition, Croatia has sent into Bosnia between 3,000 and 5,000 regular troops from six army brigades, including the 112th, 113th and 116th according to U.N. military and other sources. The army is also rounding up and sending thousands of Bosnian-born Croatians to fight as "volunteers" for the Bosnian Croats.

The Croatian army's growing involvement was underlined here in Posusje on Tuesday when Croatian Defense Minister Gojko Susak came to this small Bosnian Croat town, 70 miles east of the Croatian Adriatic port of Split, to review the military situation with Roso. Apparently, anxious to avoid answering questions, Susak ran past waiting reporters outside Roso's headquarters here after their two-hour meeting.

In addition to asserting more direct control over the Bosnian Croat militia, Tudjman has virtually taken over negotiating the terms of a peace settlement with the Bosnian Serbs and the Sarajevo government.

Boban was absent from both the latest round of peace talks in Geneva and from a meeting in Bona on Jan. 10 where Tudjman and Bosnian President Alija Izetbegovic tried to end the fighting between Bosnian Muslims and Croats.

A Boban aide said he was no longer participating in the peace talks because "the Muslims said they can't reach an agreement if Boban is present, that he's an obstacle to one."

The aide insisted Boban is still president of the self-proclaimed Bosnian Croat state in Herzegovina. But diplomatic sources said he is awaiting a visa to go into exile abroad. He reportedly has run into difficulties finding a country willing to accept him, because he could be indicted and called before the U.N. war crimes tribunal being set up in The Hague, according to these sources.

Boban, 53, owed his entire political career to Tudjman. He was chosen by the Croatian president to take over in February 1992 from Stjepan Kljuic as head of the Bosnian branch of the Croatian Democratic Union, Tudjman's ruling party. Kljuic, now a member of the Bosnian government's presidency, supported a united Bosnia, while Tudjman and Boban sought its partition.

Boban, who was convicted by a Yugoslav court of economic crimes and served more than two years in jail in the early 1980s, is blamed by the U.S. Embassy in Zagreb—and now the Croatian government as well—for some of the worst excesses perpetrated by Bosnian Croat forces against the Bosnian Muslims.

These included a massacre of civilians and razing of the village of Stupni Do in central Bosnia last October, the detention of thousands of Muslim prisoners in concentration camp-like conditions and the destruction in mid-November of the 16th-century stone bridge in Mostar, a jewel of Bosnian Muslim civilization.

The PRESIDING OFFICER. If there is no objection the question is on agreeing to the amendment.

The amendment (No. 1334), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1296, AS MODIFIED

Mr. KERRY. Mr. President, I ask unanimous consent that amendment numbered 1296, adopted earlier, be modified with the language that I now send to the desk.

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

The amendment (No. 1296), as modified, reads as follows:

At the appropriate place in the bill, insert the following new title:

IRAN-IRAQ ARMS NON-PROLIFERATION AMENDMENTS OF 1994

SEC. 01. SHORT TITLE REFERENCES IN ACT.

(a) SHORT TITLE.—This title may be cited as the "Iran-Iraq Arms Non-Proliferation Amendments of 1994."

(b) REFERENCE IN TITLE.—Except as specifically provided in the title, whenever in this title an amendment or repeal is expressed as an amendment to or repeal of a provision, the reference shall be deemed to be made to the National Defense Authorization Act for Fiscal Year 1993.

SEC. 02. STATEMENT OF POLICY.

It is the policy of the United States to halt the proliferation of advanced conventional weapons within Iran and Iraq.

SEC. 03. STATEMENT OF PURPOSE.

It is the purpose of this title to impose additional sanctions against those foreign

countries and persons that transfer destabilizing numbers and types of advanced conventional weapons, or goods and technology that assist in enhancing the capabilities of Iran and Iraq to manufacture and deliver such weapons.

SEC. 04. SANCTIONS AGAINST PERSONS.

Section 1604 is amended to read as follows:

"(a) PROHIBITION.—If the President determines that any person has transferred or retransferred goods or technology so as to contribute knowingly and materially to the efforts by Iran or Iraq (or any agency or instrumentality of either such country) to acquire establishing numbers and types of advanced conventional weapons, then—

"(1) the sanctions described in subsection (b) shall be imposed; and

"(2) the President may apply, in the discretion of the President, the sanctions described in subsection (c).

"(b) MANDATORY SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are as follows:

"(1) PROCUREMENT SANCTION.—Except as provided in subsection (d), the United States Government shall not procure directly or indirectly, or enter into any contract for the procurement of, any goods or services from the sanctioned person.

"(3) EXPORT SANCTION.—The United States Government shall not issue any license for any export by or to the sanctioned person.

"(c) DISCRETIONARY SANCTIONS.—The sanctions referred to in subsection (a)(2) are as follows:

"(1) TRANSITING UNITED STATES TERRITORY.—

"(A) Notwithstanding any other provision of law (other than a treaty or other international agreement), no employee or official of a sanctioned person and no good or technology that is manufactured, produced, sold, or shipped by the sanctioned person may transit by vessel or aircraft any territory subject to the jurisdiction of the United States. The Secretary of Transportation may promulgate regulations, as necessary, to provide for the implementation of this sanction in the most effective manner.

(B) The Secretary of Transportation may provide for such exceptions from this paragraph as the Secretary considers in the interest of the United States.

"(2) FINANCIAL INSTITUTIONS.—(A) The President may by order prohibit any depositary institution that is chartered by, or that has its principal place of business within, a State or the United States from making any loan or providing any credit to the sanction person, except for loans or credits for the purpose of purchasing food or other agricultural commodities.

"(B) As used in this paragraph, the term 'depository institution' means a bank or savings association, as defined in section 3 of the Federal Deposit Insurance Act.

"(3) USE OF AUTHORITIES OF THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—The President may exercise the authorities of the International Emergency Economic Powers Act to prohibit any transaction involving any property in which the sanctioned person has any interest whatsoever except for transactions involving the provision of humanitarian assistance.

"(4) PROHIBITION ON VESSELS THAT ENTER PORTS OF SANCTIONED COUNTRIES TO ENGAGE IN TRADE.—

"(A) IN GENERAL.—Beginning on the 10th day after a sanction is imposed under this Act against a country, a vessel which enters a port or place in the sanctioned country to engage in the trade of goods or services may not if the President so requires within 180 days after departure from such port or place in the sanctioned country, load or unload any freight at any place in the United States.

"(B) DEFINITIONS.—As used in this paragraph, the term 'vessel' includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water, but does not include aircraft.

"(d) EXCEPTIONS.—The sanction described in subsection (b)(1) shall not apply—

"(1) in the case of procurement of defense articles or defense services—

"(A) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy operational military requirements essential to the national security for the United States;

"(B) if the President determines that the person or other entity to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

"(C) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

"(2) to products or services provided under contracts entered into before the date on which the President makes a determination under subsection (a),

"(3) in the case of contracts entered into before the date on which the resident makes a determination under subsection (a), with respect to—

"(A) spare parts which are essential to United States products or production; or

"(B) component parts, but not finished products essential to United States products or production; or

"(C) routine servicing and maintenance of products, to the extent that alternatives sources are not readily or reasonably available;

"(4) to information and technology essential to United States products or production; or

"(5) to medical or other humanitarian items.

"(e) CONSULTATION WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

"(1) CONSULTATIONS.—Whenever the President makes a determination under subsection (a) with respect to a foreign person, the Congress urges the President—

"(A) to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of sanctions pursuant to this section; and, as appropriate,

"(B) to take steps in the United Nations and other multilateral groups to negotiate comprehensive multilateral sanctions pursuant to the provisions of chapter 7 of the United Nations Charter, including a partial or complete embargo, against the government of the foreign country of primary jurisdiction over that sanctioned person, as long as that government has not taken specific and effective actions, including appropriate penalties, to terminate the involvement of the sanctioned person or firm in the activities described in section 1604(a).

"(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with the government, the President may delay imposition of sanctions pursuant to subsections (b) and (c) for up to 90 days. Following these consultations, the President shall impose sanctions immediately unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities described in subsection (a). The President may delay the imposition of sanctions for up to an additional 90 days if the President determines and certifies to the Congress that that government is in the process of taking the actions described in the preceding sentence.

"(3) REPORT TO CONGRESS.—Not later than 90 days after the application of sanctions under this section, the President shall submit to the Committee on Foreign Relations and the Committee on Governmental Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective action."

SEC. 05. SANCTIONS AGAINST CERTAIN FOREIGN COUNTRIES.

Section 1605 is amended—

(1) in subsection (a)—

(B) in paragraph (2), by striking "sanction" and inserting "sanctions";

(2) in subsection (c)—

(A) by striking "SANCTION.—The sanction referred to in subsection (a)(2) is" and inserting "SANCTIONS.—The sanctions referred to in subsection (a)(2) are"; and

(B) by adding at the end the following new paragraphs:

"(3) DIPLOMATIC RELATIONS.—The President is urged to downgrade or suspend diplomatic relations between the United States and the government of the sanctioned country.

"(4) SUSPENSION OF TRADE AGREEMENTS.—The President may exercise the authorities of the International Emergency Economic Powers Act to suspend any trade agreement with the sanctioned country, except those affecting imports into the United States from the sanctioned country.

"(7) REVOCATIONS OF LICENSES FOR EXPORT OF NUCLEAR MATERIAL.—The Nuclear Regulatory Commission is authorized to revoke any license for the export of nuclear material pursuant to a nuclear cooperation agreement with the sanctioned country.

"(8) PRESIDENTIAL ACTION REGARDING AVIATION.—

(A)(1) The President is authorized to notify the government of a sanctioned country of his intention to suspend the authority of foreign air carriers owned or controlled by the government of that country to engage in foreign air transportation to or from the United States.

"(ii) The President is authorized to direct the Secretary of Transportation to suspend at the earliest possible date the authority of any foreign air carrier owned or controlled, directly or indirectly, by that government to engage in foreign air transportation to or from the United States, notwithstanding any agreement relating to air services.

"(B)(i) The President may direct the Secretary of State to terminate any air service agreement between the United States and a sanctioned country in accordance with the provisions of that agreement.

"(ii) Upon termination of an agreement under this subparagraph, the Secretary of Transportation is authorized to take such steps as may be necessary to revoke at the earliest possible date the right of any foreign air carrier owned, or controlled, directly or indirectly, by the government of that coun-

try to engage in foreign air transportation to or from the United States.

"(C) The President may direct the Secretary of Transportation to provide for such exceptions from this subsection as the President considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

"(D) For purposes of this paragraph, the terms 'aircraft', 'air carrier', 'air transportation', and 'foreign air carrier' have the meanings given those terms in section 101 of the Federal Aviation Act of 1968 (49 U.S.C. 1301).

"(9) OTHER SANCTIONS.—The President may apply the sanctions described in section 1606(c) with respect to actions of a foreign government."

SEC. 06. WAIVER.

Section 1606 is amended—

(1) "by striking "waiver" each place it appears and inserting "modification, and waiver"; and

(2) by striking "waive" each place it appears and inserting "modify or waive".

SEC. 07. TERMINATION OF SANCTIONS.

The Act is amended by inserting after section 1606 the following new section:

"SEC. 1006A. TERMINATION OF SANCTIONS.

"Except as otherwise provided in this title, the sanctions imposed pursuant to the Act shall apply for a period of at least 24 months following the imposition of sanctions and shall cease to apply thereafter only if the President determines and certifies to the Congress that—

"(1) reliable information indicates that the government of jurisdiction has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the sanctioned person in the sanctionable activity.

"(2) The President has received reliable assurances from the sanctioned government that such government will not, in the future, violate this Act."

SEC. 08. STAY OF SANCTIONS.

The Act is amended by inserting after section 1607 the following new section:

(a) CRITERION FOR STAY.—The President may stay the imposition of any sanction on any entity in order to protect—

(1) ongoing criminal investigations, or

(2) sensitive intelligence sources and methods which are being used to acquire further information on the proliferation of advanced conventional weapons, weapons of mass destruction, or missiles that would be comprised by the publication of the sanctioned entity's name.

(b) DETERMINATION.—The President shall exercise the authority described in paragraph (1) only when the President determines that the non-proliferation goals of the Act are better served by delaying the imposition of sanctions rather than by compromising the criminal investigation or intelligence sources and methods at issue.

(c) LIFTING OF STAY.—The President shall lift any stay imposed pursuant to this subsection as soon as the basis for the determination made pursuant to paragraph (2) no longer exists.

(d) NOTIFICATION AND REPORT TO CONGRESS.—Whenever the duration of any stay imposed pursuant to this subsection exceeds 120 days, the President shall promptly report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives the rationale and circumstances that led the President to exercise the stay authority.

SEC. 09. RULES AND REGULATIONS.

The Act is amended by inserting after section 1607 the following new section:

"SEC. 1607A. RULES AND REGULATIONS.

"The President is authorized to prescribe such rules and regulations as the President may require to carry out this Act."

SEC. 10. DEFINITIONS.

Section 1608 is amended by adding at the end the following new paragraph:

"(8) The terms 'goods and technology' includes any item of the type that is listed on the Nuclear Referral List under section 309(c) of the Nuclear Non-Proliferation Act of 1978, the United States Munitions List (established in section 36 of the Arms Export Control Act), or the MTCR Annex (as defined in section 74(4) of the Arms Export Control Act) or any item that is subject to licensing by the Nuclear Regulatory Commission.

"(9) The term 'United States' includes territories and possessions of the United States and the customs waters of the United States, as defined in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).

SEC. 011. SENSE OF THE SENATE.

Whereas both Iran and Iraq have reemerged as continuing threats to the peace and stability of the Middle East and thus pose a threat to the stability of the post-Cold War world, it is the sense of the Senate that the conference agreement on S. 1281 should include as additional discretionary sanctions under Section 05 of this Title denial of Most Favored Nation status to a sanctioned country and suspension of special trade privileges for a sanctioned country which were extended pursuant to the Generalized System of Preferences or the Caribbean Basin Initiative.

Mr. McCAIN. Mr. President, on Friday, January 28, 1994, the Senate unanimously adopted an amendment which gave the President the authority to impose additional sanctions on persons or countries that assisted Iran or Iraq in their efforts to acquire destabilizing numbers and types of advanced conventional weapons. This amendment recognized the reemergent threat posed by these two nations to the peace and stability of the Middle East, and thus the future stability of the post-cold-war world.

Unfortunately, because of certain arcane jurisdictional restrictions concerning import sanctions, I am advised that certain of the provisions of that amendment would cause the entire State Department authorization bill to be "blue-slipped" in the House of Representative. The State Department authorization bill is an important piece of legislation which includes a number of very important foreign policy provisions. Therefore, I have agreed to modify my amendment as follows:

Remove the provision which would allow the President to suspend most-favored-nation status for a sanctioned country.

Delete the provision which would permit the President to suspend special trade privileges for a sanctioned country which were extended pursuant to the Caribbean Basin Initiative or the General System or Preferences.

Modify the provision giving the President broad authority to suspend any trade agreements with a sanctioned country, by restricting that authority only to agreements which do not affect imports into the United States from that country.

Add a section expressing the sense of the Senate that the sanctions stricken from the original amendment be restored in conference on this bill.

Mr. President, but for the anticipated objections from the House Ways and means Committee concerning the origin of these import sanctions, I would insist that the President be authorized to impose these sanctions in order to deter any foreign country from assisting Iran or Iraq in their efforts to acquire destabilizing advanced conventional weapons.

The danger of proliferation of advanced conventional weapons, as well as weapons of mass destruction, to countries such as Iran and Iraq is so great that we must bring to bear all available pressure on persons or countries who assist these nations. Import sanctions are a very effective means of demonstrating to a potential proliferator the disincentives which accompany such dangerous actions.

Mr. President, I hope the wisdom of the Senate in adopting the full text of this amendment last Friday will prevail in conference with the House. I strongly urge my colleagues in conference with the House to insist on the reinstatement of these provisions.

AMENDMENT NO. 1324, AS MODIFIED

Mr. KERRY. Mr. President, I call up amendment No. 1324, the Kerry-Mitchell amendment.

The PRESIDING OFFICER. Without objection, that is the pending question.

Mr. KERRY. Mr. President, I ask unanimous consent to send a modification of amendment No. 1324 to the desk.

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

The amendment (No. 1324), as modified, reads as follows:

In the amendment, on page 2, line 4, strike all after 'TITLE' and insert the following:

SEC. 167. COST ASSESSMENT REPORT REGARDING ANY UNITED STATES PARTICIPATION IN ACTION UNDER ARTICLE 42 OF THE UNITED NATIONS CHARTER.

(a) IN GENERAL.—Except as provided in subsection (b), at least 15 days before—

(1) any obligation of funds for United States participation in international peace operations, or

(2) any vote by the Security Council to take action under Article 42 of the Charter of the United Nations which would involve the use of United States Armed Forces,

the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report containing a cost assessment of the participation of the United States Armed Forces in those operations.

(b) EXCEPTION.—The period for submission of the report specified in subsection (a) shall not apply if the President determines that

an emergency exists which prevents submission of the report in a timely manner.

(c) DEFINITION.—For purposes of this section, the term "United States participation in international peace operations" means the use of the United States Armed Forces—

(1) pursuant to, or consistent with, action taken by the Security Council under Article 42 of the Charter of the United Nations; or

(2) consistent with the United Nations Participation Act of 1945.

SEC. 168. CONGRESSIONAL NOTIFICATION REGARDING ANY UNITED STATES IMPLEMENTATION OF ARTICLE 43 OF THE UNITED NATIONS CHARTER.

(a) IN GENERAL.—Except as provided in subsection (b), at least 15 days before any agency or entity of the United States Government makes available armed forces, assistance, or facilities to the United Nations under Article 43 of the United Nations Charter, the President shall so notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(b) EXCEPTION.—The period for notifying Congress in subsection (a) shall not apply if the President determines that an emergency exists which prevents making a notification in a timely manner.

(c) DEFINITION.—For purposes of this section, the term "assistance" means assistance of any kind, including the provision of logistical support and the grant of rights of passage.

SEC. 169. REPORT ON UNITED NATIONS PEACEKEEPING ACTIVITIES.

Not later than 90 days after the date of enactment of this Act, and each year thereafter at the time of the President's budget submission to Congress, the Secretary of State, after consultation with the heads of other relevant Federal agencies (including the Department of Defense), shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on United States contributions to United Nations peacekeeping activities. Such report shall include—

(1) the overall cost of all peacekeeping operations as of the date of the report;

(2) the costs of each peacekeeping operation;

(3) the amount of United States contributions (assessed and voluntary) on an operation-by-operation basis; and

(4) an assessment of the effectiveness of ongoing peacekeeping operations, their relevance to United States national interests, the efforts by the United Nations to resolve the relevant armed conflicts, and the projected termination dates for such operations.

SEC. . UNITED STATES PARTICIPATION IN UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) FINDINGS.—The Congress finds that:

(1) the President of the United States has asserted that reform of United Nations peacekeeping operations is to be of the highest national priority in furtherance of United States national security objectives;

(2) at the direction of the President of the United States the National Security Council is coordinating a comprehensive review of United States policy towards United Nations peacekeeping operations on which the Congress of the United States is to be consulted;

(3) in cooperation with the Congress of the United States, the purpose of the National Security Council review is to reform policies and programs governing United States participation in United Nations operations;

(4) in conjunction with the President's review, the Majority Leader of the United States Senate has requested the Committee on Foreign Relations, the Committee on Armed Services, and the Senate Select Committee on Intelligence to examine thoroughly the proper role of U.S. troops in the post-Cold War world and the implications for U.S. foreign policy with the intent of enacting legislation, in cooperation with the President, regarding U.S. policy toward post-Cold War conflicts, United States involvement in peacekeeping operations, and of establishing a process to ensure proper accommodations of Legislative and Executive Branch prerogatives in addressing such issues;

(5) such a process will embody sound constitutional principles and reflect the appropriate roles of the President and the Congress relating to the use of United States Armed Forces both in unilateral and multilateral operations in order for such operations to enjoy the support of both the Executive and Legislative Branches and the American people; and

(6) the concerned committees of jurisdiction have initiated a process of examination of the appropriate use of United States Forces.

(b) SENSE OF CONGRESS.—Therefore, it is the Sense of the Congress that—

(1) the primacy of United States national security interests with respect to United States participation in and support for United Nations peacekeeping activities must be maintained;

(2) congressional oversight of United Nations peacekeeping activities and other United Nations activities must be strengthened;

(3) coordination between the executive and legislative branches of Government regarding United States participation in and support for United Nations peacekeeping operations must be improved and communication between the two branches prompt;

(4) the Congress should be notified in advance of the intent to approve United Nations peacekeeping operations;

(5) for United Nations peacekeeping operations that would involve the participation of United States combat forces, such notification should include detailed information concerning command and control arrangements for such forces, their military mission and objectives, and their rules of engagement, and

(6) United States contributions to United Nations peacekeeping activities must be fair and equitable.

Mr. KERRY. Mr. President, I ask for approval of the amendment, as modified.

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

So the amendment (No. 1324), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1323) 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.

AMENDMENT NO. 1351, AS MODIFIED

Mr. KERRY. Mr. President, I call up amendment No. 1351.

The PRESIDING OFFICER. That is the pending question.

Mr. KERRY. Mr. President, I send a modification to the desk. I ask unanimous consent that the amendment be approved as modified, and the motion to reconsider be laid upon the table.

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

The amendment (No. 1351), as modified, is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . REPORT ON SANCTIONS ON VIETNAM.

Not later than 30 days after any action to modify or terminate any prohibition, restriction, condition or limitation on transaction 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 27, 1994 under the Act of October 6, 1917 (40 Stat. 411 et seq.) as amended, the President shall submit a report, taking into account information available to the U.S. government, to the Senate and the House of Representatives on achieving the fullest possible accounting of U.S. personnel unaccounted for from the Vietnam War, including:

(1) Progress on recovering and repatriating American remains from Vietnam;

(2) progress on resolution of discrepancy cases;

(3) the status of Vietnamese cooperation in implementing trilateral investigations with Laos; and

(4) progress on accelerated efforts to obtain all POW/MIA related documents from Vietnam.

The amendment (No. 1351), as modified, was agreed to.

AMENDMENT NOS. 1344 AND 1316 WITHDRAWN

Mr. HELMS. Mr. President, I ask unanimous consent to withdraw the Helms amendment No. 1344, and amendment No. 1316, currently pending.

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

The amendments (No. 1344) and (No. 1316) were withdrawn.

AMENDMENT NO. 1352, AS MODIFIED

Mr. HELMS. Mr. President, I ask unanimous consent that amendment No. 1352 be modified by adding the following language, that I send to the desk.

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

The amendment (No. 1352), as modified, is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . COORDINATOR FOR COUNTER-TERRORISM.

(a) ESTABLISHMENT.—There shall be within the Department of State a Coordinator for Counter-Terrorism (hereafter in this section referred to as the "Coordinator") who shall be appointed by the President,

(b) RESPONSIBILITIES.—(1) The Coordinator shall perform such duties and exercise such

power as the Secretary of State shall prescribe.

(2) The Coordinator shall have as his principal duty the overall supervision (including oversight of policy and resources) of counter-terrorism activities of the Department of State. The Coordinator shall be the principal advisor to the Secretary of State on counter-terrorism matters and (after the Secretary, Deputy Secretary and the appropriate Under Secretary) shall be the principal counter-terrorism official within the senior management of the Department of State.

(c) RANK AND STATUS.—The Coordinator shall have the rank and status of an Assistant Secretary. The Coordinator shall be compensated at the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5314 of title 5, United States Code.

At the appropriate place insert the following:

(d) SENSE OF THE SENATE.—It is the sense of the Senate that there shall be in the Department of State a Deputy Assistant Secretary of State with the rank of ambassador whose sole responsibility shall be the day-to-day management of counter-terrorism activities in the Department of State.

Mr. D'AMATO. Mr. President, I rise today to discuss the Senate passage of my amendment to the State Department authorization bill, H.R. 2333.

The amendment I attached to the bill, reestablishing the Office of Counterterrorism, is a necessary step in light of the continuing threat that America faces from the scourge of international terrorism.

While, I had hoped to maintain the Office's previous status as reporting directly to the Secretary of State, I am nevertheless pleased that I was able to come to an accommodation with the administration to preserve this important office along the lines of the proposed State Department reorganization. I was very concerned that the Counterterrorism Office would be left out of the picture. If this were to happen, we would send the message that the fight against terrorism is no longer a priority. Fortunately, this will not happen.

The essence of my amendment is that the Assistant Secretary of State for Counternarcotics, International Crime, and Counterterrorism, will also be the State Department's Coordinator for Counterterrorism. Under him will serve a Deputy Assistant Secretary of State, who will be confirmed by the Senate at the rank of Ambassador. This DAS/Ambassador will, as his sole responsibility, handle the day-to-day operations of the Office. Furthermore, the Secretary of State has committed—and will do so in writing—to making an appointment to this position to fulfill the intent of the sense of the Senate language of my amendment in regard to the DAS/Ambassador position.

The Secretary of State's commitment to making this appointment at this level, will ensure the proper rank and status for the day-to-day operations of the Office and provide the Office with stature enabling it to operate effectively with the other branches of the Government that participate in the counterterrorism fight.

I am glad that we could come to agreement with the administration on this issue. I would not have wanted to see this Office simply disappear. Now, what is important is that we press on with the fight against terrorism, and work to eliminate this scourge once and for all.

THE PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1352), as modified, was agreed to.

YEAS AND NAYS VITIATED—AMENDMENT NO. 1329 AND AMENDMENT NO. 1330

Mr. HELMS. Mr. President, I ask unanimous consent to vitiate the yeas and nays on both Amendments No. 1329 and No. 1330.

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

AMENDMENT NO. 1330, AS MODIFIED

Mr. HELMS. Mr. President, I send a modification to the desk to Amendment No. 1330.

The PRESIDING OFFICER. The amendment is modified.

The Amendment (No. 1330), as modified, is as follows:

The pending amendment is modified to read as follows:

"(F) WAIVER.—The president may waive the prohibition in section (a) if he determined and so notifies Congress that—

(1) it is in the national interest to do so and such determination must be made on a country by country basis every 180 days; or

(2) the parties have submitted the dispute to arbitration under rules of the Convention for the Settlement of Investment Disputes.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1330), as modified, was agreed to.

AMENDMENT NO. 1329, AS AMENDED

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the underlying amendment.

The amendment (No. 1329), as amended, 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.

AMENDMENT NO. 1290

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order to modify amendment 1290.

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

Mr. HELMS. I send a modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1290, modified as follows.

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

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

The amendment, as modified, is as follows:

On page 179, after line 6, insert the following:

SEC. . CHINESE FLEEING COERCIVE POPULATION CONTROL POLICIES.

(1) In numbers not to exceed those specified in subsection (5), the Attorney General shall protect from deportation or exclusion to the People's Republic of China nationals of the People's Republic of China who demonstrate a reasonable likelihood that they will be forced to abort a pregnancy or will be subjected to forced sterilization under Chinese Communist Party directives and/or government directives of the People's Republic of China on population or will suffer other severe harm for refusal to comply with such directives, or who demonstrate that they have experienced severe harm on account of their refusal to comply with such directives.

(2) Nothing in this section shall be construed to preclude the Attorney General from deporting or excluding any national of the People's Republic of China to the People's Republic of China if the Attorney General determines that such national is inadmissible to the United States under Section 212(a)(2), (3), (6)(E) (if such action were taken knowingly and for gain), or (9) of the Immigration and Nationality Act.

(3) The Attorney General shall, within 90 days of enactment of this section, promulgate regulations and guidelines to carry out the provisions of this section.

(4) Nothing in this section shall be construed as—

(A) Shifting the burden of providing, in each individual case, facts sufficient to establish a claim within the scope of subsection (1) of this section from any person making such claim to the Attorney General; or

(B) Requiring the Attorney General to disprove such claim in the absence of proof of facts sufficient to establish a claim described in subsection (1) of this section by any person making such claim.

(5) The number of persons receiving the benefit of this section shall not exceed 2,000 applicants in any fiscal year.

(6) The provisions of this section shall take effect on the date of enactment of this Act, and relief under this section shall be available, in numbers not to exceed those specified in subsection (5), to any national of the People's Republic of China who is entitled to such relief under the provisions of this section notwithstanding the pendency of administrative or judicial proceedings or appeals on the date of enactment of this Act, and to any such national whose claim arises on or after the date of enactment.

(7) A person who is not deported or excluded to the People's Republic of China pursuant to subsection (1) of this section shall be entitled to the same associated benefits as a person granted asylum under Section 208 of the Immigration and Nationality Act.

(8) This section does not apply to an alien who has received a final conviction of an aggravated felony or who has claimed the benefit of subsection (1) solely for the purposes of evading the immigration laws of the United States.

(9) This section shall remain in effect for a period of three years from its date of enactment.

Mr. HELMS. Mr. President, the purpose of this amendment is to provide relief from exclusion and/or deportation, beyond whatever relief may be afforded under the refugee and asylum provisions of the Immigration and Nationality Act, to persons who can show that they have a well founded fear of persecution for refusal to submit to forced abortion or sterilization under the coercive population control program now in force in the People's Republic of China, or that they have actually undergone such persecution or been forced to undergo such a procedure.

As originally drafted, our amendment would have accomplished this purpose by clarifying the statutory definition of refugee. There are, however, sincere people who have expressed reservations about cluttering up the basic definition of refugee with references to particular types of cases. So we have agreed to a substitute amendment which does not say anything one way or the other about whether these people are refugees but which provides separate and additional protection under a different provision of the Immigration and Nationality Act.

There is an extremely strong case that people facing persecution for resistance to the coercive population control program are refugees within the definition of the act. The PRC regime treats these people not as ordinary lawbreakers but as its political and ideological enemies. The immediate former general counsel of INS issued a legal opinion to the effect that such persons are refugees on the ground of political opinion imputed to them by the persecutors. The three immediate former Attorneys General have officially ordered that these people be protected under the asylum law, and the present Attorney General has specifically declined to recede from this position. Forced abortion and forced sterilization under a program such as that of the PRC has recently been held to be persecution on account of political opinion in an excellent decision by Judge Ellis of the U.S. District Court for the Eastern District of Virginia. The present amendment does not subtract anything from these arguments. Rather, it simply provides additional protection for a specified number of persons, beyond those who may be granted asylum or refugee status.

Mr. President, it is my understanding that there is no intention to make the burden of proof under this section either higher or lower than the current standard for asylum and refugee applicants. That is, in order to get such persecution the applicant must prove by a preponderance of the evidence both that he or she subjectively fears such persecution, and that there is an objective basis for the fear—that is, that a reasonable person in the applicant's situation would have such a fear.

The statute provides a numerical limit for persons who may be afforded protection under this section. There is no reason to expect that this will present a practical problem. Despite wildly inaccurate news reports of many thousands of people being granted asylum because they fear the coercive population control program, the number has never been more than a few hundred per year. Of course, people who are granted asylum or refugee status under existing law are not included in the numerical limit under this section. Mr. President, I am not one to believe in opening the floodgates to anyone who wants to come live in the United States for any reason, but there are some things Americans just will not do. One of these things is to force people back to places where they reasonably fear that they will face gruesome tortures. If the number of valid claimants should ever exceed the numerical limit, I would hope and expect that our Government would not forcibly repatriate these valid claimants, but would find some other solution, such as resettlement in safe countries other than the United States.

Finally, Mr. President, news reports from China indicate that the 118 people we sent back a few days ago, despite assurance that they would not be imprisoned, are now in prison and that many of them face indefinite terms of incarceration. The reports also cite evidence of beatings and various other kinds of harsh treatment. These people have committed no crime except to escape from China and to seek asylum in the United States. Our asylum regulations provide that asylum officers and immigration judges give due consideration to evidence that the government of the applicant's country of nationality or last habitual residence persecutes its nationals or residents if they leave the country without authorization or seek asylum in another country, 8 CFR 208.13(b)(2)(B)(ii). I trust that this dramatic new evidence will be taken into account.

Mr. President, I ask unanimous consent that the following materials be inserted in the RECORD:

First, an article from the Washington Post, December 22, 1993.

Second, a letter from Grover Joseph Rees, the immediate former general counsel of the Immigration and Naturalization Service.

Third, a document entitled "Resistance to the PRC Population Control Policy as Political Dissent."

Fourth, a document entitled "Disproportionately Severe Punishment."

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

[From the Washington Post, Dec. 22, 1993]

CHINA PLANS TO RESTRICT 'INFERIOR' BIRTHS—COMPULSORY ABORTIONS, STERILIZATION AIM AT 'HEIGHTENING STANDARDS'

(By Steven Mufson)

BEIJING, Dec. 21—China will use abortions, sterilization and marriage bans to "avoid new births of inferior quality and heighten the standards of the whole population," the official New China News Agency said Monday.

The measures will be aimed at restricting reproduction by people likely to pass on congenital illnesses or defects to their children, the agency said. It added that the births of more than 10 million people with such defects could have been prevented.

China's population policy has drawn extensive international criticism with its one-child-per-family rule and allegations of coercion in enforcing it. But the new measures appear to go far beyond normal family planning standards.

In New York, a spokesman for the U.N. Population Fund said the agency had only heard of the measure from Chinese news reports and could not comment on it directly. But spokesman Alex Marshall said: "In principle we are against any form of compulsion with respect to family planning. Family planning must be voluntary, and that has no qualifying clauses to it."

In Washington, State Department observers said they had seen no indication China was contemplating such a program. Abortion in China is a sensitive issue for the Clinton administration, which is keeping a close eye on human rights issues. "We would take a very dim view of this kind of abortion program, if it comes into being," a State Department official said.

Under draft legislation titled "On Eugenics and Health Protection" submitted to the National People's Congress, people with hepatitis, venereal disease or mental illness will be barred from marrying, the news agency said.

Pregnant women diagnosed as having certain infectious diseases or abnormal fetuses "will be advised to halt the pregnancy," the agency said. The draft bill says married couples with those illnesses or mental disabilities "should have themselves sterilized," it added.

Once legislation reaches the draft stage and is submitted to the National People's Congress, approval is usually automatic.

In the United States and many other countries, prospective parents may test for congenital defects and they often abort fetuses as a result of those tests, but such decisions are left to individuals and are not matters of government policy.

The Public Health Ministry did not spell out how the measures would be implemented, but the impact could be widespread. A large portion of the population carries the hepatitis virus, often contracted from eating contaminated food or using contaminated needles. In addition, there are 10.2 million mentally disabled people in China, the government-run People's Daily reported today.

Citing the annual birth of 300,000 to 460,000 congenitally disabled children yearly, Public Health Minister Chen Min Zhang told the National People's Congress standing committee that there is an urgent need to reduce abnormal births.

"If this situation continues, it will be a very heavy burden to Chinese economic construction and a big burden to the state as well as bring disaster to thousands and millions of families and result in a drop in the quality standards of the population," Chen said, according to the People's Daily.

In the poor northwestern province of Gansu, there already is a mandatory sterilization law for the mentally retarded. Local officials have said their goal is to quickly sterilize most of the 260,000 mentally retarded residents there.

China has come under international criticism for its strict policy limiting most families to one child. That policy, pursued since 1979, has lowered the birthrate below levels needed to replace the population. The rate fell to 18.24 births per thousand people in 1992, about half the 1970 level.

China has insisted that stringent measures are needed in a country of nearly 1.2 billion people so that population growth does not outstrip the nation's economy. The government has noted that China has 22 percent of the world's population but only 7 percent of its arable land.

Many family planning and human rights groups have raised concerns over the coercion used to enforce the policy, citing reports of forced abortions, sterilizations and infanticide.

The Chinese news agency said the draft bill "does not state whether China will adopt euthanasia to eliminate congenitally abnormal children, saying that the international community has not come to a conclusion on that issue."

ST. MARY'S UNIVERSITY,
January 27, 1994.

Hon. JESSE HELMS,
U.S. Senate, Washington, DC.

DEAR SENATOR HELMS: This is in response to an inquiry from your staff about concerns that have been raised respecting refugee status for persons fleeing forced abortions and sterilizations.

First, with respect to the 6500 PRC nationals who are said to have applied for asylum status during 1993: I had not heard this statistic, but it is hardly the "floodgate" that opponents of refugee status were predicting earlier in the year. It is a tiny fraction of the many thousands of asylum applications received during the year, although a country with about 20% of the world's population and one of its most repressive governments might be expected to generate a substantial percentage of such applications.

It is also important to remember that several thousand applications during a year typically result in only a few hundred actual grants of asylum during the year. For instance, in 1992 there were 1911 applications from illegal immigrants in deportation and exclusion proceedings and another 3464 "affirmative" applications to INS Asylum Officers from persons who were not in proceedings, presumably because they were living here legally. Yet the total number of grants in both categories was only 654—even though INS was then treating credible claims of persecution based on resistance to the population control program as giving rise to eligibility for asylum.

In response to the argument that no legislation is necessary because the Executive Order is still being enforced so as to protect valid claims based on the PRC population control policy, this is simply untrue. The Board of Immigration Appeals has stated in several decisions that neither the Executive Order nor the interim regulations require it to reverse its Chang decision, which treated the population control program as just another routine law enforcement measure which will not give rise to valid refugee claims except in the most extraordinary circumstances. Both the Board and many immigration judges continue to cite the Chang rationale as a basis for routinely denying asylum claims based on forced abortion or sterilization, even when the applicant's testimony is found credible.

Finally, it is shocking to hear the PRC population control program—in which women are sometimes dragged kicking and screaming to undergo late-term abortions, and in which more routine punishments include fines of several times the per capita annual income and destruction of the family home—compared to family planning programs in India and Singapore. If I recall correctly, India experimented briefly and sporadically with forced sterilizations (although never with forced abortions) about fifteen years ago, before learning that popular resistance to such measures made then untenable for a government that is not prepared to rule by terror. The argument about Singapore is apparently that if you have too many children you will not be able to get a large enough apartment. Although there is no telling what people will argue, I cannot imagine as asylum claim on this basis ever being granted.

Similarly, it is certainly true that single young men have applied for asylum on the ground that they may someday want to marry and have children. At least during my tenure as General Counsel of INS, however, we routinely opposed such claims as too speculative, and I am unaware of any such claim having been granted.

The only case I know in which an unmarried man had a meritorious asylum claim based on resistance to the population control program was the case of a young man who had been living with his financee in the equivalent of a common-law marriage. They had announced their wedding banquet, and she had become pregnant. She was ordered to have a late abortion. When she refused, she was physically forced to undergo the operation—during which she died. The asylum applicant, overcome with grief and anger, confronted the government official who had ordered the abortion. This confrontation resulted in various forms of persecution, as a result of which the applicant fled China. The immigration judge who heard his asylum case found his testimony to be credible and expressed great sympathy, but denied asylum on the case of Chang. In one of my last official acts as INS General Counsel, I filed a brief supporting his appeal and urging the Board to overrule Chang. I left the government soon thereafter and never learned the result of the appeal, but I do know that the Board reaffirmed Chang instead of overruling it, so my guess is that this young man has been denied asylum

I hope this information is helpful.

Sincerely,

GROVER JOSEPH REES III,
Visiting Scholar Center for International Legal Studies.

RESISTANCE TO THE PRC POPULATION CONTROL POLICY AS POLITICAL DISSENT

"An applicant must show that he has a fear of persecution for holding [political] opinions. This presupposes that the applicant holds opinions not tolerated by the authorities, which are critical of their *policies or methods*. It also presupposes that such opinions have come to the notice of the authorities *or are attributed by them to the applicant*." United Nations High Commissioner for Refugees, Handbook on Procedures for Determining Refugee Status ¶80 (1992 ed.) (emphasis supplied).

"Whether political opinion is actually held or implied makes little difference where the alien's life is equally at risk." *Desir* v. *Ilchert*, 840 F.2d 723, 729 (9th Cir. 1988). "[I]t is irrelevant whether a victim actually possesses any of these opinions as long as the government believes that he does." *Hernandez-Ortiz* v. *INS*, 777 F.2d 509, 517 (9th Cir. 1985).

"To refuse to control fertility or to encourage others to refuse is sometimes treated as a crime against the state. * * * Most married people of reproductive age in China must control their fertility to avoid being guilty of an ideological offense in the eyes of the government. Those who would rather not practice birth control find that they must do so, or at least pretend to, in order to avoid political reprisals." Judith Banister, China's Changing Population 200 (Stanford 1987) (hereinafter "Banister").

"Chinese officials view this opposition [to forced abortion and sterilization] as political dissent and are determined to suppress it even if it means violating fundamental human rights." Brief of Amicus Curiae Lawyers Committee for Human Rights, *Matter of M-*, #A28 760 748 (BIA 1989) at 4.

"Planned parenthood work, like other work, also suffered from interference and sabotage by Lin Piao and the 'gang of four.' Lin Piao, the 'gang of four,' and their followers incited anarchism in marriage and childbirth." Foreign Broadcast Information Service Daily Report—People's Republic of China, Vol. I., 239 (July 13, 1978): E 10. "We must expose and deal resolute blows at class enemies who sabotage planned parenthood." *Id.* at 135 (August 7, 1978): G4.

"[F]amily planning must be understood as the implementation of party discipline and state law." Director of State Family Planning Commission, quoted in Jiankang Bao (Health Gazette, Beijing), Feb. 27, 1983: 1.

"Recently, [Secretary-General of the Chinese Communist Party] Comrade Hu Yaobang pointed out that the work of population control should 'rely first on political mobilization, second on law, and third on technical measures.'" "Hebei Provincial Telephone Meeting on Family Planning," Department of Commerce, Joint Publications Research Service 83105 (Mar. 21, 1983). ["Technical measures" is a euphemism for required sterilization, abortion, and IUD insertion. Banister, supra, at 201.]

DISPROPORTIONATELY SEVERE PUNISHMENT

"Disciplinary measures against those who violate the policy include stiff fines (up to the equivalent of $4,000 in some parts of China), withholding of social services, demotion, and other administrative punishments, including loss of employment. Unpaid fines have sometimes resulted in confiscation or destruction of personal property." Department of State, Country Reports on Human Rights Practices for 1992; 544 (1993).

"[U]nder China's complex quota system for births, local family planning officials wanted Ms. Li to give birth in 1992 rather than 1993. So on Dec. 30, when she was seven months pregnant, they took her to an unsanitary first aid station and ordered the doctor to induce early labor. Ms. Li's family pleaded, the doctor protested, but the family planning workers insisted. The result: the baby died after nine hours, and 23-year-old Ms. Li is incapacitated." Kristof, "China's Crackdown on Births: A Stunning, and Harsh, Success," N.Y. Times, April 25, 1993: A1 (hereinafter "China's Crackdown").

"Typically, local cadres swoop down on each village once or twice a year, taking all the women who have already had children to

a nearby clinic. There they are fitted with IUDs or else undergo sterilization. Some women manage to get pregnant again before they are sterilized; others flee the village on the day they are supposed to go to the clinic. When the authorities discover an unauthorized pregnancy, they normally apply a daily dose of threats and brow-beating.

"Some women buckle and accept an abortion, while many others simply flee to a relative's village, returning only after the child is born. In such cases, fines equivalent to hundreds or even thousands of dollars—per capita income in the countryside last year was $135—are imposed. Peasants in many different provinces say homes are routinely knocked down if the fine is not paid." China's Crackdown, N.Y. Times, Apr. 25, 1993: A12.

"[A]fter the baby came, a brigade from the township knocked down his house. The team also confiscated his wooden thrasher, used to prepare the rice after it is harvested. Mr. Luo said his family had to live in the hills until they could borrow straw to rebuild the house. 'They often take things, your furniture, your cow, your pig, your chickens, your preserved meat,' said a 35-year-old woman in another Guizho Province village. 'If you get sterilized, they take your stuff, and if you don't get sterilized, they beat you. Some people have been beaten badly, family members and women,' she added. 'They take electric batons and they hit whomever they see.'" WuDunn, "Births Punished by Fines, Beating, or Ruined Home," N.Y. Times, Apr. 25, 1993; A12.

"I have been allowed to accompany 10 Chinese government employees who make up one of the 'task forces' that have been dispatched to hundreds of villages in a northern county. Their purpose is to make all the women who are expecting a second or later baby have abortions, and then be sterilized." Liu Yin, "China's Wanted Children," London Independent, Sept. 11, 1991 (hereinafter "China's Wanted Children").

"The families whose women escaped the raid were warned that if they did not go to the abortion centre within a week, their houses would be pulled down. This was no bluff. On the way back from the raid, I saw six collapsed houses. No family in the village is allowed to provide shelter for the people whose houses have been destroyed." China's Wanted Children, supra.

"Security officers in a Chinese province [Hunan] forced at least 21 women to have abortions last month to meet family planning quotas, ["Hong Kong's Ming Pao, a leading Chinese language newspaper"] reported yesterday." San Francisco Chronicle, Nov. 14, 1991: A15.

From 1979 to 1982 any second or higher order births that happened in spite of government pressure were met with escalating punishments designed to impoverish the offending couple for at least fourteen years if not for life. This repression continued to mount, until in mid-1982 official, statements clarified that local government officials must not permit a couple to have a second or third birth and then impose the economic sanctions. Rather, local officials must prevent conceptions of second or higher order children, and when that fails are required to see to it that women have abortions." Judith Banister, China's Changing Population 200 (Stanford 1987) (hereinafter "Banister").

"Forced abortion at late pregnancy was the worst of all. One time we caught a pregnant woman with her baby due in only one week. Right after she was pulled into the car, she was held by several men and a lethal injection was given to kill the unborn baby before abortion." Jian-Hua Lin, "'Poverty Relief Team' to Catch Women in Countryside: A Story from a Birth Control Officer," Chi-Am Daily News, Sept. 11-12, 1992.

"Rural family planning committees wield awesome powers. Not only do they decide the year when a couple may have a child within the annual birth quota, but they can impose fines equivalent to two to three years' wages for those who flout the regulations. Parents who violate the one-child policy automatically lose their rights to free education, state subsidies, and other privileges." Schmetzer, "Chinese Beat Men Who Flout Abortion Laws," San Francisco Examiner, Mar. 29, 1991.

"[T]he husbands were marched one by one into an empty room, ordered to strip naked and lie face down on the floor. 'They were then beaten on their bare buttocks with a cane as many times as the number of days their wives had been pregnant.' . . . A woman whose husband was out of town also consented to an abortion after being threatened with a flogging." Schmetzer, supra, (quoting Chinese news accounts).

"Nowhere is this dark side of family planning more evident than in Dongguan, [in Guandong Province]. Here, abortion posses scoured the countryside in the spring of 1981, rounding up women in rice paddies and thatched roof houses. Expectant mothers, including many in their last trimester, were trussed, handcuffed, herded into hog cages and delivered by the truckload to the operating tables of rural clinics, according to eyewitness accounts." Weisskopf, "One Couple, One Child," Washington Post, Jan. 7, 1985: A1 (hereinafter "One Couple, One Child").

"Party chief Huang Zhigao of Double Bridge Village in the southwestern province of Sichuan acknowledged the practice of 'helping' pregnant women to the clinic if they refuse to go on their own. As an example, he cited the story of a 32-year-old woman named Li who had a baby girl and became pregnant again in the hope of having a boy. After numerous visits to her home by 'persuasion groups' proved unsuccessful, eight activists appeared at her doorstep one morning and told Li, then four months pregnant, 'you don't go to the clinic willingly, we'll take you,' according to Huang. 'The woman struggled and started crying when they started taking her by the arms,' recalled Huang, 'She was dragged about 50 yards and finally gave in.'" One Couple, One Child, supra.

"In the Inner Mongolian capital of Hohhot . . . hospital doctors practice what amounts to infanticide by a different name, according to a Hohhot surgeon who would not allow his name to be used for fear of reprisals. After inducing labor, he said, doctors routinely smash the baby's skull with forceps as it emerges from the womb. In some cases, he added, newborns are killed by injecting formaldehyde into the soft spot of the head." One Couple, One Child, supra.

Mr. SIMPSON. Mr. President, the sponsors' modification to this amendment greatly improves it, in my view.

The original amendment would have modified the Refugee Act to provide special treatment to a particular group. For all the reasons I expressed this morning as we debated the Lautenberg amendment, I strongly oppose changing the definition of "refugee" as it is stated in the Refugee Act of 1980.

That is the U.N. definition. It is the international definition that most refugee receiving companies use. I don't believe it should be tampered with solely in order to provide special benefits for particular groups.

This modification does not do that. Rather, it forbids the deportation or exclusion of persons who can demonstrate that they will be severely punished for refusal to comply with China's population control policies.

This modification also will provide for the sunset of these special provisions in 3 years and it limits the number who may receive the benefit to 2,000 per year.

I continue to oppose "special" treatment for "special" groups, even when it does not modify the refugee definition. The whole purpose and ideal of the Refugee Act of 1980 was to get us away from providing special treatment to special groups. Our refugee policy should be evenhanded. It should provide equal protection to those who qualify.

As I said, this modification is a substantial improvement and I thank the sponsors for the changes.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1290), as modified, was agreed to.

AMENDMENT WITHDRAWN—AMENDMENT NO. 1353

Mr. HELMS. Mr. President, I ask unanimous consent that amendment No. 1353 be withdrawn.

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

AMENDMENT NO. 1343, AS MODIFIED

Mr. HELMS. Mr. President, I send a modification to amendment No. 1343 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1343, as modified.

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 as modified is as follows:

At the appropriate place in the bill, add the following new section—

"SEC. . REPORT ON DISMANTLEMENT OF NUCLEAR WEAPONS OF THE FORMER SOVIET UNION.

(a) REPORT.—In the report required by Section 1207 of Title XII, PL 103-160 and due on April 30, 1994, to be submitted to the President, as prepared by the Secretaries of State and Defense in consultation with the Arms Control and Disarmament Agency and the Central Intelligence Agency, shall include the following:

(i) The anticipated timetable for dismantlement of the former Soviet Union nuclear and chemical weapons and the status of stocks and production capacity in the Russian Federation, Ukraine, Kazakhstan and Belarus and how appropriated funds are being used to effect this purpose;

(ii) The cost of each activity carried out to date, as well as each projected activity;

(iii) The United States agency or host country agency responsible for each element of the project;

(iv) Obstacles that might hinder the effective use of U.S. funds in dismantling nuclear and chemical weapons in each of the four nuclear republics of the former Soviet Union and recommendations for overcoming these obstacles;

(v) The specific impact of U.S. funds on the pace and quality of nuclear and chemical weapons dismantlement in each of the four republics;

(vi) A classified appendix detailing actual reduction in weapons and capabilities as a result of the expenditure of U.S. funds."

Mr. HELMS. Mr. President, rather than run the risk of having some error discovered too late, I suggest the absence of a quorum while we check with the clerks on the numbers of some of these amendments because there has been a flurry of them. I do not want to put the clerks in an untenable position and I do not want to be in one myself.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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, regular order.

The PRESIDING OFFICER. The question occurs on the passage of amendment 1343, as modified.

The amendment (No. 1343), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. KERRY. Mr. President, I believe if I am correct, and my good colleague in arms here, that we have now taken care of the large number of amendments which were on the list at 6 o'clock, leaving us with only 1 amendment to vote on tomorrow morning, and then with final passage.

Before propounding a unanimous-consent request—let me just propound it. I think that is better to get it out of the way and we will get locked in here.

UNANIMOUS-CONSENT AGREEMENT

Mr. KERRY. Mr. President, I ask unanimous consent that when the Senate resumes consideration of S. 1281, at 11 a.m. tomorrow morning, the Senate, without any intervening action or debate vote on or any relation to Senator LOTT's amendment No. 1315; that the Helms amendment No. 1316 be withdrawn upon the granting of this consent agreement; that immediately upon the disposition of the Lott amendment No. 1315, S. 1281 be read a third time; that the House companion, H.R. 2333, be discharged from the Foreign Relations Committee and the Senate proceed to its immediate consideration; that all after the enacting clause be stricken and the text of S. 1281, as amended, be substituted in lieu thereof and the Senate vote on final passage of H.R. 2333, as amended; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses and the Chair be authorized to appoint conferees; that the preceding all occur without intervening action or debate; and that upon disposition of H.R. 2333, S. 1281 be indefinitely postponed.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PROVISIONS RELATING TO THE TAIWAN RELATIONS ACT

Mr. BAUCUS. Mr. President, I rise to discuss the provision in this bill relating to the Taiwan Relations Act and the 1982 Sino-United States Joint Communique, announced in Shanghai by the Reagan administration and the Government of the People's Republic of China. While we will not consider a floor amendment relevant to the provision, it is a critical issue and one which I hope the conference committee will consider very carefully.

Secretary of State Warren Christopher today sent me the following letter explaining his views on the provision. I ask unanimous consent that it be included at this point in the RECORD. He makes some important points, which I think deserve our review.

The provision declares that the Taiwan Relations Act of 1979 supersedes the Shanghai Communique. Using the term "supersedes" implies that the provision repeals the communique—not only our statement of policy on arms sales, but the Chinese Government's commitment to peaceful resolution of the Taiwan issue as well. The Secretary raises a serious question about whether this action would risk undermining the present relatively peaceful situation in the Strait of Taiwan.

That is a long-term consideration. We should also consider the short term, because Sino-American relations are today at a critical point. With only 4 months to go before we reach a decision on renewing China's most-favored-nation tariff status, repealing the Shanghai Communique risks an unnecessary dispute with the Chinese Government. It is quite conceivable that opening this dispute would embolden and give credibility to factions within the Chinese Government who oppose taking the steps on human rights cited in the President's Executive order of May 28, 1993.

The provision does raise a serious point about the supremacy of the Taiwan Relations Act's legal requirements over the policy statement of the communique. The act requires us to meet Taiwan's legitimate security needs, and I strongly support that requirement. However, the Secretary addresses this in his letter. By reaffirming that the Taiwan Relations Act takes legal precedence over the communique, he implicitly states that, while the Shanghai Communique and the Taiwan Relations Act do not now conflict with one another, should they ever come into conflict we would proceed under the act.

Finally, there are some aspects of our Taiwan policy which I believe we should review. For example, we avoid official contact with leaders of the Taiwanese Government. This is a damaging and irrational policy. They are democratically elected leaders of our sixth largest trading partner, and refusing to speak with them serves neither our economic nor political interests. I also find the policy simply embarrassing, and we should end it as soon as possible.

However, proceeding to repeal the communique through legislation is a very risky step. I would hope the conference committee considers the points the Secretary raises in his letter very seriously.

THE SECRETARY OF STATE,
Washington, DC, January 31, 1994.

Hon. MAX BAUCUS,
U.S. Senate,
Washington, DC.

DEAR SENATOR BAUCUS: Thank you for your continuing interest in our China policy and the effects of Section 707 of S. 1281, which would amend the Taiwan Relations Act on the issue of arms sales to Taiwan. I am strongly opposed to this amendment. By declaring that the Taiwan Relations Act "supersedes" the 1982 Joint Communique between the United States and the People's Republic of China, this amendment would risk undermining the foundation of the peace and stability we have helped create in the Taiwan Strait over the last fourteen years.

Furthermore, there is no reason to pass such an amendment. The 1982 Communique does not in any way detract from our commitment in the Taiwan Relations Act to provide for Taiwan's security. Each Administration, including this one, has affirmed that the Taiwan Relations Act takes legal precedence over the 1982 Communique. The Taiwan Relations Act is the law of the land; the 1982 Communique is a statement of policy. The two are complementary and serve the same basic objective—the peaceful resolution of the Taiwan issue. This Administration is fully meeting, and will continue to meet, its commitments in providing for Taiwan's legitimate defense needs.

In sum, the Sino-American Communiques, including the 1982 Communique, and the Taiwan Relations Act have, through the administrations of both political parties, formed the framework for peace and stability in the Taiwan Strait for two decades. It is not in the interests of the United States to dismantle it.

Thank you again for your interest in this issue.

Sincerely,

WARREN CHRISTOPHER.

STATE DEPARTMENT REORGANIZATION—BUREAU FOR REFUGEE PROGRAMS

Mr. HATFIELD. Mr. President, as my colleagues know, I have long been an

advocate for refugees around the world. Having just returned from Southeast Asia, I feel reinforced in my commitment to the refugee cause. Thus, I rise today to voice my concerns about the reorganization of the Bureau for Refugee Programs which is included in the authorization bill before us.

The State Department's reorganization plan creates a new Assistant Secretary position to head the new Bureau of Population, Refugees and Migration. It abolishes the position of the Ambassador at Large and Coordinator for Refugee Affairs, and transfers the responsibilities of the coordinator for population affairs to this new Bureau. While I am a strong supporter of population programs, I am concerned that by combining population, refugees, and migration, the emphasis on refugees will be diminished.

The Bureau for Refugee Programs was created in 1979 when it became apparent that refugee affairs were not getting the focus needed under the combined Bureau of Human Rights and Humanitarian Affairs. Since 1979, this Bureau has served to highlight the critical importance of overseas refugee assistance and U.S. admissions, and has for years been the central advocate for humane and effective refugee policies. I am concerned that this new combination with population policy will lessen the visibility of a Bureau that has played a critical role in operating the refugee program.

In a recent report released by the U.N. High Commissioner for Refugees, the current worldwide refugee population is estimated at 18.2 million—up from 11 million just 10 years ago. Although the number of refugees in Southeast Asia has decreased, significant numbers of refugees are in crisis in the former Yugoslavia, Haiti, and throughout Africa. Clearly, refugee issues are as important today as they were in 1979, when the Bureau for Refugee Programs was created. Any diminished role on refugee issues would be a tragic mistake.

I considered introducing an amendment to the pending legislation to retain the status quo by reinstating the Bureau of Refugee Programs. In fact, during the last few days I have had several conversations with State Department Counselor Tim Wirth expressing my concern about this new combination. During those conversations, I was assured by Counselor Wirth that the President will appoint the current Senior Deputy Assistant Secretary for Refugee Programs, Phyllis Oakley, to head the new Bureau of Population, Refugees and Migration. Although Ms. Oakley's refugee background is limited to her short tenure at the Bureau for Refugee Programs, she is a distinguished senior foreign service officer who has expressed her commitment to refugee affairs. It is my hope that she will use this opportunity to continue as a strong advocate for refugees—a population without a constituency.

I have decided not to propose this amendment because I respect the right of the executive branch to manage its agencies. I intend, however, to keep a careful watch over this new reorganization. It is a critical time for refugees around the world and the United States cannot afford to play a lesser role in the humanitarian protection of these individuals.

IN SUPPORT OF AMENDMENT 1299

Mr. BINGAMAN. Mr. President, I appreciate the support of Senator KERRY and Senator HELMS for the amendment adopted last Friday by unanimous consent on providing notice to the Congress on certain events involving the Missile Technology Control Regime. I want to briefly use this opportunity to explain the background of the amendment. This would have been done on Friday, but the person staffing this matter for me slipped on the ice outside his home, injured his back, and stayed home to recover. Therefore my statement did not get entered in the RECORD when amendment 1299 was adopted.

Mr. President, this is a very simple provision. It follows up on concerns which several of us expressed to the administration last summer with regard to any move to decontrol space launch vehicle technology within the Missile Technology Control Regime. In the fiscal year 1994 Defense authorization bill, Congress adopted a sense-of-the-Congress resolution, section 1614, which Senator MCCAIN, Senator GLENN, and I had offered during Senate debate on the bill and which Congressman KYL offered during House debate on that bill. That resolution supported a strict interpretation of the MTCR by the United States concerning the inability to distinguish space launch vehicle technology from missile technology and the inability to safeguard space launch vehicle technology in a manner that would provide timely warning of the diversion of such technology to military purposes.

The Vice President and other administration officials gave a fair hearing to our views on this matter. But to be honest, I was disappointed with the policy announced last September 27 because, while it made it clear that we thought new space launch vehicle programs were uneconomic and posed proliferation dangers, it held out the possibility we would in rare instances on a case-by-case basis approve SLV cooperation with our MTCR partners, beyond the cooperation with the European Space Agency and Japan that had been grandfathered in the original 1987 MTCR agreement. Our policy also envisioned requiring, as an admission criterion for new MTCR partners, that they give up offensive ballistic missile programs, but not SLV programs. In light of the indistinguishability between SLV's and ballistic missiles, which CIA Director Jim Woolsey has testified to, and which the RAND Corp. has written extensively about, and in light of our success in recent years in persuading Argentina, South Africa, and Taiwan to forgo SLV programs, we believe that opening these loopholes in the MTCR runs the risk of turning a nonproliferation regime into a proliferation regime, as the RAND report put it.

My amendment puts the Congress in a position to monitor executive branch execution of the policy announced September 27, 1993. In the rare instances where the administration grants export licenses for SLV programs of MTCR partners, the President must report to the Congress on his rationale for doing so 30 days before granting the license. Even the 30-day waiting period may be waived if the President determines our national security interests so warrant or if the export involves one of the grandfathered programs with which we have a longstanding relationship, such as Ariane or the Japanese H-2 launcher. This amendment is not meant in any way to encumber those longstanding relationships. It is meant to give pause to and guarantee a dialogue on support of new SLV programs, even of MTCR partners.

The second part of the amendment provides for a similar consultation before the United States gives its assent to new MTCR partners. The President is to give Congress 30 days' notice on such new partners, including a discussion of all relevant information concerning the proposed new partner's nonproliferation policies, practices, and commitments. It is my hope that the administration will be able in almost all cases to persuade new partners to forgo both any offensive missile programs and any space launch vehicles programs. If the administration does not succeed in obtaining such commitments, we should examine the implications before expanding MTCR membership. Again, my amendment gives the President a waiver of the 30-day waiting period if he determines our national security interests so warrant, but I would hope that such a waiver would be very rare, since the timetable for discussions on new members is usually very clear and predictable.

Mr. President, the administration needs to continue to talk with Congress on these matters on a routine basis and on a bipartisan basis. My amendment formalizes such a consultation at really critical moments, but ongoing consultations on other nonproliferation matters is also needed. All of our nonproliferation regimes are constantly under challenge from economic interests or other foreign policy interests here and abroad. It is an enormous challenge to keep them viable in the face of such pressures.

Mr. President, let me conclude by again thanking Senator HELMS and

Senator KERRY for their support of this amendment last Friday. I hope that it will be accepted by the House conferees in the upcoming conference.

Mr. KERRY. Mr. President, I am informed that we will momentarily have some closing business, wrap-up, as it is known. But before we enter into that, I would like to personally thank the distinguished Senator from North Carolina. We have disagreed on some of the amendments here, but I would say that we have had an extraordinarily cooperative effort. We moved an enormous amount of legislative business. I think we have done so expeditiously and with minimum inconvenience to colleagues in the Senate.

As all of us know, none of this happens with the two of us standing here. I would like to thank Nancy Stetson and Steve Polansky and Mary Stakem for their terrific assistance in this effort.

I would like to thank the staff of Senator HELMS: Adm. Bud Nance, Steve Berry, Elizabeth Lambird for their assistance.

I would also like to thank Ed King of Senator MITCHELL's staff and Randy Scheunemann and Mira Baratta of Senator DOLE's staff for their help in the process, and particularly to the assembled staff of the Senate Foreign Relations Committee of all of the Senators and, indeed, of the committee itself, all of whom have chipped in to help move this process.

Again, Mr. President, I would say we always have a choice on the floor. There is enough room for contentiousness in all of these issues and there are enough issues to fill up any legislative calendar on any one bill. It takes a concerted effort by a lot of Senators cooperating to wear those down, to come to agreement, build a consensus and move the process forward.

I really want to thank the distinguished Senator from North Carolina for his good faith in that effort.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I certainly reciprocate the kind words of the Senator from Massachusetts. It has been a pleasure. Sometimes occasionally it is like going to a dentist, but we all live through it. But it has been a rewarding experience. I say that with all sincerity.

I do not think it is very often done, but I want to thank the ladies and gentlemen, the Parliamentarian, the clerks and all the rest for their patience. We take them for granted, but I watch them, and I have watched them for 21 years. They are great people. They are diligent and dedicated.

I want to pay my respects to Bud Nance, Adm. James Wilson Nance, who is the chief of staff for the minority on the Foreign Relations Committee for his attention to this bill. He could not have done it without one of the finest groups of young people I have ever seen operate in the Senate or elsewhere: Steve Berry, Elizabeth Lambird, Danielle Pletka, Chris Walker, Garrett Grigsby, Tom Callahan, Matt Reynolds, Anne Smith, Nancy Ray. I must pay my respects to Senator KERRY's staff, Nancy Stetson and Steve Polansky. It has been remarkable to watch the two teams work together, particularly this evening because we have moved a lot of paper now.

So with that, I thank the Chair and I yield the floor.

Mr. KERRY. Mr. President, I think we are about to momentarily proceed to some wrap-up. As the able staff prepares us for that, let me also thank, if I can for a moment, the distinguished chairman of the Foreign Relations Committee who was here most of the day but who left just a little while ago. Without his support within our committee for the committee structure that he helped put together, I do not think we would have developed the kind of consensus that we have been able to develop on these pieces of legislation that have usually been very contentious. But I do think that Senator PELL's trust in the subcommittees and his willingness to build that consensus and bring it to the full committee and subsequently to the floor has helped us enormously to eliminate a lot of the sticking points which previously allowed this legislation to get stuck.

I want to thank the Senator and I certainly appreciate his confidence and trust in allowing us to proceed in that way.

MORNING BUSINESS

Mr. KERRY. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business.

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

OREGON'S HOSPITALS ARE AMONG THE MOST EFFICIENT IN THE NATION

Mr. HATFIELD. Mr. President, the Nation has turned its hearts and minds towards health care reform. President Clinton has rightfully identified a crisis in our society and it is now up to the policy makers of our country to provide solutions to this epidemic. In addition, the Nation's Governors are meeting this week to discuss a number of important issues including health care reform. One of the issues highlighted in Sunday's Washington Post was the desire of the States to retain flexibility in implementing comprehensive reform. As we focus on national health care reform, a few lessons can be learned from the State of Oregon.

As my colleagues know, Oregon is one of the States that is out in front in enacting and implementing health care reform. In fact, today Oregon's innovative Medicaid expansion goes into effect to bring basic health care coverage to an additional 120,000 Oregonians. But, Oregon is progressive in the private sector of health care as well. I was reminded of this when I met with representatives from the Oregon Association of Hospitals earlier today. That is why I come before the Senate now.

In a recent study, HCIA Inc., a firm that analyzes the hospital industry, examined 5,600 hospitals around the Nation and ranked the 100 best performers. Oregon led the Nation with 11 out of the 100 top performers—more than any other State. The efficiency rankings of independently-owned acute care hospitals were based on first, shortening lengths of stay, second, reducing mortality and morbidity rates, and third, improving facilities.

In addition to the HCIA report, data collected in 1992 by the American Hospital association indicates that despite its high percentage of population over 65: Oregon has the shortest average length of hospital stay in the nation—5.05 days versus 7.12 days national average; Oregon ranks among the lowest in hospital inpatient days in the Nation—502.4/1000 versus 866.6/1000 national average; Oregon ranks 36th in adjusted expenses per hospital admission—$682 lower than the national average; and Oregon ranks 42d in hospital expenses per capita—21 percent below the national average.

This phenomenal success can be attributed to the State of Oregon's local control over health care. Oregon has decided not to regulate the cost of health care and the hospitals have responded by working hard with business to cut costs. To put Oregon's experience in perspective—the data indicates that if the U.S. average hospital expenditures per capita had been the same as Oregon's in 1992, the Nation would have saved over $50 billion of its $248 billion in hospital expenditures that year.

Mr. President, it would be tragedy if national health care reform would suppress the tremendous reforms that are proceeding at a rapid pace in Oregon and other States around the Nation. The States need to be allowed to forge their own reforms to ensure positive change in the event that the Federal Government fails to act.

There is no doubt that health care reform is needed at the national level to achieve universal access to health care for all Americans. I am a strong believer, however, in the flexibility of States to enact innovative and creative programs to accomplish this and to help the Federal Government develop its database to enact needed Federal reforms. I expect to work with my colleagues in the Senate as the debate on health care reform continues to ensure that the States maintain flexibility and localized control in health care.

Mr. President, at this time I would like to ask unanimous consent that a copy of an article from the Oregonian highlighting the HCIA, Inc. rankings be inserted in the RECORD following my remarks.

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

[From the Oregonian, Jan. 14, 1994]

STATE HOSPITALS TOP U.S. EFFICIENCY LIST

(By Vince Kohler)

Oregon's hospitals are the most efficient in the nation, according to a report released Thursday.

The report ranked 11 hospitals in Oregon—more than any other state—and five in Washington among the nation's 100 best performers.

The annual report by HCIA Inc. of Baltimore, a firm that analyzes the hospital industry, is considered among the most definitive in the health care sector.

The study said that at least $14 billion—and maybe as much as $28 billion—could be saved if the U.S. hospital system improved its clinical and financial efficiency. HCIA said money could be saved in part by emulating the 100 most efficient hospitals.

Oregon had the most hospitals on the top-100 list, followed by Wisconsin with nine. California and Michigan tied for third place, each with eight hospitals. Washington, Ohio and Indiana were in fourth place, each with five on the list.

The William M. Mercer Inc. analyst firm processed numbers for the study, which analyzed 1992 federal Medicare data from 5,600 hospitals nationwide to arrive at the rankings.

Lowell E. Lichtenberg, a principal in Mercer's Portland office, said hospitals that made the top 100 were notified Wednesday and Thursday. The list was made public Thursday morning. It listed the hospitals alphabetically and did not give specific rankings.

Making the list will be a boost for administrators planning for national health care reform, likely attracting business to those institutions classed as the nation's most efficient, Lichtenberg said.

"One hundred hospitals in 33 states made the list, and 16 percent of them were in Oregon and Washington," Lichtenberg said. "It's phenomenal, really."

Lichtenberg said HCIA's study was confined to independently administered acute-care hospitals.

Publicly funded or controlled hospitals and chain-owned hospitals under centralized administration were not included.

Specialty hospitals such as children's hospitals and psychiatric hospitals also were not part of the study.

"Investor-owned hospitals have a different measure of debt," Lichtenberg explained. "And in states such as New York, where they regulate hospital spending," costs are "artificially controlled."

Oregon does not regulate hospital costs.

Washington regulates them to some degree but not to the extent of New York and a number of other eastern states, he said.

The 100 hospitals charge their customers significantly less than average—as much as 21.2 percent less, depending on the type of hospital.

Mortality was from 9.3 percent to 14.6 percent lower than average and length of patient stay was from 10.6 percent to 26 percent shorter than average, according to the report.

The top 100 hospitals also are relatively profitable, the report said.

Keys to efficiency included: Shortening length of stay; reducing mortality and morbidity rates; improving facilities.

Oregon hospitals have taken steps such as these, as the state's big health care networks jockey for business by cutting costs.

"I guess we won a contest we didn't know we were in," said James E. May, president and chief executive officer of Legacy Portland Hospitals, which owns Good Samaritan Hospital & Medical Center, one of the listed hospitals.

"We have worked real hard over the last three to four years on the cost side of the equation. . . . I'm pleased to see that our efforts are paying off."

Larry Dodds, president and chief executive officer of Portland Adventist Medical Center, said the staff of the 302-bed hospital had worked for years to cut costs while keeping up the quality of medical care.

"I think that Oregon has led the nation in terms of managed care, attention to costs," he said.

"As a state, we rank among the lowest for cost of medical care," Dodds said.

The report broke the 5,600 hospitals studied into groups, including academic medical centers, other teaching hospitals with more than 250 beds, nonteaching hospitals with more than 250 beds, urban hospitals with fewer than 250 beds and rural hospitals with fewer than 250 beds.

It then analyzed Medicare cost reports and patient discharge data, adjusting for severity of illness and geographic differences.

These Northwest hospitals are among the 100 most efficient in America.

OREGON

Good Samaritan Hospital & Medical Center, Portland; Good Samaritan Hospital, Corvallis; Grande Ronde Hospital, La Grande; Josephine Memorial Hospital, Grants Pass; Lebanon Community Hospital; Portland Adventist Medical Center; Providence Medical Center, Portland; Sacred Heart General Hospital, Eugene; St. Charles Medical Center, Bend; St. Vincent Hospital and Medical Center, Portland; Willamette Falls Hospital, Oregon City.

WASHINGTON

Washington hospitals on the list were: Deaconess Medical Center, Spokane; General Hospital Medical Center, Everett; St. John's Medical Center, Longview; St. Mary Medical Center, Walla Walla; University of Washington Medical Center, Seattle.

IDAHO

Madison Memorial Hospital in Rexburg, Idaho.

THE CALENDAR

Mr. KERRY. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the immediate consideration of Calendar Nos. 350, 351, 352, 353, 354, 355, 356, 359, 360; that the bills be deemed read three times, passed and the motions to reconsider laid upon the table, en bloc; further, that the consideration of these items appear individually in the RECORD, and any statements relative to these Calendar items appear at the appropriate place in the RECORD.

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

BYRON WHITE FEDERAL COURTHOUSE

A bill (S. 812) to designate the Federal Courthouse in Denver, CO, as the "Byron White Federal Courthouse," and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 812

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal Courthouse in Denver, Colorado, is designated as the "Byron White Federal Courthouse".

SEC. 2. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the building referred to in section 1 is deemed to be a reference to the Byron White Federal Courthouse.

Mr. CAMPBELL. Mr. President, I am pleased that the bill I introduced last April to designate the Federal Courthouse in Denver, CO, the Byron White Federal Courthouse has passed in the Senate today.

As you may know, former Supreme Court Justice Byron White is a native of my State of Colorado and served with distinction on our highest court from 1962 until his recent retirement in June 1993. It's a great honor for the people of the city of Denver and the State of Colorado to have its new Federal courthouse named after Byron White, the only Coloradoan to sit on the Supreme Court.

U.S. Justice White was born in Fort Collins and grew up in Wellington, CO. He was a Phi Beta Kappa graduate of the University of Colorado, a Rhodes scholar at Oxford University and a Yale Law School graduate. I would be remiss, at this point, if I did not mention Byron White's achievement on the football field which made Coloradoans proud of him decades before he was nominated to the Supreme Court. Byron White, nicknamed "Whizzer," led the University of Colorado football team to an undefeated season and a victory in the Cotton Bowl in the 1937–38 season.

He began his legal career as a law clerk for then-Chief Justice Fred Vinson before returning to Colorado where he practiced law for 14 years. Byron White served as Deputy Attorney General under Attorney General Robert Kennedy and then was appointed to the Supreme Court by President John F. Kennedy.

As you know, Mr. President, Byron White stepped down from the Supreme Court at the end of the last session in June 1993. His commitment to our judicial system and his many years of service to this country cannot be understated. I can think of no better way to acknowledge Byron White's achievements than to designate the new Denver Federal courthouse after him.

Although Byron White no longer sits on the Supreme Court, I believe his contribution to our State and this country will continue to be seen and will be reflected in the new Byron White Federal Courthouse.

FREDERICK C. MURPHY FEDERAL CENTER

A bill (S. 1206) to redesignate the Federal building located at 380 Trapelo Road in Waltham, MA, as the "Frederick C. Murphy Federal Center," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1206

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The Federal building located at 380 Trapelo Road in Waltham, Massachusetts, and known as the Waltham Federal Center, shall be known and designated as the "Frederick C. Murphy Federal Center".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Frederick C. Murphy Federal Center".

BRIEN McMAHON FEDERAL BUILDING

A bill (S. 1314) to designate the United States Courthouse located in Bridgeport, Connecticut as the "Brien McMahon Federal Building, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1314

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Courthouse located at 915 Lafayette Boulevard in Bridgeport, Connecticut shall be designated as the "Brien McMahon Federal Building". Any reference in a law, regulation, map, document, record, or other paper of the United States to that building shall be deemed to be a reference to the Brien McMahon Federal Building.

Mr. LIEBERMAN. Mr. President, I rise to express my strong support for S. 1314, legislation I have introduced with Senator DODD to name the Federal courthouse in Bridgeport, CT, after a distinguished former member of this body, Senator Brien McMahon. A native of nearby Norwalk, Senator McMahon was first elected to the Senate in 1944, and was reelected in 1950. His Senate career tragically was cut short by his untimely passing on July 28, 1952, at the age of 48.

Despite serving in the Senate for only 8 years, Senator McMahon left his mark on our country. As a freshman Senator, Brien McMahon was one of the first to grasp the importance of atomic energy. He introduced and passed legislation to provide for the study of atomic energy and the governmental controls that would be necessary in the post-war era. His efforts lead to passage of the McMahon Act, which was also known as the Atomic Energy Act of 1946. In 1948 he became chairman of the Joint Committee on Atomic Energy, where he was extremely well regarded. He also worked behind the scenes to support the weapons program that would become the free world's security blanket for the next four decades.

The use of the atom was not the only area in which Brien McMahon made great contributions. In the arena of foreign relations, for example, Senator McMahon was the first member of Congress to venture behind the Iron Curtain, where he negotiated an aid program with Marshal Tito, who had just broken with Stalin.

Senator McMahon was also a man of principle. He was one of the first members of this body to challenge the activities of the late Senator Joseph McCarthy. Senator McCarthy even went to Connecticut to campaign against Senator McMahon.

It is particularly appropriate to name a courthouse for Senator McMahon. Before being elected to the Senate, he had a distinguished legal career. A graduate of Yale Law School, he practiced law in Norwalk, CT where he became a judge of the city court in 1933. Later that same year, he was appointed special assistant to U.S. Attorney General Cummings. In 1935, Senator McMahon was appointed Assistant Attorney General in charge of the Criminal Division of the Department of Justice, where he served for 4 years.

For all these reasons, it would be extremely fitting to honor Senator Brien McMahon by naming the Federal courthouse in his memory.

ALBERT V. BRYAN U.S. COURTHOUSE

A bill (S. 1650) to designate the U.S. Courthouse for the Eastern District of Virginia in Alexandria, VA, as the Albert V. Bryan U.S. Courthouse, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF ALBERT V. BRYAN UNITED STATES COURTHOUSE.

(a) NEW COURTHOUSE.—

(1) IN GENERAL.—The Federal building located at Courthouse Square South and Jamieson Avenue in Alexandria, Virginia, shall be known and designated as the "Albert V. Bryan United States Courthouse".

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in paragraph (1) shall be deemed to be a reference to the "Albert V. Bryan United States Courthouse".

(b) OLD COURTHOUSE.—

(1) IN GENERAL.—The Federal building located at 200 South Washington Street in Alexandria, Virginia, shall now be known and designated as the "Albert V. Bryan United States Courthouse".

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building known and designated prior to the effective date of this section as the "Albert V. Bryan United States Courthouse" shall be deemed to be a reference to the Federal building referred to in paragraph (1).

(c) EFFECTIVE DATE.—This section shall become effective on the date of the completion of the construction of the Federal building referred to in subsection (a)(1).

CLARKSON S. FISHER FEDERAL BUILDING AND U.S. COURTHOUSE

A bill (H.R. 1303) to designate the Federal Building and U.S. Courthouse located at 402 East State Street in Trenton, NJ, as the "Clarkson S. Fisher Federal Building and U.S. Courthouse, was considered, ordered to a third reading and passed.

Mr. LAUTENBERG. Mr. President. I stand today to ask my colleagues to support H.R. 1303 which will designate the new courthouse building in Trenton as the "Clarkson S. Fisher Federal Building and U.S. Courthouse." This legislation passed the House on May 4, 1993 and was approved by the Senate Committee on Environment and Public Works on January 27, 1994.

By naming this new courthouse after Judge Clarkson S. Fisher we are recognizing a man who has dedicated some 35 years of his life to public service. This tribute is appropriate and richly deserved by a man who has given so much to the State of New Jersey and to our country.

The greatest tribute to Judge Fisher's abilities comes from his colleagues. Judge Fisher's fellow judges have requested that Congress bestow this honor on a man whom they feel typifies fairness, compassion and impartiality, the highest qualities that members of their profession strive everyday to achieve.

From 1958 to 1964 Judge Fisher served as councilman in West Long Branch, NJ. After the 1963 election, Judge Fisher was appointed to the Monmouth County Court, where he served until being appointed to New Jersey's Superior Court in 1966.

It was in 1970 when Judge Fisher's talents were recognized at the Federal level and he was appointed by President Nixon to sit on the U.S. District Court. This is the level at which he has served with distinction for the past 23 years. At the U.S. District Court he served as associate, and then chief judge, and now senior judge.

As we all know public service has its costs. However, Judge Fisher never lost sight of the most important thing in life, his family. Married in 1949 to his lovely wife Mae, they raised four sons:

Albert James, Clarkson, Jr., Scott and Daniel.

Again, I urge passage of H.R. 1303 to honor Judge Clarkson S. Fisher, public servant and loving husband and father.

A. MACEO SMITH FEDERAL BUILDING

A bill (H.R. 2223) to designate the Federal Building at 525 Griffin Street in Dallas, TX, as the "A. Maceo Smith Federal Building," was considered, ordered to a third reading and passed.

POTTER STEWART U.S. COURTHOUSE

A bill (H.R. 2555) to designate the Federal Building located at 100 East Fifth Street in Cincinnati, OH, as the "Potter Stewart U.S. Courthouse," was considered, ordered to a third reading and passed.

GEORGE ARCENEAUX, JR., U.S. COURTHOUSE

A bill (H.R. 3186) to designate the U.S. Courthouse located in Houma, LA, as the "George Arceneaux, Jr., U.S. Courthouse," was considered, ordered to a third reading and passed.

EDWIN FORD HUNTER, JR., U.S. COURTHOUSE

A bill (H.R. 3356) to designate the U.S. Courthouse under construction at 611 Broad Street, in Lake Charles, LA, as the "Edwin Ford Hunter, Jr., U.S. Courthouse," was considered, ordered to a third reading and passed.

JOHN MINOR WISDOM U.S. COURTHOUSE

Mr. KERRY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 358, H.R. 2868, designating the John Minor Wisdom U.S. Courthouse.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2868) to designate the Federal building located at 600 Camp Street in New Orleans, LA, as the John Minor Wisdom U.S. Courthouse.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1355

(Purpose: To correct the name of the building)

Mr. KERRY. Mr. President, I send an amendment on behalf of Senators JOHNSTON and BREAUX to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for Mr. JOHNSTON, for himself and Mr. BREAUX proposes an amendment numbered 1355.

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

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

The amendment is as follows:

On page 1, line 6, strike "Courthouse" and insert "Court of Appeals Building".

On page 2, line 6, strike "Courthouse" and insert "Court of Appeals Building".

Amend the title so as to read: "An Act to designate the Federal building located at 600 Camp Street in New Orleans, Louisiana, as the 'John Minor Wisdom United States Court of Appeals Building', and for other purposes.".

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

The amendment (No. 1355) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 2868), as amended, was passed.

Mr. KERRY. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. 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 which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE STATE OF SMALL BUSINESS—MESSAGE FROM THE PRESIDENT—PM 80

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 Small Business.

To the Congress of the United States:

I am pleased to present my first annual report on the state of small business. This report covers data for fiscal year 1992, a period of slow economic recovery that occurred just before my Administration took office.

Small businesses create many new jobs and are an important part of our Nation's economic growth. That is why, in my first address to the Joint Session of the Congress, I proposed some of the boldest targeted incentives for small business in history. These measures will benefit not only small businesses, but the American work force, our Nation's economy, and our international competitiveness.

At the same time, we must undertake some major corrective efforts. As small business owners will testify, the best thing the government could do for small business and the economy is to reduce the deficit. The primary goal of the economic program is to set the economy on the proper course for the short- and long-term future. Deficit reduction and shifting consumption to investment are the ways to accomplish that goal.

Reducing health care costs while ensuring that all Americans have access to health care is another national imperative. I have said it before: bringing health spending in line with inflation would do more for the private sector than almost any incentive or tax cut we could promote. At the same time, we must find a way to provide health care for everyone. Currently two-thirds of the Americans without health insurance are employed—many in small businesses. My health care task force has evaluated many proposals to ensure that health care is available to small business employees and affordable for small business owners. It will take time to change our health care system, but we are taking the important first steps.

We will also need to keep looking for better ways to provide for workers upon retirement. As this report documents, pension plans, like health plans, are much less available and affordable in small businesses. And as the baby boom generation moves toward retirement, issues related to Social Security and pension plan availability take on new urgency.

Beyond these long-range efforts, I have asked the Congress to join me in investing in small business and economic growth through specific tax incentives, capital formation initiatives, enterprise and empowerment zones, technology investments, and education and job training efforts.

To encourage long-term investment in small business, I supported—and the Congress passed—a 50 percent tax exclusion on capital gains from investments in qualified small business stock held for at least 5 years. This incentive, which will help small businesses

raise critically needed capital, is projected to create 80,000 new jobs over the next 5 years. I also favored such an exclusion for investment in small business venture capital firms targeting investments to minority-owned businesses. Another small business incentive I supported increases the "Section 179" expensing limitation from $10,000 to $17,500, which will enable a number of smaller firms to purchase equipment needed for modernization and growth.

My Administration supports easing the regulatory burden on small firms so that more of the time spent filling out paperwork—especially complicated or duplicative paperwork—can be used for more productive activities. There are a number of measures we can take. We have already simplified the computation of certain taxes such as the alternative minimum tax and we have eased the safe harbor rules related to the individual estimated tax. And we can ensure that Federal agencies comply with the Regulatory Flexibility Act, which requires them to assess the effects of their proposed regulations on small firms.

Recent low interest rates have made resources more available to consumers for purchasing the products and services of American business and have made loans somewhat less expensive for the business community. In addition, I have proposed a number of measures to make capital more available to small business. To ease the "credit crunch" faced by many small firms, new provisions are loosening restrictions on banks so they can more easily make "character" loans, easing appraisal requirements for real estate used as collateral for small business loans, eliminating overlapping Federal regulations on lending institutions, and establishing an appeals process for banks and consumers who believe they have been unfairly treated by regulators.

Small and minority-owned businesses would also benefit from a strengthened system of community development banks. A proposed Community Development Banking and Financial Institutions Fund would support investment in community development financial institutions (CDFIs). These CDFIs would be a source for loans and technical assistance to individuals and businesses in communities underserved by traditional lending institutions.

Another way we plan to support the growth of new small enterprises, especially in economically depressed areas, is through the establishment of empowerment zones, enterprise communities, and rural development investment areas. The zones and communities will be nominated by State and local governments and chosen on a competitive basis after certain criteria based on population, geographic area, and poverty level are met. Businesses in these designated communities can take advantage of expanded tax-exempt financing. Businesses in empowerment zones will be given additional employment credits and tax incentives.

Only by fully developing our technological and human resources can we expect to be leaders in the international marketplace. That means investment in technology and worker skills.

There are a number of actions we can take to remain technologically competitive. We can extend the research and experimentation tax credit to encourage more research activities by American small businesses. I would like to see an expansion of the Small Business Innovation Research program, which, as documented in this report, helps channel Federal research funding to innovative small firms. I support a strong Small Business Technology Transfer program in which small businesses work with Federal laboratories and universities to develop promising technology and introduce it into the marketplace. The manufacturing extension centers we have proposed would help small- and medium-sized businesses evaluate new manufacturing technology. And I'd like to see an expansion of the Commerce Department's Advanced Technology Program, which provides matching grants to companies working on generic technology. Finally, we need to speed up computer networks and coordinate Federal information and telecommunications policy.

We are looking at innovative ways to employ, train, and provide for a work force second to none. To begin with, we have extended the targeted jobs tax credit, which is available to employers who hire economically disadvantaged youth and members of specific at-risk groups. But that is just a small part of a large picture: many State, local, and private groups are experimenting with innovative ways to develop and train a competitive work force for the 21st century.

Clearly, our Nation faces many challenges. Fortunately, we face them with an almost limitless resource—the variety and ingenuity of the American people. If we can meet our national challenges with the energy and innovative spirit of America's small business owners, we will be doing very well. So I encourage the Members of Congress, together with young people and small business owners and all Americans to reach into your imaginations: dream boldly and begin something new.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 1, 1994.*

MESSAGES FROM THE HOUSE

At 6:49 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2144. An act to provide for the transfer of excess land to the Government of Guam, and for other purposes.

MEASURES REFERRED

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

H.R. 2144. An act to provide for the transfer of excess land to the Government of Guam, and for other purposes; to the Committee on Energy and Natural Resources.

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-2024. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on the Hybrid Vehicle Program; to the Committee on Appropriations.

EC-2025. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, the final sequestration report for fiscal year 1994; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition and Forestry, to the Committee on Armed Services, to the Committee on Banking, Housing and Urban Affairs, to the Committee on Commerce, Science and Transportation, to the Committee on Energy and Natural Resources, to the Committee on Environment and Public Works, to the Committee on Finance, to the Committee on Foreign Relations, to the Committee on Governmental Affairs, to the Committee on the Judiciary, to the Committee on Labor and Human Resources, to the Committee on Small Business, to the Committee on Veterans Affairs, to the Select Committee on Intelligence, and to the Committee on Indians Affairs.

EC-2026. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, a report entitled "The Economic and Budget Outlook: Fiscal Years 1995-1999"; referred jointly, pursuant to the order of August 4, 1977, to the Committee on the Budget, and to the Committee on Governmental Affairs.

EC-2027. A communication from the Secretary of Energy, transmitting, pursuant to law, the report of the Technology Transfer and Economic Development Plan for the Savannah River Site; to the Committee on Armed Services.

EC-2028. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report on the Environmental Scholarships, Fellowships and Grants; to the Committee on Armed Services.

EC-2029. A communication from the Chairman of the Board of Directors of the Panama Canal Commission, transmitting, pursuant to law, the report, including unaudited financial statements, for fiscal year 1993; to the Committee on Armed Services.

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. BOND (for himself and Mrs. KASSEBAUM):

S. 1813. A bill to make additional funds available to repair damage from the Midwest floods of 1993 through the wetlands reserve program, to make certain non-Federal levees are eligible for assistance under the Federal levee rehabilitation program, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DASCHLE (for himself, Mr. HARKIN, Mr. GRASSLEY, Mr. FEINGOLD, Mr. BOREN, Mr. WELLSTONE, Mr. BREAUX, Mr. KOHL, Mr. DOLE, Mr. CONRAD, Mr. DORGAN, and Mr. DURENBERGER):

S. 1814. A bill to amend the Internal Revenue Code of 1986 to provide that a taxpayer may elect to include in income crop insurance proceeds and disaster payments in the year of the disaster or in the following year; to the Committee on Finance.

By Mr. DOLE (for himself, Mr. D'AMATO, Mr. THURMOND, Mr. SPECTER, Mr. DURENBERGER, Mr. SIMPSON, Mr. CHAFEE, Mr. GORTON, and Mr. MOYNIHAN):

S. 1815. A bill to authorize matching funds for State and local firearm buy-back programs; to the Committee on the Judiciary.

By Mr. LEAHY:

S. 1816. A bill to amend the Child Nutrition Act of 1966 to protect against trafficking in food instruments and other frauds in connection with the special supplemental food program for women, infants, and children (WIC), and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND (for himself and Mrs. KASSEBAUM):

S. 1813. A bill to make additional funds available to repair damage from the Midwest Floods of 1993 through the wetlands reserve program, to make certain non-Federal levees are eligible for assistance under the Federal levee rehabilitation program, and for other purposes; to the Committee on Environment and Public Works.

MIDWEST FLOODS ACT OF 1994

• Mr. BOND. Mr. President, most Missourians could probably understand the tragedy that stuck Californians this month better than most Americans. It was only this past summer that we tangled with Mother Nature and suffered her wrath. The devastating consequences look all too familiar to the people of the Midwest: families trying to reunite with loved ones; homes and workplaces destroyed; and long lines at disaster centers to get help. Our hearts go out to those earthquake victims in California, and we realize that they need and deserve our help. We feel your pain; we understand your hardship.

But I must share a word of warning with the Senators from California after my experiences seeking Federal aid for Midwesterners. There is a different spirit in the Senate and the Nation than prevailed 4 years ago when Californias sought our help for their last earthquake or 3 years ago when you sought our help for riots in your streets. It's a chilling, heartless attitude that disaster victims should fend for themselves, that they may even be to blame for their tragedies.

In previous disasters, emergency aid was sent with haste, without strings, to meet the victims' needs. When one of our neighbors needed our help we did not hesitate nor we tell them how they should live their lives. It was neighbor helping neighbor. When Hurricane Andrew and Hugo hit the east coast, we sent help. When the last earthquake hit California, we helped out.

In the middle of our natural crisis, that neighborly spirit changed. Many demanded that the emergency aid be offset with cuts in other spending. Some fought against our disaster funds. Others have used the tragedy as an excuse to try to tell us how to live our lives. Worst of all, we have been left completely vulnerable to more tragedy and suffering this spring, if it's Mother Nature's whim again. The Senators from California may be confronted by that cold, new attitude this year, and they should be prepared.

The able Senators from California understand the need for vigilant attention to the Government's efforts, but my recent experiences make me believe that there is an even greater need for their persistence now. Recovering from a natural disaster is a long, difficult process. What takes Mother Nature a few brief moments to destroy, takes men and women months, and even years, to rebuild. When the Nation's and the Federal Government's attention has turned elsewhere, the hard work of putting people's lives back in order goes on.

Unnoticed by people far from the Midwest, particularly in our Nation's capital, our Federal Government has quietly abandoned many Missourians and has left tens of thousands more in jeopardy. This spring, when the snows melt and the rains come, my State will likely flood again. The National Weather Service predicts there will be excessive moisture and thus flooding again this spring.

For months, I have pleaded with the Clinton administration to help us prevent another tragedy from occurring, but they have turned away. Now it is too late to save many communities from devastation and homes from ruin, but there's still time to prevent entire sections of Missouri from becoming wastelands.

Today I am introducing legislation that would increase funding by $50 million for the Emergency Wetlands Reserve Program [EWRP] and an additional $50 million to rebuild levees.

Four months after the flood, on December 20, the St. Louis Post-Dispatch reported that the Army Corps of Engineers had only completed emergency repairs on 19 of the more than 500 flood-gouged levees in the Midwest. Now on February 1, that number has increased to 43 levees.

As many as 271 levees remain ineligible for Federal assistance. I introduced an amendment last session that would have allowed ineligible levees to come into the Federal program and make repairs before the spring floods. But the Army Corps of Engineers and OMB said they did not have enough money to fix these levees. I then crafted an amendment to cap spending at $150 million, they still said it cost too much. Thus, with the help of the administration, the corps and environmentalist, my plan was rejected.

Unfortunately, it is not a lack of money that is keeping the administration and the corps from rebuilding. In the President's rescission package, that has now been passed by the House of Representatives, he cut $97,319,000 from the Army Corps of Engineers general construction budget. Almost a $100 million that the corps says they don't need and the administration is saying to cut. The people in the Midwest need the help to protect themselves from spring floods, not excuses why they can't get help.

The Federal Government's plan for levee repair makes no sense. Let me show you a map of levee repair in Missouri.

The legislation I am introducing provides $50 million for the repair of publicly sponsored non-Federal levees under the levee rehabilitation program. It sets up a 75 to 25 cost share program instead of the normal 80 to 20 cost share. It will provide some much needed assistance to Midwest landowners and the second half of the legislation provides for a balanced approach.

The other key part to my legislation also adds $50 million for the Emergency Wetlands Reserve Program.

As a result of the great flood of 1993, millions of acres of fertile farmland are covered with sand. In Missouri alone, 455,000 acres, or 60 percent of the Missouri River bottom lands are damaged by sand deposits and scouring. Nearly 60,000 acres are covered with more than 2 feet of sand. In some places it has been reported that there is as much as 11 feet of sand covering farmland.

The current funding for EWRP is $15 million. Unfortunately, the existing funds will meet little more than half of the demand for EWRP. It has been reported that 43,000 acres of Midwest river bottom land has been offered into the EWRP and that, almost 22,000 acres was offered in Missouri alone. Of that 43,000 offered, 25,000 acres is expected to be accepted into the EWRP. In some cases, whole levee districts have submitted applications to participate in the program.

Increasing funds for EWRP will not only help farmers facing huge economic losses but will accomplish sev-

eral things: First, wetlands will be restored, the environment enhanced and future flooding could be lessened, and second, farmers will have voluntary option instead of just bringing flood-damaged land back into production. This is a win-win for the environment and for our farmers and landowners. We need a balanced approach and this program is a step in the right direction.

We need a balanced approach to river bottom lands. We can't just focus on long-term or short-term approaches; there has to be balance. The legislation that I am introducing today takes a much needed balanced approach. It provides options for landowners to either rebuild or turn lands into wetlands. The key is, landowners have options.

In conclusion, there will be much talk in the coming days of human compassion for the victims of the California earthquake. They have suffered natural consequences and call out for our aid. But where will be the human compassion for the midwesterners who still have their lives in shambles? They cannot return to their homes and lands, because their flood protection is destroyed and the administration refuses help.

I will try to help them. We do not ask for more than we need, but we need all for which we ask. I intend to seek $100 million in aid—$50 million to convert damaged lands to wetlands and $50 million to repair damaged levees. I will link this balanced assistance package to Senate passage of emergency California earthquake relief and plan to use the means necessary to win its enactment.

I do not take this course of action lightly, but only after months of futility and frustration. We have pleaded for this assistance from this administration, but it has not come. Midwesterners are hardy people who are used to fighting Mother Nature's disasters. But floods this spring would be a manmade disaster, and it's clear who would be held accountable. I intend to fight that and to ensure that no parts of my State are left wastelands.●

By Mr. DASCHLE (for himself, Mr. HARKIN, Mr. GRASSLEY, Mr. FEINGOLD, Mr. BOREN, Mr. WELLSTONE, Mr. BREAUX, Mr. KOHL, Mr. DOLE, Mr. CONRAD, Mr. DORGAN, and Mr. DURENBERGER):

S. 1814. A bill to amend the Internal Revenue Code of 1986 to provide that a taxpayer may elect to include in income crop insurance proceeds and disaster payments in the year of the disaster or in the following year; to the Committee on Finance.

TAX TREATMENT OF DISASTER ASSISTANCE ACT OF 1994

● Mr. DASCHLE. Mr. President, I am introducing legislation today to address unnecessary inflexibility in a Tax Code provision that affects farmers who receive disaster assistance.

The importance of this issue is highlighted by the fact that I am joined in this effort by a number of my colleagues, many of whom serve with me on the Senate Finance Committee. Identical legislation is being introduced in the House of Representatives today, as well.

The legislation makes a permanent change to the Tax Code and impacts farmers who received disaster payments as a result of losses sustained from the flooding last year. Due to a number of factors, many of those farmers did not receive their disaster assistance payments until 1994. This may have serious tax consequences for them if they normally would have recognized the income from the crops that were destroyed on their 1993 tax return. Receipt of the disaster payment in 1994 may prevent them from reporting it as income on their 1993 return. This, in turn, will result in a bunching of income on their 1994 return, possibly pushing them into a higher tax bracket than would otherwise be the case. It may also cause them to lose the benefit of personal exemptions and certain nonbusiness itemized deductions.

Ironically, Internal Revenue Code section 451(d) permits a farmer who happened to receive his disaster payment in 1993 to defer recognition of that income for tax purposes until 1994, if that is the year in which he would otherwise have recognized the income from the crops that were destroyed.

The legislation we are introducing today would simply permit the converse result. That is, a farmer who did not receive his disaster payment until 1994 may recognize the payment as income on his 1993 return, if that is when he would otherwise have recognized the income from the crops that were destroyed.

Let me emphasize again that the change made by this legislation would apply to future disasters and disaster payments, not just those arising out of the 1993 flooding.

Mr. President, there really is no reason why the Tax Code should allow flexibility for farmers who want to recognize disaster payments in the year following the disaster, but not for those who receive their payments in the latter year and want to recognize them in income in the year of the disaster. In either case, the farmer would be required to show that he would have received the income from the destroyed crops in the year he is choosing to report the disaster assistance income. Without this two-way rule, we will be imposing significant financial burdens on the very people we sought to assist when we passed the 1993 disaster assistance legislation.

I would also like to make clear that no one is pointing fingers here. The fact is that this situation can arise circumstantially, without fault on anyone's part. The timing of the disaster, the volume of applicants for disaster assistance, and many other factors could result in farmers receiving disaster assistance payments the year after the disaster. This situation was bound to arise sooner or later, and it makes sense to correct it as soon as possible for those who are affected.

It is my intention to aggressively pursue passage of this measure. And I am sure that motivation is shared by those who are joining me in introducing it. We hope that the rest of our colleagues will be sympathetic to the urgency of this issue and join us in seeing that it is passed expeditiously.●

By Mr. DOLE (for himself, Mr. THURMOND, Mr. D'AMATO, Mr. SPECTER, Mr. DURENBERGER, Mr. SIMPSON, Mr. CHAFEE, Mr. GORTON, and Mr. MOYNIHAN):

S. 1815. A bill to authorize matching funds for State and local firearm buy-back programs; to the Committee on the Judiciary.

FEDERAL FIREARM BUY-BACK INITIATIVE ACT

Mr. DOLE. Mr. President, very often the best ideas spring from the grassroots * * * and those of us in Congress should take notice.

One idea that has taken off at the local level involves buying back guns * * * for toys, for clothes, even for tickets to sporting events.

In Chicago, more than a thousand weapons, including a projectile launcher that was featured on the front-page of the Chicago Tribune, were recently exchanged in a guns-for-shoes program sponsored by the Foot Locker Co. and the Chicagoland Chamber of Commerce. Last Christmas, America cheered a young man named Fernando Mateo, a New York City carpet store owner who initiated his own toys-for-guns effort.

And in many other cities throughout the country, local governments and private and community groups have initiated similar gun repurchase programs.

Today, I am introducing legislation that will lend a helping hand to these local initiatives by establishing a Federal gun buy-back program, to be administered by the Attorney General.

DESCRIPTION OF PROGRAM

Under this program, the Federal Government, acting through the Attorney General, will match local and State gun buy-back efforts on a dollar-for-dollar matching basis. To be eligible for the Federal funds, the local program must guarantee that any firearms exchanged are, in fact, destroyed. The Attorney General may set other conditions to ensure that the buy-back program is operated in an efficient manner and consistent with the interests of law enforcement.

The Federal gun-buy-back program will only provide funds to those local initiatives that offer merchandise and other noncash incentives to individuals

who want to turn in their firearms. In other words, a local cash-for-guns program will not be eligible for Federal assistance for the reason we have learned that some turn in their old guns for cash to go out and buy a new gun. So it is limited to in-kind.

The purpose of the Federal program is not to supplant State and local efforts, but rather to assist them with supplemental funding —$15 million for fiscal year 1994 and another $15 million for fiscal year 1995. Once the local effort gets off the ground, the Federal Government can step in with the additional resources.

FUNDING

Funding for the Federal program will be provided through the $22 billion Violent Crime Reduction Trust Fund, which was Established in the anticrime bill passed by the Senate last November. In the weeks ahead, I intend to work with my colleagues on both sides of the aisle to ensure that the Federal program is considered during the upcoming Senate-House conference on anticrime legislation.

A SMALL STEP

Mr. President, will the Federal buy-back program end crime, or substantially reduce it. Of course not.

In fact, the most effective way to reduce crime is to arrest the bad guys, put them in prison, and keep them there by padlocking the revolving prison door. The simple truth is that a violent criminal kept behind bars will not terrorize a single law-abiding citizen.

That is why Senate Republicans have insisted that any anticrime bill worthy of the name must devote substantial resources for incarceration. The anticrime bill recently passed by the Senate does just that—$500 million in State grants to build and operate detention facilities for violent juveniles; $3 billion in grants for State prisons, city and county jails, and boot camps; and another $3 billion for 10 new regional prisons to which States can send their most violent criminals.

These are the big steps. But that does not mean the small steps are not worth taking, too. In fact, if my calculations are right, the Federal gun buy-back initiative—working together with State and local initiatives—could result in removing one million guns from our streets within the next 2 years. Of course, that is still going to leave a hundred-and-some million guns, but it is a small step.

Obviously, the jury is still out on whether these gun buy-back efforts actually reduce crime. That is why we sunsetted it. But, as skeptical New York City Police Chief Raymond Kelly explained last December: "I've converted. I'm a believer."

Mr. President, I am prepared to be a convert and a believer, too. That's why the bill I am introducing today directs the Attorney General to report to Congress on the impact the gun buy-back programs have on the crime rate in those areas in which they are operated. The Attorney General must submit this report to Congress no later than December 31, 1995.

If the programs work, then Congress can reauthorize the Federal buy-back initiative. But if they do not work, then the Federal initiative should not be renewed.

Mr. President, I ask unanimous consent that the full text of the Federal Firearm Buy-Back Initiative Act be reprinted in the RECORD.

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

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 "Federal Firearm Buy-Back Initiative Act.".

SEC. 2. MATCHING FUNDS FOR STATE AND LOCAL FIREARM BUY-BACK PROGRAMS.

(a) FEDERAL CONTRIBUTION.—The Attorney General shall establish a program under which the Attorney General will enter into agreements to contribute, and will contribute, up to 50 percent of the funds needed to provide merchandise, certificates that may be used to acquire merchandise or services, or other non-cash incentives to individuals to turn in firearms to firearm buy-back programs operated by State or local governments or private entities.

(b) QUALIFICATIONS, TERMS, AND CONDITIONS.—In an agreement under subsection (a), the Attorney General—

(1) may agree to contribute to a firearm buy-back program an amount that is not greater than the amount of State and local public funds and private funds committed to the program at the time of the agreement;

(2) shall require that all firearms that are turned in to the program will be destroyed;

(3) shall require that the program agree to provide only merchandise, certificates that may be used to acquire merchandise or services, or other incentives other than cash to individuals who turn in firearms; and

(4)(A) may set such other qualifications, terms, and conditions as may be appropriate to ensure that the program is operated in an efficient and bona fide manner consistent with the interests of law enforcement; but

(B) may not prescribe the terms under which the program will accept firearms in exchange for any offered incentive.

(c) TERMINATION.—The program under subsection (a) shall terminate on September 30, 1995.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, out of the Violent Crime Reduction Trust Fund to be established under section 1115 of title 31, United States Code, as added by section 1353 of the Violent Crime Control and Law Enforcement Act of 1993, $15,000,000 for each of fiscal years 1994 and 1995.

(e) REPORT.—Not later than December 31, 1995, the Attorney General shall submit to Congress a report assessing the effect that operation of the firearm buy-back programs funded under this Act has had in reducing the incidence of crime in the jurisdictions in which the programs were operated.

By Mr. LEAHY:

S. 1816. A bill to amend the Child Nutrition Act of 1966 to protect against trafficking in food instruments and other frauds in connection with the special supplemental food program for women, infants, and children [WIC], and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

WIC FRAUD PROSECUTION ACT OF 1994

• Mr. LEAHY. Mr. President, I have today introduced legislation—the WIC Fraud Prosecution Act of 1994—to protect the Women, Infants and Children Food Program, commonly called WIC, from criminals who would traffick in WIC food vouchers.

This bill disqualifies stores from the WIC Program if the storeowners, managers, or officials are involved in trafficking in WIC coupons. This is in addition to any jailtime and fines imposed on the guilty individuals. However, where store disqualification would mean that low-income families could not use WIC benefits a $20,000 fine per violation could be imposed.

The bill imposes severe criminal penalties on storeowners or officers involved in the trafficking of WIC coupons including jail sentences of up to 10 years and fines of up to $100,000; or both.

It also imposes criminal penalties on anyone involved in trafficking of WIC vouchers. The bill provides authority to the court to disqualify the person from WIC participation for 2 years in addition to any criminal fines or jail sentences which are imposed.

It also provides for the forfeiture of any property to the Federal Government used in the commission of a WIC trafficking crime, and for the forfeiture of any property purchased with the proceeds of any trafficking transaction.

And finally, the bill requires States, as a condition of participation in the program, to provide to USDA a detailed plan to detect and punish trafficking in WIC food instruments or access devices by storeowners or WIC food vendors. States are required to target higher risk stores and vendors.

Each State agency will be required to fully cooperate with the State's attorney general, county or parish attorneys, law enforcement officers, and Federal prosecutors or law enforcement personnel in any investigation of trafficking in WIC food instruments or access devices.

I urge my colleagues to join with me in passing this important legislation.

Mr. President, I ask unanimous consent that my remarks and the text of the bill be placed in the RECORD as if read.

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

S. 1816

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 "WIC Fraud Prosecution Act of 1994".

SEC. 2. FINDINGS.

Congress finds that—

(1) the special supplemental food program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) provides vital and nutritious foods to vulnerable Americans;

(2) the improper diversion of WIC benefits by stores and other food vendors authorized to accept WIC food instruments harms the entire WIC program; and

(3) severe penalties should be imposed on store owners and managers and WIC clinic employees engaged in trafficking in WIC food instruments

SEC. 3. DISQUALIFICATION AND CIVIL MONEY PENALTIES FOR WIC FOOD VENDORS; CRIMINAL PENALTIES.

Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by adding at the end the following new subsection:

"(q)(1) Except as provided in paragraph (2), any food vendor authorized to participate in the program authorized under subsection (c)(1) (referred to in this subsection as the 'program') shall be permanently disqualified from further participation in the program, on a finding, made in accordance with regulations issued by the Secretary, that any owner, officer, supervisor, or manager of the vendor intentionally—

"(A) trafficked in program food instruments or otherwise obtained program food instruments by buying the instruments at a discount in an unlawful manner;

"(B) obtained benefits purchased at a discount through the improper use of a program access device; or

"(C) sold or purchased firearms, ammunition, explosives, or controlled substances (as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))) in exchange for, or with, program food instruments.

"(2) If the Secretary determines that disqualification of a food vendor would cause hardship to persons participating in the program, in lieu of disqualification under paragraph (1), the Secretary may impose on the vendor a civil money penalty of up to $20,000 for each violation described in paragraph (1).

"(3) Any owner, officer, supervisor, or manager of a program food vendor or any employee of a program clinic who intentionally traffics in program food instruments or otherwise obtains program food instruments by buying the instruments at a discount in a manner not permitted by law shall be guilty of a felony and shall be fined not more than $100,000 or imprisoned not more than 10 years, or both.

"(4)(A) At any time after imposing a money penalty under this subsection, the Secretary may request the Attorney General to institute a civil action to collect the penalty against a person subject to the penalty in a district court of the United States for any district in which the person is found, resides, or transacts business.

"(B) The court shall have jurisdiction to hear and decide the action.

"(C) In the action, the validity and amount of the penalty shall not be subject to review.

"(5)(A) The Secretary may impose a fine against any person not approved by the Secretary to accept program food instruments who violates this subsection or a regulation issued under this subsection, including a violation concerning the acceptance of program food instruments and including such violations by employees of program clinics.

"(B) The amount of the fine shall be established by the Secretary and may be assessed and collected in accordance with regulations issued under this subsection separately or in combination with any fiscal claim established by the Secretary.

"(C) The Attorney General may institute judicial action in any court of competent jurisdiction against the person to collect the fine.

"(6) Whoever presents, or causes to be presented, a program food instrument, or who uses a program access device, knowing that the instrument or device to have been received, transferred, or used in violation of this subsection or the regulations issued under this subsection shall be guilty of a felony and—

"(A) on the first conviction of the felony, shall be fined not more than $20,000 or imprisoned for not more than 5 years, or both; and

"(B) on the second and any subsequent conviction of the felony, shall be imprisoned for not less than 1 year and not more than 5 years and may also be fined not more than $30,000.

"(7) In addition to other penalties imposed under this subsection, any person convicted of a violation of this subsection may be suspended by a court from participation in the program for a period of up to 2 years.

"(8)(A) The Secretary may subject to forfeiture and denial of property rights any nonfood item, money, negotiable instrument, security, vendor property (including a building), or other item of value that is furnished or intended to be furnished by any person in exchange for a program food instrument or program access device, or anything of value obtained by use of an access device, or program food instruments, or which item or property is used in facilitating such trafficking, in any manner that violates this subsection or a regulation issued under this subsection.

"(B) Any forfeiture and disposal of property forfeited under this subsection for a violation described in subparagraph (A) shall be conducted in accordance with procedures specified in regulations issued by the Secretary.

SEC. 4. DETECTION OF TRAFFICKING IN WIC FOOD INSTRUMENTS OR ACCESS DEVICES.

Section 17(f)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(1)) is amended—

(1) in subparagraph (C)—

(A) by striking "and" at the end of clause (xii);

(B) by redesignating clause (xiii) as clause (xiv); and

(C) by inserting after clause (xii) the following new clause:

"(xiii) a detailed plan for the detection and punishment of store owners or program food vendors for trafficking in food instruments or access devices used in connection with the program authorized subsection (c)(1), subject to subparagraph (F); and"; and

(2) by adding at the end the following new subparagraph:

"(F)(i) The plan described in subparagraph (C)(xiii) shall target higher risk stores or vendors.

"(ii) The State agency shall set aside funds for carrying out subparagraph (C)(xiii).

"(iii) The State agency shall fully cooperate with the attorney general of a State, county attorneys, law enforcement officers, and Federal prosecutors or law enforcement personnel in any investigation of trafficking in food instruments or access devices used in connection with the program authorized under subsection (c)(1).".●

ADDITIONAL COSPONSORS

S. 181

At the request of Mr. MCCONNELL, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 181, a bill to prohibit the export of American black bear viscera, and for other purposes.

S. 455

At the request of Mr. HATFIELD, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 455, a bill to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 921

At the request of Mr. BAUCUS, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 921, a bill to reauthorize and amend the Endangered Species Act for the conservation of threatened and endangered species, and for other purposes.

S. 1690

At the request of Mr. PRYOR, the names of the Senator from Alabama [Mr. SHELBY], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 1690, a bill to amend the Internal Revenue Code of 1986 to reform the rules regarding subchapter S. corporations.

S. 1795

At the request of Mr. BROWN, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1795, a bill to amend title IV of the Social Security Act and other provisions to provide reforms to the welfare system in effect in the United States.

S. 1800

At the request of Mr. GRAMM, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S.1800, a bill to protect the personal security of Americans by ensuring the imprisonment of violent criminals.

S. 1805

At the request of Mr. WARNER, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1805, a bill to amend title 10, United States Code, to eliminate the disparity between the periods of delay provided for civilian and military retiree cost-of-living adjustments in the Omnibus Budget Reconciliation Act of 1993.

AMENDMENT NO. 1320

At the request of Mr. HELMS, the names of the Senator from North Dakota [Mr. DORGAN], the Senator from South Dakota [Mr. PRESSLER], the Senator from New York [Mr. D'AMATO], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Amendment No. 1320 proposed to S. 1281, an original bill to authorize appropriations for the 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.

AMENDMENTS SUBMITTED

FOREIGN RELATIONS AUTHORIZATION ACT OF 1994

SIMON (AND OTHERS) AMENDMENT NO. 1326

Mr. SIMON (for himself, Mr. LAUTENBERG, Mr. HATFIELD, and Mr. DURENBERGER) proposed an amendment to the bill (S. 1281) to authorize appropriations for the fiscal years 1994 and 1995 for the Department of State, and U.S. Information Agency, and related agencies, to provide for the consolidation of international broadcasting activities, and for other purposes; as follows:

On page 179, after line 6, add the following new section:

SEC. 714. EXTENSION OF CERTAIN ADJUDICATION PROVISIONS.

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167), is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "1993 and 1994" and inserting "1993, 1994, 1995, and 1996"; and

(B) in subsection (e), by striking out "October 1, 1994" each place it appears and inserting in lieu thereof "October 1, 1996"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking out "September 30, 1994" and inserting in lieu thereof "September 30, 1997".

LAUTENBERG (AND OTHERS) AMENDMENT NO. 1327

Mr. LAUTENBERG (for himself, Mr. SIMON, Mrs. FEINSTEIN, Mr. BINGAMAN, Mr. DODD, Mrs. BOXER, Mr. HATFIELD, and Mr. GRASSLEY) proposed an amendment to amendment No. 1326 proposed by Mr. SIMON to the bill S. 1281, supra; as follows:

In the pending amendment, strike all after "SEC" and insert the following:

SEC. 714. EXTENSION OF CERTAIN ADJUDICATION PROVISIONS.

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167), is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "1993 and 1994" and inserting "1993, 1994, 1995, and 1996"; and

(B) in subsection (e), by striking out "October 1, 1994" each place it appears and inserting in lieu thereof "October 1, 1996"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking out "September 30, 1994" and inserting in lieu thereof "September 30, 1996".

HELMS AMENDMENT NO. 1328

Mr. HELMS proposed an amendment to the bill S. 1281, supra; as follows:

On page 179, after line 6, insert the following:

SEC. 714. OPPOSITION TO FINANCING BY INTERNATIONAL FINANCIAL INSTITUTIONS FOR COUNTRIES EXPROPRIATING UNITED STATES PROPERTY.

(A) PROHIBITION.—The President shall instruct the United States Executive Director of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the African Development Fund, the Asian Development Bank, the African Development Bank, the European Bank for Reconstruction and Development, and the International Monetary Fund to vote against any loan or other utilization of the funds of the bank for benefit of any country which—

(1) has before, on, or after the date of enactment of this Act—

(A) nationalized or expropriated the property of any United States person,

(B) repudiated or nullified any contract or agreement with any United States person, or

(C) taken any other action (such as the imposition of discriminatory taxes or other exactions) which has the effect of seizing ownership or control of the property of any United States person, and

(2) has not, within a period of 3 years (or where applicable, the period described in subsection (b)), returned the property or provided adequate and effective compensation for such property in convertible foreign exchange equivalent to the full value thereof, as required by international law.

(b) EXTENDED PERIOD FOR COMPENSATION IN THE CASE OF NEWLY DEMOCRATIC GOVERNMENTS.—In the case of a democratically elected foreign government that had been a totalitarian or authoritarian government at the time of the action described in subsection (a)(1), the 3-year period described in subsection (a)(2) shall be deemed to have begun as of the date of the installation of the democratically elected government.

(c) EXCEPTED COUNTRIES AND TERRITORIES.—This section shall not apply to any country established by international mandate through the United Nations or to any territory recognized by the United States Government to be in dispute.

(d) REPORTING REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, and every 180 days thereafter, the President shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate, a report containing the following.

(1) A list of all countries against which United States persons have outstanding expropriation claims.

(2) The total number of outstanding expropriation claims made by United States persons against any foreign country.

(3) The period of time in which each claim has been outstanding.

(4) A description on a case-by-case basis of each effort made by the United States Government, or the country in which the expropriation claim has been made, to return the property or provide adequate and effective compensation for such property.

(5) Each project a United States Executive Director voted against as a result of the action described in subsection (a).

(e) DEFINITION.—For purposes of this section, the term "United States person" means a United States citizen or corporation, partnership, or association at least 50 percent beneficially owned by United States citizens.

HELMS AMENDMENT NO. 1329

Mr. HELMS proposed an amendment to the bill S. 1281, supra; as follows:

On page 179, after line 6, insert the following:

SEC. 714. OPPOSITION TO FINANCING BY INTERNATIONAL FINANCIAL INSTITUTIONS FOR COUNTRIES EXPROPRIATING UNITED STATES PROPERTY.

(a) PROHIBITION.—The President shall instruct the United States Executive Director of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the African Development Fund, the Asian Development Bank, the African Development Bank, the European Bank for Reconstruction and Development, and the International Monetary Fund to vote against any loan or other utilization of the funds of the bank for benefit of any country which—

(1) has before, on, or after the date of enactment of this Act—

(A) nationalized or expropriated the property of any United States person,

(B) repudiated or nullified any contract or agreement with any United States person, or

(C) taken any other action (such as the imposition of discriminatory taxes or other exactions) which has the effect of seizing ownership or control of the property of any United States person, and

(2) has not, within a period of 3 years (or where applicable, the period described in subsection (b)), returned the property or provided adequate and effective compensation for such property in convertible foreign exchange equivalent to the full value thereof, as required by international law.

(b) EXTENDED PERIOD FOR COMPENSATION IN THE CASE OF NEWLY DEMOCRATIC GOVERNMENTS.—In the case of a democratically elected foreign government that had been a totalitarian or authoritarian government at the time of the action described in subsection (a)(1), the 3-year period described in subsection (a)(2) shall be deemed to have begun as of the date of the installation of the democratically elected government.

(c) EXCEPTED COUNTRIES AND TERRITORIES.—This section shall not apply to any country established by international mandate through the United Nations or to any territory recognized by the United States Government to be in dispute.

(d) REPORTING REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, and every 180 days thereafter, the President shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate, a report containing the following:

(1) A list of all countries against which United States persons have outstanding expropriation claims.

(2) The total number of outstanding expropriation claims made by United States persons against any foreign country.

(3) The period of time in which each claim has been outstanding.

(4) A description on a case-by-case basis of each effort made by the United States Government, or the country in which the expropriation claim has been made, to return the property or provide adequate and effective compensation for such property.

(5) Each project a United States Executive Director voted against as a result of the action described in subsection (a).

(e) DEFINITION.—For purposes of this section, the term "United States person" means a United States citizen or corporation, partnership, or association at least 50 percent beneficially owned by United States citizens.

HELMS AMENDMENT NO. 1330

Mr. HELMS proposed an amendment to amendment No. 1329 proposed by

him to the bill S. 1281, supra; as follows:

At the appropriate place in the amendment, insert the following:

(f) WAIVER—the President may waive the prohibition in subsection (a) if he so notifies Congress twenty-one days in advance of any vote that a loan or other utilization of the funds of the bank under consideration is directed only to programs which serve the basic human needs of the citizens of such country.

McCAIN (AND OTHERS) AMENDMENT NO. 1331

Mr. McCAIN (for himself, Mr. DOLE, Mr. NICKLES, Mr. BOND, Mr. D'AMATO, Mr. MACK, Mr. GRAMM, Mr. KEMPTHORNE, Mr. CRAIG, Mr. COHEN, and Mr. THURMOND) proposed an amendment to the bill S. 1281, supra; as follows:

On Page 179, after line 6, insert the following new section:

SEC. 714. POLICY REGARDING THE NORTH KOREAN NUCLEAR WEAPONS PROGRAM.

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

(1) On February 10, 1993, North Korea refused to permit the International Atomic Energy Agency (IAEA) to conduct special inspections, as permitted under the terms of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), of two undeclared nuclear-related sites to clarify discrepancies related to North Korea's nuclear program, and on March 12, 1993, North Korea announced its intention to withdraw from the NPT effective on June 12, 1993, due to the insistence of the IAEA on exercising inspection rights under the NPT.

(2) On April 1, 1993, the IAEA declared North Korea to be in noncompliance with the NPT; on April 2, 1993, the IAEA voted to refer North Korean violations of the Treaty to the United Nations Security Council; and on April 7, 1993, the IAEA issued a formal censure on North Korea for its noncompliance with the NPT, the first censure in the history of the IAEA.

(3) On May 11, 1993, the United Nations Security Council passed a resolution asking North Korea to allow IAEA inspections under the NPT, and on May 12, 1993, North Korea rejected the request of the United Nations Security Council and has since impeded or refused access to any of its sites by IAEA inspectors.

(4) On June 2, 1993, the United States and North Korea initiated a series of meetings in New York to discuss the impasse in nuclear site inspections, which continued until January 4, 1994, when Under Secretary of State Lynn Davis announced that North Korea had agreed to inspections of seven declared nuclear-related sites.

(5) Discussions between the IAEA and North Korea to implement the announced agreement to permit inspections in North Korea have reached an apparent impasse, and the issue is anticipated to be discussed at the IAEA Board of Governors meeting on February 21, 1994.

(6) The People's Republic of China (PRC) has repeatedly stated it would not support any action of the United Nations Security Council to impose sanctions on North Korea, and the PRC may not be cooperating fully and effectively in seeking a resolution of this issue.

(7) The United States must clearly communicate its firm resolve to compel North Korea to comply with the inspections required under the NPT and has instead offered to cancel 1994 Team Spirit joint military exercises with South Korea; indications are that numerous other concessions, such as diplomatic recognition and economic assistance, are also being considered.

(8) The development of nuclear weapons by North Korea would significantly increase the already serious threat to the safety and security of South Korea and the stability of the Pacific region posed by North Korea's military forces, which include—

(A) an army of 1,200,000 men, such of which is positioned near the border with South Korea;

(B) an estimated 250 tons of biological and chemical weapons; and

(C) extended range SCUD-C missiles reportedly armed with chemical warheads, No Dong missiles, and possibly a much longer range intermediate-range ballistic missile in development.

(b) POLICY.—It is the sense of the Congress that—

(1) North Korea must halt its nuclear weapons program and fully comply with the terms of the NPT and the January 30, 1992, full-scope safeguards agreement agreed to by North Korea and the IAEA;

(2) the President should seek international consensus to isolate North Korea economically until North Korea halts its nuclear weapons program and reaches acceptable agreement with the IAEA on inspections of its nuclear facilities and those inspections have begun;

(3) the President should support United States-South Korea joint military exercises as an expression of commitment of the United States-Republic of Korea Mutual Defense Treaty of 1954;

(4) the President should ensure that sufficient United States military forces are deployed in the Pacific region, including the deployment of Patriot batteries in South Korea, in order to be prepared to effectively defend South Korea against any offensive action by North Korea;

(5) the President should make resolution of this issue a matter of urgent national security priority; and

(6) an "acceptable agreement" between the IAEA and North Korea should include regular inspection of all declared nuclear sites as well as special inspections of any suspected nuclear-related site, as agreed to by North Korea in the January 30, 1992, full-scope safeguards agreement with the IAEA.

(c) DEFINITIONS.—For purposes of this section.—

(1) the term "IAEA"means the International Atomic Energy Agency;

(2) the term "NPT" means the Treaty on the Non-Proliferation of Nuclear Weapons, done on July 1, 1968 at London, Moscow, and Washington; and

(3) the term "safeguards" means the safeguards set forth in agreement between a country and the IAEA, as authorized by Article III(A)(5) of the Statute of the International Atomic Energy Agency.

McCAIN (AND OTHERS) AMENDMENT NO. 1332

Mr. McCAIN (for himself, Mr. MOYNIHAN, and Mr. PELL) proposed an amendment to the bill S. 1281, supra; as follows:

At the appropriate place in the bill add the following:

Sec. . POLICY REGARDING THE RELATIONSHIP OF THAILAND WITH ITS NEIGHBORS STRUGGLING FOR DEMOCRACY, CAMBODIA AND BURMA.

(a) FINDINGS.—Congress finds that—

(1) the Government of Thailand is to be commended for its return to democracy and its commitment to representative government;

(2) the United States-Thai security relationship is a cornerstone of the Association of Southeast Asian Nations (ASEAN) and a key to stability in Southeast Asia;

(3) Cambodia, Thailand's neighbor to the East, is struggling to prevent violence from disrupting the creation of a democratic state;

(4) the cooperation of Thailand in implementing the Paris Peace Accords was instrumental in assisting Cambodians to achieve their goal of political reconciliation;

(5) Peace in Cambodia promotes stability in Southeast Asia and the continued cooperation of Thailand in bringing lasting peace to that nation is vital. That peace is threatened by the Khmer Rouge, which has attempted to violently disrupt the Cambodian effort to institute an elected government.

(6) The Government of Thailand is commended for the steps it has taken to discontinue the Thai relationship with the Khmer Rouge, and in particular its adherence to United Nation sanctions on timber and petroleum trade between Thailand and Khmer controlled areas of Cambodia.

(7) Prime Minister Chuan Leekpai and the Commander-in-Chief of the Thai military, Wimol Wongawanich, have publicly enunciated a policy of non-support for the Khmer Rouge. Furthermore, Prime Minister Chuan has demonstrated considerable support for the freely elected Government of Cambodia.

(8) The extent to which the Government of Thailand permits trade and particularly military contact with the armed opposition to the newly elected Cambodian government, directly impact the prospects for peace and political reconciliation in Cambodia.

(9) Congress is concerned that elements of the Thai military and companies with close links to the Thai military, continue to operate against the will and policy of the government to support the Khmer Rouge.

(10) Congress is concerned that the Clinton Administration has not articulated its position regarding United States policy toward Burma.

(11) The Senate unanimously declared in S. Res. 112 that it does not recognize the military junta in Burma known as the State Law and Order Restoration Council (referred to as the "SLORC"), since the people of Burma gave the National League for Democracy a clear victory in the election of May 27, 1990.

(12) Nobel Peace Prize winner Daw Aung San Suu Kyi, a leader of the National League for Democracy, has been under house arrest since July 1989. Many of her colleagues who were able to escape imprisonment or death have taken refuge in Thailand, where they have organized to work peacefully to bring democracy to Burma.

(13) The Government of Thailand should be praised for providing safe haven to the many Burmese forced to flee the brutal repression of the SLORC regime. Despite pressure from the SLORC, Thailand has allowed those groups to operate within its borders, and has granted visas for international travel.

(14) Congress is concerned by reports that the Government of Thailand may adopt more restrictive policies towards the Burmese have raised considerable concern. In particular, Congress is concerned by reports that Dr. Sein Win and other Burmese dissidents may not be allowed to return from their trip to the United States and to the United Nations to secure support for their democratic aspirations.

(15) Congress is deeply interested in seeing the peaceful transition of power to those elected in 1990. Aung San Suu Kyi and other senior National League for Democracy leaders imprisoned in Burmese jails, are unable to conduct political activity inside Burma and have never been allowed to take their elected positions. Those who were able to escape must rely on Thailand's continued hospitality.

(16) In recent years there has been an increase in the number of Burmese women and girls conscripted into Thai brothels. Human Rights Watch has recently issued a report documenting the problems faced by these women. Many of the these Burmese become virtual slaves, with no way to escape the brothels where they are kept. When these prostitution rings have been broken up by Thai authorities, often those forced into prostitution are detained in jails, or deported to Burma where they are arrested for prostitution, further victimizing them, and

(17) In 1992, Thai Prime Minister Chuan Leekpai pledged to crack down on official involvement in forced and child prostitution. Congress welcomes the Government of Thailand's efforts to eliminate forced prostitution. However, Thai border officials and police are reportedly involved in the transport of these women from Burma, and at times, directly in the brothel operations.

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

(1) the Government of Thailand should continue and must intensify its efforts to end the relationship between the Khmer Rouge and the Thai military;

(2) the President of the United States should convey to the Government of Thailand American concern over renegade Thai military support for the Khmer Rouge;

(3) the President should adopt the policies called for in S. Res. 112 and to clearly enunciate policy with respect to Burma;

(4) the Government of Thailand should continue to allow the democratic leaders of Burma to operate freely within Thailand and to grant them free passage to allow them to present their case to the world at the United Nations and other international gatherings; and

(5) the Government of Thailand is further urged to prosecute those responsible for the trafficking, forced labor and physical and sexual abuse of women. If Thai officials are found to be involved, they should be prosecuted to the fullest extent of the law. In addition, the Government of Thailand should protect the civil and human rights of Burmese women and refrain from their further victimization.

ROBB AMENDMENT NO. 1333

Mr. ROBB proposed an amendment to the bill S. 1281, supra; as follows:

On page 179, after line 6, insert the following new section:

SEC. 714. POLICY ON PREPARING TO REINTRODUCE OF TACTICAL NUCLEAR WEAPONS TO THE KOREAN PENINSULA.

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

(1) It was announced by South Korean President Roh Tae Woo on December 18, 1991, that all tactical nuclear weapons had been removed from the Korean peninsula.

(2) On December 31, 1991, North Korea agreed to a denuclearization agreement with South Korea pledging not to possess, manufacture, or use nuclear weapons, not to possess plutonium reprocessing facilities, and to negotiate the establishment of a nuclear inspection system.

(3) On January 30, 1992, North Korea signed a nuclear safeguards agreement with the International Atomic Energy Agency (IAEA), allowing for IAEA regular inspections of nuclear facilities designated by North Korea.

(4) Negotiations between North and South Korea over implementation of the bilateral denuclearization agreement have stalled.

(5) North Korea stated its intention on March 12, 1993, to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), done on July 1, 1968.

(6) North Korea said it would "suspend as long as it considers necessary" its withdrawal from the Treaty on June 11, 1993, but continues to refuse to fully comply with Treaty provisions requiring regular inspections of declared nuclear facilities and allowing special inspections of undeclared sites.

(7) North Korea is the only country to ever formally threaten to withdraw from the Treaty, and effectively remains in a state of noncompliance with the Treaty.

(8) President Clinton has stated that the United States objective is a Korean peninsula free of nuclear weapons, and reaffirmed the United States security commitment to South Korea during a visit there on July 10–11, 1993.

(9) On November 7, 1993, President Clinton stated that "North Korea cannot be allowed to develop a nuclear bomb.".

(10) North Korea has reportedly rejected IAEA inspection procedures of seven declared nuclear sites after agreeing, in principle, with United States officials to allow IAEA investigators to visit each of those sites.

(11) In a statement issued on January 21, 1994, to IAEA authorities, North Korea reportedly declared that "routine or ad hoc" inspections, otherwise known as regular or special inspections, would not be allowed, and an IAEA spokesman stated that "we are not in agreement" about the inspections.

(b) POLICY.—It is the sense of Congress that if North Korea continues to resist the efforts of the international community to allow the IAEA to conduct regular and special inspections of its declared and undeclared nuclear sites and facilities, and refuses to return to, and fully comply with, the Treaty on the Non-Proliferation of Nuclear Weapons, the President should—

(1) fully coordinate with United States allies in the region regarding the military posture of North Korea and the ability of the United States to deter any future nuclear attack against South Korea or Japan; and

(2) in conjunction with United States allies, act to defend United States security interests on the Korean peninsula and enhance the defense capability of United States forces by preparing to reintroduce tactical nuclear weapons in South Korea.

(c) DEFINITION.—For purposes of this section, the term "IAEA" means the International Atomic Energy Agency.

PELL (AND BIDEN) AMENDMENT NO. 1334

Mr. PELL (for himself and Mr. BIDEN) proposed an amendment to the bill S. 1281, supra; as follows:

At the appropriate place insert the following new section;

SECTION 1. FINDINGS.

The Congress finds that—

(1) The international boundaries between the independent countries of the former Yugoslavia are the same as the internal borders among the constituent republics of the former Yugoslavia as specified in the 1974 Yugoslav Federal Constitution (except with regard to the border between Serbia and Montenegro) and cannot be altered without the consent of all countries concerned.

(2) The Government of Croatia is violating the sovereignty of Bosnia-Hercegovina by sending thousands of Croatian troops to Hercegovina, ostensibly to counter an offensive against ethnic Croatian civilians by Bosnian Government forces.

(3) Croatian forces are interfering with U.N. peacekeeping operations, including the delivery of humanitarian aid to Bosnia-Hercegovina.

SEC. 2. SANCTIONS AGAINST CROATIA.

The President shall take any or all of the following actions—

(1) Instruct the United States Executive Director or representative at all international financial institutions of which the United States is a member to vote against all loans to Croatia;

(2) Provide no assistance to Croatia (except for humanitarian assistance);

(3) Make no sales to Croatia of any kind of military equipment;

(4) Prohibit the licensing of commercial military sales to Croatia;

(5) Provide no credits, and provide no guarantees of any credits to Croatia;

(6) Prohibit the sale or transfer to Croatia of any item subject to export controls by any agency of the United States;

(7) Direct the Secretary of Transportation to revoke the right of any air carrier designated by the Government of Croatia to provide service to the United States;

(8) Negotiate comprehensive multilateral sanctions pursuant to the provisions of Chapter 7 of the United Nations Charter.

SEC. 3. WAIVER.

The President may waive the sanctions contained in section 2 if he determines and so certifies in writing to the Chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives that—

(1) Croatia is not waging a war of military aggression against any other country;

(2) Croatia is not supporting directly or indirectly, any military unit, militia, or paramilitary organization in any other country;

(3) Croatia is not occupying any territory of another country and is not assisting forces occupying the territory of another country;

(4) Croatia recognizes the borders of Bosnia-Hercegovina as specified in the 1974 Yugoslav Federal Constitution;

(5) Croatia or forces loyal to or controlled by Croatia are not interfering with United Nations peacekeeping operations or with international humanitarian relief efforts; or

(6) It is in the national interest of the United States to do so.

KERRY AMENDMENT NO. 1335

Mr. KERRY proposed an amendment to amendment No. 1291 proposed by Mr. HELMS to the bill S. 1281, supra; as follows:

Strike all after the first word and insert the following:

The Congress finds that:

(a) In an Executive Order of May 28, 1993, the President established conditions for renewal of most-favored-nation (MFN) status for the People's Republic of China in 1994.

(b) This Executive Order requires that in making a recommendation about the further extension of MFN status to China, the Sec-

retary of State shall not recommend extension unless he determines that—

(1) extension will substantially promote the freedom of emigration objectives of Section 402 of the Trade Act of 1974; and

(2) China is complying with the 1992 bilateral agreement between the United States and China concerning prison labor.

(c) The Executive Order further requires that in making his recommendation, the Secretary of State shall determine whether China has made overall, significant progress with respect to:

(1) taking steps to begin adhering to the Universal Declaration of Human Rights;

(2) releasing and providing an acceptable accounting for Chinese citizens imprisoned or detained for the non-violent expression of their political and religious beliefs, including such expression of religious beliefs in connection with the Democracy Wall and Tiananmen Square movements;

(3) ensuring humane treatment of prisoners, such as by allowing access to prisons by international humanitarian and human rights organizations;

(4) protecting Tibet's distinctive religious and cultural heritage; and

(5) permitting international radio and television broadcasts into China.

(d) The Executive Order further requires the Executive Branch to resolutely pursue all legislative and executive actions to ensure that China abides by its commitments to follow fair, nondiscriminatory trade practices in dealing with U.S. businesses, and adheres to the Nuclear Nonproliferation Treaty, the Missile technology Control Regime guidelines and parameters, and other nonproliferation commitments.

(e) The Chinese government should cooperate with international efforts to obtain North Korea's full, unconditional compliance with the Nuclear Non-Proliferation Treaty.

(f) The President has initiated an intensive high-level dialogue with the Chinese government which began last year with a meeting between the Secretary of State and the Chinese Foreign Minister, included a meeting in Seattle between the President and the President of China, meetings in Beijing with the Secretary of the Treasury, the Assistant Secretary for Human Rights and others, a recent meeting in Paris between the Secretary of state and the Chinese Foreign Minister, and recent meetings in Washington with several Under Secretaries and their Chinese counterparts.

(g) The President's efforts have led to some recent progress on some issues of concern to the United States.

(h) Notwithstanding this, substantially more progress is needed to meet the standards in the President's Executive Order.

(i) The Chinese government's overall human rights record in 1993 fell far short of internationally accepted norms as it continued to repress critics and failed to control abuses by its own security forces.

Therefore, it is the Sense of the Senate that:

The President of the United States should use all appropriate opportunities, in particular more high-level exchanges with the Chinese government, to press for further concrete progress towards meeting the standards for continuation of MFN status as contained in the Executive Order.

DECONCINI AMENDMENT NO. 1336

Mr. DECONCINI proposed an amendment to the bill S. 1281, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . SEWAGE TREATMENT ALONG THE UNITED STATES-MEXICO BORDER.

(a) DEFINITIONS.—As used in this section:

(1) COMMISSIONER.—The term "Commissioner" means the United States Commissioner of the International Boundary and Water Commission.

(2) CONSTRUCTION.—The term "construction" has the meaning provided the term under section 212(1) of the Federal Water Pollution Control Act (33 U.S.C. 1292(1)).

(3) TREATMENT WORKS.—the term "treatment works" has the meaning provided the term under section 212(2) of the Federal Water Pollution Control Act (33 U.S.C. 1292(2)).

(b) AGREEMENTS TO CORRECT POLLUTION.—

(1) IN GENERAL.—The Secretary of State, acting through the Commissioner, may enter into an agreement with the appropriate representative of the Ministry of Foreign Relations of Mexico to address the international problems related to pollution caused by the discharge of raw and inadequately treated sewage originating in the Republic of Mexico to waters which form or cross the boundary between the United States and Mexico.

(2) CONTENTS OF AGREEMENTS.—An agreement entered into under paragraph (1) shall consist of recommendations to the appropriate officials of the Federal Government and the Government of Mexico concerning measures to protect the health and welfare of individuals from adverse effects of the pollution referred to in paragraph (1), including recommendations concerning—

(A) whether treatment works should be constructed, operated, and maintained in Mexico or the United States;

(B) estimates of the cost of the planning, construction, operation, and maintenance of the treatment works referred to in subparagraph (A);

(C) formulas for the initial allocation of costs between the United States and Mexico with respect to the planning, construction, operation, and maintenance of the treatment works referred to in subparagraph (A);

(D) a method for the review and adjustment of the formulas recommended under subparagraph (C), not later than 5 years after the date of issuance of the formulas, and every 5 years thereafter, that recognizes that the initial formulas should not be used as a precedent with respect to a subsequent review and adjustment carried out pursuant to this subparagraph; and

(E) an estimated time period for the construction of a treatment works referred to in subparagraph (A).

(c) AUTHORITY OF SECRETARY OF STATE TO PLAN, CONSTRUCT, OPERATE, AND MAINTAIN FACILITIES.—The Secretary of State, acting through the Commissioner, may act jointly with the appropriate representative of the Government of Mexico to supervise—

(1) the planning of; and

(2) the construction, operation, and maintenance of, the treatment works recommended in an agreement entered into pursuant to subsection (b)(1).

(d) CONSULTATION WITH THE ADMINISTRATOR AND OTHER OFFICIALS.—In carrying out subsection (b), the Secretary shall consult with the Administrator and other appropriate officials of the Federal Government, and appropriate officials of the governments of States and political subdivisions of States.

(e) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of termination of each fiscal year, the Secretary of State, acting through the Commissioner, shall prepare and submit to the President, the Speaker of the House of Representatives, and the Majority Leader of the Senate an annual report concerning the activities of the International Boundary and Water Commission in carrying out the responsibilities of the Secretary of State pursuant to this section.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) a summary of the activities of the Commission during the fiscal year;

(B) a review of the problems related to pollution caused by the discharge of raw and inadequately treated sewage from the Republic of Mexico to the waters which form or cross the boundary between the United States and Mexico;

(C) a summary of the progress made by the Commissioner during the fiscal year in entering into an agreement pursuant to subsection (b)(1);

(D) a summary of the progress made toward fulfilling the recommendations included in an agreement referred to in subparagraph (C);

(E) a summary of any actions taken by the Commissioner to plan, construct, operate, and maintain treatment works pursuant to this section;

(F) a summary of the consultations made by the Commissioner pursuant to subsection (e);

(G) recommendations that the Commissioner determines will be beneficial in correcting pollution caused by the discharge of raw and inadequately treated sewage from the Republic of Mexico to waters which form or cross the boundary between the United States and Mexico; and

(H) such other information as the Commissioner determines is necessary or appropriate.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) there is authorized to be appropriated to the Secretary of State such sums as may be necessary to support agreements concluded pursuant to subsection (b).

(2) nothing in this section authorizes funds appropriated pursuant to the fiscal year 1994 appropriations bill for the Departments of Veterans Affairs, Housing and Urban Development, and Independent Agencies (Public Law 103-124).

COHEN AMENDMENT NO. 1337

Mr. COHEN proposed an amendment to the bill S. 1281, supra; as follows:

At the end of the bill add the following new section:

SEC. . SENSE OF THE SENATE REGARDING MALAYSIA'S GSP STATUS.

It is the sense of the Senate that the President should maintain Malaysia's benefits under the Generalized System of Preferences (GSP) unless it is determined that, under the terms of 19 U.S.C. sec. 2462(c)(2), Malaysia has developed economically beyond the goals of the GSP.

LEVIN AMENDMENT NO. 1338

Mr. LEVIN proposed an amendment to the bill S. 1281, supra; as follows:

At the appropriate place, insert the following:

A. The Senate finds that:

1. In Bosnia-Hercegovina the civilian population has been subject to egregious violations of basic human rights, including widespread willful killing, the torture of prisoners, deliberate attacks on non-combatants, the intentional impeding of the delivery of

food and medical supplies to the civilian population, mass forcible expulsion and deportation of civilians, the abuse of civilians in detention centers, and the wanton devastation and destruction of property.

2. Ethnic cleansing, the systematic persecution of minorities, indiscriminate attacks on civilians, violations of internationally-held humanitarian principles, and the deliberate targeting of aid workers has been and continues to be common events in the conflict in Bosnia-Hercegovina.

B. The Department of State shall within 60 days after the enactment of this law brief the Committees of Judiciary of the House of Representatives and the Senate on the steps being taken by the United States to assure that all appropriate efforts are being made to expeditiously identify and assist all cases of Bosnian individuals and families who are requesting third country resettlement and who are eligible to seek refugee status in the United States and who are seeking such refugee status.

LAUTENBERG (AND OTHERS) AMENDMENT NO. 1339

Mr. LAUTENBERG (for himself, Mr. BYRD, MR. DORGAN, Mr. KOHL, and Mr. FEINGOLD) proposed an amendment to the bill S. 1281, supra; as follows:

On page 47, strike out lines 1 through 3.

BROWN (AND SIMON) AMENDMENT NO. 1340

Mr. KERRY (for Mr. BROWN for himself and Mr. SIMON) proposed an amendment to the bill S. 1281, supra; as follows:

SEC. . Implementation of Partnership for Peace. REPORT.—The President shall submit every six months, beginning six months after the date of enactment of this Act, a detailed report to the Senate Foreign Relations Committee, the House Foreign Affairs Committee, and the House and the Senate Armed Services Committees on the implementation of the "Partnership for Peace" initiative, including an assessment of the progress made by former members of the Warsaw Treaty Organization in meeting the criteria for full membership articulated in Article 10 of the North Atlantic Treaty, wherein any other European state may, by unanimous agreement, be invited to accede to the North Atlantic Treaty if it is in a position to further the principles of the Treaty and to contribute to the security of the North Atlantic area.

BROWN AMENDMENT NO. 1341

Mr. KERRY (for Mr. BROWN proposed an amendment to the bill S. 1281, supra; as follows:

At the appropriate place in the bill add the following new section:

SEC. . In addition to the other matters to be reviewed by the commission established by this Act to study the effectiveness of democracy programs funded by the United States, the commission shall also understake a review of the feasibility and desirability of mandating non-U.S. government funding, including matching funds and in-kind support, for democracy promotion programs. If the commission determines that mandating such non-government funding is feasible and desirable it shall make recommendations regarding goals and procedures for implementation.

BINGAMAN AMENDMENT NO. 1342

Mr. KERRY (for Mr. BINGAMAN) proposed an amendment to the bill S. 1281, supra; as follows:

On Page 179, below line 6, add the following:

SEC. 714. LIMITATION ON AUTHORITY TO TRANSFER EXCESS DEFENSE ARTICLES.

(a) TRANSFERS TO COUNTRIES ON THE SOUTHERN AND SOUTHEASTERN FLANK OF NATO.—Section 516(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(b)) is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(4) the President first considers the effects of the transfer of the excess defense articles on the national technology and industrial base, particularly the extent, if any, to which the transfer reduces the opportunities of entities in the national technology and industrial base to sell new equipment to the country or countries to which the excess defense articles are transferred.".

(b) TRANSFERS TO COUNTRIES PARTICIPATING IN A COMPREHENSIVE NATIONAL ANTINARCOTICS PROGRAM.—Section 517(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k(f)) is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(4) the President first considers the effects of the transfer of the excess defense articles on the national technology and industrial base, particularly the extent, if any, to which the transfer reduces the opportunities of entities in the national technology and industrial base to sell new equipment to the country or countries to which the excess defense articles are transferred.".

(c) TRANSFERS TO COUNTRIES ELIGIBLE TO PARTICIPATE IN A FOREIGN MILITARY FINANCING PROGRAM.—Section 519(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321m(b)) is amended—

(1) by striking out "and" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(5) the President first considers the effects of the transfer of the excess defense articles on the national technology and industrial base, particularly the extent, if any, to which the transfer reduces the opportunities of entities in the national technology and industrial base to sell new equipment to the country or countries to which the excess defense articles are transferred.".

(d) SALES FROM STOCK UNDER ARMS EXPORT CONTROL ACT.—Section 21 of the Arms Export Control Act (22 U.S.C. 2761) is amended by adding at the end the following new subsection:

"(k) Before entering into the sale under this Act of defense articles that are excess to the stocks of the Department of Defense, the President shall first consider the effects of the sale of the articles on the national technology and industrial base, particularly the extent, if any, to which the sale reduces the opportunities of entities in the national technology and industrial base to sell new equipment to the country or countries to which the excess defense articles are sold.".

(e) LEASES UNDER ARMS EXPORT CONTROL ACT.—Section 61(a) of the Arms Export Control Act (22 U.S.C. 2796(a)) is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (2) the following new paragraph (3):

• Mr. BINGAMAN. Mr. President, the amendment I am offering is a simple one. What it says is that the President should consider the effects of the transfers of excess defense articles on our industrial base before we proceed with the transfers.

This amendment in a very similar form was adopted last year by the Senate Armed Services Committee and included in the fiscal year 1994 Defense Authorization Act which was reported to the full Senate. It was adopted by our committee in response to testimony we received from industry that these transfers were in some instances directly competing with and undercutting U.S. industry efforts to sell new equipment.

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:

LIMITATION ON AUTHORITY TO TRANSFER EXCESS DEFENSE ARTICLES

The drawdown of U.S. armed forces around the world has resulted in a large amount of excess military equipment. At the same time, funding for security assistance is declining. These factors have led to more transfers of excess equipment on a grant or low cost basis to eligible countries under sections 516, 517, 518, and 519 of the Foreign Assistance Act of 1961.

The committee supports the transfer of excess defense articles to U.S. allies and friends as a cost-effective means of realizing security benefits from the transfer of equipment that is no longer needed by U.S. military forces. In fact, in 1986, the committee initiated the so-called "Southern Flank" amendment (section 516 of the Foreign Assistance Act of 1961).

However, at this time, the number and size of these transfers are substantial enough to compete directly with U.S. industry efforts to sell new equipment. The transfer of excess equipment can undercut new equipment sales which strengthen the national technology and industrial base, maintain jobs, and reduce the unit costs of equipment purchased by the Defense Department. Both the sales of new equipment and the transfer of excess equipment offer important benefits; however, the U.S. government does not appear to systematically consider the effect of transferring excess defense article to a country upon any U.S. industry efforts that might be underway to sell new equipment to the same country. The committee recommends a provision that would require the President to consider, on a case-by-case basis, the effects of a transfer of excess defense articles on the national technology and industrial base.

Mr. BINGAMAN. Mr. President, at the request of Senator PELL, chairman

of the Senate Foreign Relations Committee, this provision was dropped from the defense authorization bill when the full Senate took up the bill. The chairman felt that the State Department authorization bill we are now debating was the more appropriate vehicle for this provision since it amends the Foreign Assistance and Arms Exports Control Acts. The chairman's staff indicated that they had no substantive disagreement with the provision.

Mr. President, according to a just-completed GAO report done at the request of the chairman of the House Foreign Affairs Committee, Congressman HAMILTON, the scale of these excess defense article transfers has increased significantly in recent years as we draw down our forces. According to GAO, between fiscal year 1990 and 1992, DOD notified Congress of proposed transfers of excess defense articles with an estimated current value of nearly $1 billion and an original acquisition value of about $3.5 billion. Given the scale of these transfers, it is not surprising that in some instances these transfers undercut potential sales of new items which could help sustain our industrial base. My amendment asks the Defense Department and the State Department to try to avoid such cases, but leaves the mechanism for obtaining industry input on these transfers and the ultimate decision on whether to proceed with the transfers to the executive branch.

Mr. President, I would also note that I would hope that the fact the United States is supplying such large amounts of excess defense articles to some of our allies can have a positive contribution on our industrial base by influencing those countries to buy American in purchasing other military equipment. None of our competitors in the international arms market has a program on anything like the scale we have to dispose of excess defense articles on very attractive terms. It would be disappointing indeed to see beneficiaries of the excess defense article transfers turn around and not buy new equipment from United States industry.

Mr. President, I believe that this amendment has been cleared on both sides, and I would urge its adoption.●

BROWN AMENDMENT NO. 1343

Mr. HELMS (for Mr. BROWN) proposed an amendment to the bill S. 1281, supra; as follows:

At the appropriate place in the bill, add the following new section—

"SEC. . REPORT ON DISMANTLEMENT OF NUCLEAR WEAPONS OF THE FORMER SOVIET UNION.

(a) REPORT.—In the report required by Section 1207 of Title XII, Pub. Law 103-160 and due on April 30, 1994, the President, as prepared by the Secretaries of State and Defense in consultation with the Arms Control and Disarmament Agency and the Central Intelligence Agency, shall include the following:

(i) A specific timetable for dismantlement of FSU nuclear and chemical weapons and the status of stocks and production capacity in the Russian Federation, Ukraine, Kazakhstan and Belarus and how appropriated funds are being used to effect this purpose;

(ii) The cost of each activity carried out to-date, as well as each projected activity;

(iii) The United States agency or host country agency responsible for each element of the project;

(iv) Obstacles that might hinder the effective use of U.S. funds in dismantling nuclear and chemical weapons in each of the four nuclear republics of the former Soviet Union and recommendations for overcoming these obstacles;

(v) The specific impact of U.S. funds on the pace and quality of nuclear and chemical weapons dismantlement in each of the four republics;

(vi) A classified appendix detailing actual reduction in weapons and capabilities as a result of the expenditure of U.S. funds."

HELMS AMENDMENT NOS. 1344-1346

Mr. HELMS proposed three amendments to the bills. S. 1281, supra; as follows:

AMENDMENT NO. 1344

On page 179, after line 6, add the following new section:

SEC. 714. APPOINTMENT AND CONFIRMATION OF DIRECTOR OF THE OFFICE OF FOREIGN ASSETS CONTROL.

(a) APPOINTMENT.—(1) On or after October 1, 1994, the President shall appoint, by and with the advice and consent of the Senate, the Director of the Office of Foreign Assets Control of the Department of the Treasury. The Director shall be responsible for carrying out those functions of the Department of the Treasury relating to foreign assets control as the Secretary of the Treasury may direct.

(2) Effective October 1, 1994, no funds made available by law may be used to pay the salary of any individual carrying out the functions described in paragraph (1) unless the individual was appointed pursuant to that paragraph.

(b) * * * REFERRAL OF NOMINATIONS.—Nominations to the position described in subsection (a) shall be referred to the Committee on Foreign Relations and the Committee on Banking, Housing and Urban Affairs of the Senate.

AMENDMENT NO. 1345

On page 74, line 5, strike "agencies." and insert: agencies.

SEC. 166A. AMERICAN PARTICIPATION IN MANAGEMENT OF UNITED NATIONS.

(a) Funds authorized in section 102(a) of this Act for fiscal year 1995 for the assessed contribution of the United States to the United Nations are authorized to be appropriated only upon a certification by the Secretary of State to the appropriate committees of the Congress that the position of Under Secretary-General of the United Nations for Administration and Management is being held by a citizen of the United States as of October 1, 1994.

(b) Subsection (a) may be waived by the Secretary of State only upon a certification to the appropriate committees of the Congress that—

(1) such waiver is in the national interest of the United States, including the reason or reasons it is in our interest; and

(2) the Secretary of State has confidence the individual holding the position of Under Secretary-General of the United Nations for Administration and Management is committed to efficient management practices and restrained budgets for the United Nations.

(c) If a waiver and certification is made pursuant to subsection (b), such certification shall include a justification why a citizen of the United States does not hold said position, since the United States is the largest single contributor to the United Nations.

(d) SENSE OF THE CONGRESS.—It is the sense of the Congress that the position of Under Secretary-General of the United Nations for Administration and Management should be held by a citizen of the United States.

AMENDMENT NO. 1346

On page 82, after line 23, insert the following:

SEC. 170B. TRANSMITTALS OF UNITED NATIONS DOCUMENTS.

(a) TRANSMITTAL TO CONGRESS OF UNITED NATIONS RESOLUTIONS AND REPORTS.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b), as amended by subsection (a), is further amended by adding at the end the following:

"(c)(1) Not later than 72 hours after adoption by the Security Council of a resolution authorizing United Nations peacekeeping activities or any other action under the Charter of the United Nations (including any extension, modification, suspension, or termination of any previously authorized United Nations peacekeeping activity or other action) which would involve the use of United States Armed Forces or the expenditure of United States funds, the Permanent Representative shall transmit the text of such resolution and any supporting documentation to the appropriate congressional committees.

"(2) The Permanent Representative shall promptly transmit to the appropriate congressional committees any report prepared by the United Nations distributed to the members of Security Council assessments of any proposed, ongoing, or concluded United Nations peacekeeping activity.".

(c) DEFINITIONS.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"SEC. 10. For purposes of this Act—

"(1) the term 'appropriate congressional committees' means the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate and the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives;

"(2) the term 'Permanent Representative' means the Permanent Representative of the United States to the United Nations appointed by the President pursuant to section 2 of this Act; and

"(3) the term 'United Nations peacekeeping activities' means any international peacekeeping, peacemaking, peace-enforcing, or similar activity involving the use of national of member countries of the United Nations that is authorized by the Security Council under chapter VI or VII of the United National Charter.".

PRESSLER AMENDMENT NO. 1347

Mr. HELMS (for 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 final destination of the item is a country the government of which the Secretary of State determines, for purposes of 6(j)(1)(A) of the Export Administration Act of 1979, has repeatedly provided support for acts of international terrorism.".

(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 final destination of the item is a country the government of which the Secretary of State determines, for purposes of 6(j)(1)(A) of the Export Administration Act of 1979, has repeatedly provided support for acts of international terrorism.".

DOLE AMENDMENT NO. 1348

Mr. HELMS (for Mr. DOLE) proposed an amendment to the bill S. 1281, supra; as follows:

On page 82, after line 23, insert the following new section:

SEC. 170B. LIMITATIONS ON UNITED STATES FUNDING OF UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) It is the sense of the Senate that beginning October 1, 1995, funds made available to the Department of Defense (including funds for "Operation and Maintenance") shall be available for—

(1) United States assessed or voluntary contributions for United Nations peacekeeping activities, or

(2) the incremental costs associated with the participation of United States Armed Forces in United Nations peacekeeping activities,

only to the extent that the Congress has authorized, appropriate or otherwise approved funds for such purposes.

(b) ASSESSED CONTRIBUTION FOR UNITED NATIONS PEACEKEEPING ACTIVITIES.—

(1) REASSESSMENT OF CONTRIBUTION PERCENTAGES.—The Permanent Representative should make every effort to ensure that the United Nations completes an overall review and reassessment of each nation's assessed contributions for United Nations peacekeeping activities. As part of the overall review and assessment, the Permanent Representative should make every effort to advance the concept that host governments and other governments in the region where a United Nations peacekeeping activity is carried out should bear a greater burden of its financial cost.

(2) UNITED STATES CONTRIBUTIONS.—(A) The Permanent Representative should make every effort to obtain agreement by the United Nations to a United States assessed contribution for United Nations peacekeeping activities that is no greater a percentage of such contributions by all countries than the United States percentage share of assessed contributions for other United Nations activities.

(B) The Congress declares that, effective for fiscal year 1996, it does not intend to make available funds for payment of United States assessed or voluntary contributions for United Nations peacekeeping activities that exceed 25 percent of the total amount of the assessed and voluntary contributions of all countries for such activities unless, after the date of enactment of this Act, the Congress enacts a statute specifically authorizing a greater percentage contribution.

(C) The Permanent Representative shall inform the Secretary General of the congressional intent expressed in paragraph (2).

(c) UNITED STATES CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING ACTIVITIES.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

(1) by inserting "(a)" before "The President"; and

(2) by adding at the end the following:

"(b)(1) The President shall, at the time of submission of his annual budget request to the Congress, submit a report to the Congress on the anticipated budget for the fiscal year for United States participation in United Nations peacekeeping activities.

"(2) The report required by paragraph (1) shall state—

"(A) the aggregate amount of funds available to the United Nations for that fiscal year, including assessed and voluntary contributions, which may be made available for United Nations peacekeeping activities; and

"(B) 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 United Nations peacekeeping activities.

"(3) The President shall include in his budget submission for fiscal year 1996 a projection of all United States costs for United Nations peacekeeping activities during each of fiscal years 1996, 1997, and 1998, including costs of in-kind contributions and assessed and voluntary contributions.".

(d) DEFINITIONS.—

(1) AMENDMENT.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"SEC. 10. For purposes of this Act—

"(1) the term 'appropriate congressional committees' means the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate and the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives;

"(2) the term 'Permanent Representative' means the Permanent Representative of the United States to the United Nations appointed by the President pursuant to section 2 of this Act.

DOLE (AND PRESSLER) AMENDMENT NO. 1349

Mr. HELMS (for Mr. DOLE for himself and Mr. PRESSLER) proposed an amendment to the bill S. 1281, supra; as follows:

On page 82, after line 23, insert the following:

SEC. 170B. UNITED NATIONS PEACEKEEPING BUDGETARY AND MANAGEMENT REFORM.

(a) WITHHOLDING OF CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING.—(1) At the beginning of each fiscal year (beginning with fiscal year 1995), 20 percent of the amounts of funds made available for United States assessed contributions for United Nations peacekeeping activities shall be withheld from obligation and expenditure unless a certification has been made under subsection (b).

(2) For each fiscal year (beginning with fiscal year 1995), the United States may not pay any voluntary contribution for international peacekeeping activities unless a certification has been 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 United Nations peacekeeping activities carried out by the United Nations;

(2) the Secretary General of the United Nations has appointed an Inspector General, with the consent of the General Assembly, solely 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 United Nations peacekeeping activities carried out by the United Nations;

(B) have access to all records and documents or other material available which relate to those activities; and

(C) have direct and prompt access to relevant officials of the United Nations, including any official of the United Nations Secretariat;

(4) the United Nations Office of Inspector General is keeping the Secretary General and the members of the Security Council 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 Inspector General recommendations.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "appropriate congressional committees" means the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate and the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives;

(2) the term "Permanent Representative" means the Permanent Representative of the United States to the United Nations appointed by the President pursuant to section 2 of this Act; and

DOLE AMENDMENT NOS. 1350–1351

Mr. HELMS (for Mr. DOLE) proposed two amendments to the bill S. 1281, supra; as follows:

AMENDMENT NO. 1350

On page 82, after line 23, insert the following:

SEC. 170B. REPORTING REQUIREMENTS INVOLVING MULTILATERAL PEACEKEEPING ACTIVITIES.

(a) UNITED STATES PERSONNEL TAKEN PRISONER WHILE SERVING IN MULTILATERAL PEACEKEEPING FORCES.—

(1) FINDINGS.—The Congress finds that—

(A) until recent years United States military personnel rarely served as part of multilateral forces under the United Nations or regional international organizations;

(B) despite infrequent service as part of multilateral forces, United States personnel, such as Colonel William Higgins in Lebanon, have been captured, tortured, and murdered;

(C) in recent years, United States military personnel have served much more frequently as part of multilateral forces;

(D) the capture and torture of Chief Warrant Officer Michael Durant in Somalia in October 1993 was horrendous and recent example of the risk to United States personnel in multilateral forces;

(E) continued multilateral service increases the probability that United States military personnel will be captured, and subject to mistreatment;

(F) United States military personnel captured while serving as part of multilateral forces have not been treated as prisoners of war under the 1949 Geneva Conventions and other international agreements intended to protect prisoners of war; and

(G) failure of United States military personnel serving as part of a multilateral force to receive protection under international law increases the risk to personnel while serving in multinational forces.

(2) POLICY.—It is the sense of the Congress that—

(A) the President should take immediate steps, unilaterally and in appropriate international bodies, to assure that any United States military personnel serving as part of a multilateral force who are captured are accorded the protection to prisoners of war; and

(B) the President should also take all necessary steps to bring to justice all individuals responsible for mistreatment, torture, or death of United States military personnel who are captured while serving in a multilateral force.

(3) REPORT.—Each report submitted pursuant to section 169 of this act shall include a separate section setting forth—

(A) the status under international law of members of multilateral peacekeeping forces, including the legal status of such personnel if captured, missing, or detained,

(B) the extent of the risk for United States military personnel who are captured while participating in multinational peacekeeping forces in cases where their captors fail to respect the 1949 Geneva Conventions and other international agreements intended to protect prisoners of war, and

(C) the specific steps that have been taken to protect United States military personnel participating in multinational peacekeeping forces, together (if necessary) with any recommendations for the enactment of legislation to achieve that objective.

(b) HUMAN RIGHTS OBSERVANCE IN UNITED NATIONS PEACEKEEPING ACTIVITIES.—(1) Section 1069 of the bill is amended to include the following at the end:

"(5) a description of respect for internationally recognized human rights in countries or territories where a United Nations peacekeeping activity has taken place during the preceding year by UN forces, including a description of United Nations' efforts to investigate and take appropriate action, in cases of alleged human rights violations".

AMENDMENT NO. 1351

At the appropriate place in the bill, insert the following new section:

SECTION . REPORT ON SANCTIONS ON VIETNAM

(a) Not later than 30 days after any action to modify, ease or end any prohibition, restriction, condition or limitation on transaction 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 27, 1994 under the Act of October 6, 1917 (40 Stat. 411 et seq.) as amended, the President shall report in writing to the Senate and the House of Representatives whether 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 of 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 27, 1994;

(b) DEFINITIONS.—For purpose of subsection (a)—

(1) the phrase "cases or reports 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.

D'AMATO (AND COHEN) AMENDMENT NO. 1352

Mr. HELMS (for Mr. D'AMATO for himself and Mr. COHEN) proposed an amendment to the bill S. 1281, supra; as follows:

At the appropriate place in the bill insert the following new section:

SEC. . COORDINATOR FOR COUNTER-TERRORISM.

(a) ESTABLISHMENT.—There shall be within the Dept. of State a Coordinator for Counter-Terrorism (hereafter in the section referred to as the "Coordinator") who shall be appointed by the President.

(b) RESPONSIBILITIES.—(1) The Coordinator shall perform such duties and exercise such power as the Secretary of State shall prescribe.

(2) The Coordinator shall have as his principal duty the overall supervision (including oversight of policy and resources) of counter-terrorism activities of the Department of State. the Coordinator shall be the principal advisor to the Secretary of State on counter-terrorism matters and (after the Secretary, Deputy Secretary and the appropriate Under Secretary) shall be the principal counter-terrorism official within the senior management of the Department of State.

(c) RANK AND STATUS.—The Coordinator shall have the rank and status of an Assistant Secretary. The Coordinator shall be compensated at the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5314 of title 5, United States Code.

MCCONNELL AMENDMENT NO. 1353

Mr. HELMS (for Mr. MCCONNELL) proposed an amendment to the bill S. 1281, supra; as follows:

At the appropriate place in the bill add the following new section:

No funds authorized to be appropriated under this Act may be obligated to be expended for the Office of Public Affairs at the Department of State until the Secretary of State certifies in writing to the Senate Majority Leader and the Republican Leader, that the Assistant Secretary for Public Affairs, the Under Secretary for Management or any other Presidential appointee at the Department of State:

(1) was not aware of the intent to search or disclose the contents of any files of Bush Administration;

(2) did not order or participate in the search or disclosure of the contents of any files of Bush Administration appointees;

(3) did not discuss or coordinate the search or disclosure of the contents of any files of Bush Administration appointees with individuals at the Office of White House Personnel, the White House, or the Democratic National Committee.

KERRY AMENDMENT NO. 1354

Mr. KERRY proposed an amendment to the bill S. 1281, supra; as follows:

At the appropriate place in the bill add the following new section:

"SEC. . It is the sense of the Senate that the President should not restrict informational, educational, religious, or humanitarian exchanges, or exchanges for public performances or exhibitions, or travel for any such informational, educational, religious, performance, or exhibition exchanges, or travel for furtherance of humanitarian activities, between the United States and any other country."

JOHN MINOR WISDOM COURTHOUSE ACT

JOHNSTON (AND OTHERS) AMENDMENT NO. 1355

Mr. KERRY (for Mr. JOHNSTON, for himself, and Mr. BREAUX) proposed an amendment to the bill (H.R. 2868) to designate the building at 600 Camp Street, New Orleans, Louisiana, as the "John Minor Wisdom United States Courthouse," as follows:

On page 1, line 6, strike "Courthouse" and insert "Court of Appeals Building".

On page 2, line 6, strike "Courthouse" and insert "Court of Appeals Building".

Amend the title so as to read: "An Act to designate the Federal building located at 600 Camp Street in New Orleans, Louisiana, as the 'John Minor Wisdom United States Court of Appeals Building', and for other purposes.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. KERRY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Tuesday, February 1, 1994, at 10 a.m. to conduct a hearing on the nominations of Ricki Rhodarmer Tigert to be a member and chairwoman of the board of Directors of the FDIC; Andrew D. Hove, Jr. to be a member and vice chairperson of the Board of Directors of the FDIC; and Anne L. Hall to be a member of the Board of Directors of the FDIC.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KERRY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., February 1, 1994, to receive testimony from Charles Curtis, nominee to be Under Secretary of Energy, and Robert Uram, nominee to be Director, Office of Surface Mining for the Department of the Interior.

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

COMMITTEE ON FINANCE

Mr. KERRY. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 10:00 a.m. to hear testimony on the subject of health insurance market reform.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. KERRY. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Tuesday, February 1, at 10 a.m., for a hearing on the nominations of members, Assassination Records Review Board: Henry F. Graff, Kermit L. Hall, William L. Joyce, Anna Kasten Nelson, and John R. Tunheim.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. KERRY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, February 1, 1994, at 2:30 p.m., to hold a closed hearing on intelligence matters.

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 and the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet on Tuesday, February 1, 1994, at 9:30 a.m., in open session to receive testimony on the future of NATO.

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

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. KERRY. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations jointly with Armed Services Subcommittee on Coalition Defense and Reinforcing Forces be authorized to meet during the session of the Senate on Tuesday, February 1, 1994, at 9:30 a.m., to discuss the future of NATO; The NATO Summit and beyond.

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

ADDITIONAL STATEMENTS

EXPLANATION OF ABSENCE THURSDAY, JANUARY 27 AND FRIDAY, JANUARY 28, 1994

• Mrs. MURRAY. Mr. President, due to an emergency last week, I was necessarily absent late Thursday afternoon, January 27 and Friday, January 28, 1994.

During my absence, I missed several rollcall votes. For the record, I would like to state that had I been here I would have cast the following votes:

Had I been present, I would have voted "yes" on rollcall vote No. 8, on agreeing to amendment No. 1281, the Dole amendment expressing the sense of the Senate to lift the arms embargo on the Government of Bosnia if requested by the Bosnian Government; and to provide United States military aid if requested.

Had I been present, I would have voted "yes" on rollcall vote No. 9, on agreeing to amendment No. 1280, the McConnell/Byrd amendment expressing the sense of the Senate that new members in NATO's Partnership for Peace should become full members of NATO if conditions are met.

Had I been present, I would have voted "yes" on rollcall vote No. 10, on agreeing to amendment No. 1278, the Helms amendment forbidding ratification of a treaty that calls for U.S. participation in an International Criminal Court unless American citizens are guaranteed their rights under the first and fourth amendments of the U.S. Constitution.

Had I been present, I would have voted "yes" on rollcall vote No. 11, on agreeing to table amendment No. 1287, the Spector amendment requiring collateral on United States loans to Russia and other nations of the NIS.

Had I been present, I would have voted "yes" on rollcall vote on No. 12, on agreeing to amendment No. 1286, the Brown amendment prohibiting the sale of defense articles and services to nations that participate in the tertiary and secondary Arab boycott of Israel.•

CONGRATULATIONS, NOTRE DAME

• Mr. LUGAR. Mr. President, I rise today to join my fellow Hoosiers and football fans to congratulate the University of Notre Dame football team for an outstanding season. Beginning with the season opener on September 4, 1993, against Northwestern and culminating with the Cotton Bowl on January 1, 1994, against Texas A&M, Notre Dame again demonstrated an undaunted spirit. Under the leadership of coach Lou Holtz and athletic director Dick Rosenthal, the record of the University of Notre Dame football team exhibits year after year the product of intelligence, hard work, and determination to succeed. With a record of 10 wins and 1 loss, the team was always a contender for the national championship.

Through the years, I have enjoyed watching the fierce competitiveness that always accompanies a Notre Dame football match-up. Regardless of opponent, the team always approaches the game with the same fervor. Testimony to Notre Dame's determination includes 7 Heisman award winners, 11 national titles, and an overall record of 722 wins, 211 losses, and 41 ties. Please join me in congratulating the Notre Dame football team for a job well done.•

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

• Mr. KERRY. Mr. President, I would like to join in a colloquy with the Senator from West Virginia [Mr. ROCKEFELLER].

Mr. ROCKEFELLER. Mr. President, I thank the Senator from Massachusetts for joining me in a colloquy.

I would like to raise the issue of the Japan-United States Friendship Commission, an independent Federal agency established in 1975 to promote mutual understanding between the peoples of the United States and Japan. It accomplishes its mandate by making grants to institutions to assist them in carrying out research and exchange with Japanese counterparts in a broad range of activities from the arts to policy research. Its funds are derived entirely from the interest from the Japan-United States Friendship Trust Fund, established by Congress in the enabling legislation of 1975 (Pub. L. 94–118, as amended). The Commission derives no appropriation from the general revenue.

Mr. President, each successive administration has affirmed that the United States' relationship with Japan is the most important bilateral relationship to us, "bar none," as Ambas-

sador Mansfield stated. It is no secret that the problems inherent in that relationship are commensurate with its importance. The Japan-United States Friendship Commission plays a two-pronged role in dealing with that relationship. On the one hand, it helps to provide stability to the often clamorous bilateral relations through programs of education for expert communities and the general public in the two countries on the contemporary realities of the other nation. On the other hand, increasingly, the Commission serves to stimulate the development of programs to train Americans to incorporate Japan-related expertise in their professional careers, and to provide basic research on the contemporary Japanese political economy that will supply purposeful information and knowledge to American policymakers to help them make more effective policy regarding Japan.

Mr. President, there is no question that the work of the Japan-United States Friendship Commission is more important now than it has ever been before. It is even more important to realize that this Commission is the only source of funds dedicated to support of these activities that Americans can use freely without fear of carrying out, unconsciously or aware, the aims and agendas of self-interested institutions and organizations. To carry out its mandate, the Commission requires as strong a financial base as it can secure, but unfortunately, the exact opposite is true. The Commission now faces an annual income worth only a quarter of the financial power Congress intended it to have. In part, this situation arises from the Commission's former policy of the 1980's to drawdown on its principal. Encouraged in this policy in the 1980's, the Commission subsequently reversed it in 1990. Nonetheless, the effect of lower principal is now compounded with two other factors—the historically low rates of return on the Commission investments in Treasury Department instruments, in which it must invest by law, and most importantly, inflation. Mr. President, I contend that Congress did not intend that the ability of the Commission to meet its statutory powers should be curtailed by the impact of these factors on its annual earnings.

Mr. President, in the first session of the 103d Congress I introduced S. 768 together with Senator MURKOWSKI to allow for consideration of recapitalizing the Commission to help it meet its responsibilities. I would like to point out here the continued importance of this effort, and also of the advantage of addressing the national need by recapitalizing this Commission. As the Commission's funds are placed in a U.S. Government endowment, they should not be considered expenditure and thus would be scored as zero outlay. At the same time, such an investment would help meet the new national priorities announced for the fiscal year 1995 budget, in investing government funds in the promotion of research and development, which includes programs of education and training. Mr. President, there is no education and training more important for our young people than the ability to keep American enterprises competitive in the new interdependent global economy. Training on Japan is central to this effort. Therefore, I would propose that funds designated specifically for this effort under Budget Function 500 be devoted in part to the recapitalization of the Commission by transferring them to Budget Function 150 for this purpose, thus relieving the Congress of the need to find new funds.

Mr. President, I also think it is important to establish that Congress might wish to begin the effort of recapitalizing the Commission by designating it for reprogramable funds in Foreign Relations, thus meeting the objectives of American foreign policy and domestic revival through this single means.

Mr. KERRY. I share the view of the gentleman from West Virginia that the work of the Japan-United States Friendship Commission is vital to the long-term stability of our bilateral relationship with Japan and provides it with the balance necessary to counter the short-term crises that constantly assail it. This, of course, is not to say that there are not any real problems in that relationship, but only that we must address those problems within an acknowledgment of the value and long-term importance to the United States of the United States-Japan relationship. I also share the gentleman's view that the work of the Commission to help develop the capacity in the United States to deal effectively with Japan and compete with it where competition dictates is critical. I agree that Congress did to intend to allow the work of the Commission to be impeded by financial conditions beyond its control.

Mr. President, it would be my intent to revisit this issue at an appropriate time, not too distant in the future, to move to seek fresh funds for the Japan-United States Friendship Trust Fund. The idea has merit, and we want to make certain that the appropriate parties in the Congress and the administration are giving it careful thought and study. I hope I can report shortly to my friend from West Virginia that this idea can be given concrete expression.•

CREATING JOBS IN A COMMUNITY

• Mr. BAUCUS. Mr. President, I want to recognize today one small business in Montana that is really making a difference by creating jobs in a community that badly needs them.

Crisafulli J&J Inc. is a small company located in Glendive, MT that is actively promoting innovative technology and new jobs for Montana. They have recently developed a new system for preserving wood railroad ties that extends the useful life of those ties.

Tie Life Extension Systems [TLES] is a patented process using patented equipment that injects preservative directly beneath the tie plate and surrounding spikes to retard the growth of damaging bacteria and fungi. TLES has been shown to extend tie life by up to 5 years.

I would like to add that it is companies like this that will lead the way to a solid, productive economy for eastern Montana. Crisafulli J&J employs 6 people full time, and when projects arise, they employ up to 20 workers. Such entrepreneurship will mean even more employment opportunities for eastern Montana—something that is badly needed.•

EMPOWERING PARENTS AND THE PUBLIC: THE KEY TO A SOLUTION FOR TELEVISION VIOLENCE

• Mr. DORGAN. Mr. President, today the cable television industry announced a plan that will—it says—stop the violence that cable operators have been pouring into the American home. The broadcast networks have expressed an intention to follow suit on some of the initiatives.

The details of these plans are still fuzzy. Basically, they are, among other things, proposing to contract with outside experts to review their programs and possibly assign ratings to them.

We should all applaud the industry for coming this far. We should especially applaud the leaders in the industry who have dragged along their reluctant cohorts—the ones who prefer to keep their heads in the sand. These leaders have opened a dialog that may make it possible to truly address this problem.

I also think that we need to commend our colleague, Senator SIMON, whose leadership was critical to these developments. The Senator from Illinois has helped bring this issue to the forefront of the Nation's attention and I am sure that many of my colleagues share my admiration and gratitude for his work in this area.

But we need to remember too that nothing has happened yet. The industry has declared its good intentions, nothing more.

The history of this issue provides a cautionary tale. Time and again over the last four decades, parents and clergy have expressed dismay over the violent fare that broadcast corporations were offering to young children. Time and again Congress has held hearings. Each time the industry has made earnest promises of reform.

Yet each time, those executives went back to New York or Hollywood and soon the violence was getting worse

again. During the 1980's, while the administration in Washington was looking the other way, the gore and mayhem reached record levels. It probably is not a total coincidence that the inner city children who absorbed that onslaught of media violence in the 1980's, are now repeating it as teenagers in the 1990's.

We all know that crime has many causes. But we also know, if we are honest, that the mayhem in the media isn't helping. The problem is imply too important to leave to good intentions. Public pressure, focused through Congress, has brought the media this far. Our colleague, Senator PAUL SIMON, raised this issue onto the national agenda, almost by himself. He deserves the gratitude of all of us, and of the entire nation.

The job is not done, and we in Congress have to stay on the case until the job is done

I do think we should meet the industry half way. If they show real progress, and put in place a mechanism that truly stems the violence and will continue to do so, then to that extent—and only that extent—we should let them alone. But we still need guardrails to keep the industry from slipping. We still need to bolster the responsible voices in the industry who, without our pressure, never would have gotten this far.

The question is how to do so. As I have said time and again in this Chamber, it is not the role of government in this country to tell the media what it can portray nor individuals what they can watch. Our Nation just doesn't work that way. It is the role of government, however, to provide information to parents and others—information that they could not gather themselves—to help them make their own informed choices.

That is the approach I have taken. Under my bill calling for a television violence report card, there would be no censors, no ratings, no attempt to judge the ultimate value of individual shows. Instead, the Federal Government would support the production of a simple study that showed parents the number of acts of violence in each show, and the sponsors of those shows.

This information would come out quarterly, including at least one sweeps week. It would serve as an early warning system, a signal to parents regarding the shows they might want to take a closer look at. It would boost their efforts to monitor their children's viewing and to make their own judgments.

But it would not put the Federal Government into the role of judge or censor. It would give more power to parents, not to the Federal Government.

Because the industry has taken a first step toward cleaning up its own act, I intend to modify my bill in two important ways. First, the original version would have given the job of conducting the surveys to the Federal Communications Commission. Industry people have complained that regulators should not have this role, and I have decided that there is some validity to their concerns. For that reason, I am redrafting the bill to provide that the surveys be carried out by a private entity, contracting through the National Telecommunications Industry Administration under the National Endowment for Children's Educational Television program.

In addition, in light of the industry initiative, my modified version would sunset after 2 years. Then Congress could assess the situation. If the media shows it can restrain itself, and provides a real, effective mechanism to warn parents of the violence in different programs, then Congress could decide to stop the surveys that I am proposing.

For the last 40 years, America has developed technology of incredible sophistication for projecting images of violence into the American home. It started with the TV sets of the early 1950's, with the tiny black and white screens. From there we went to big screens, color, stereo sound, and VCR's. High definition television and the communications superhighway are just over the horizon.

The technology for producing media violence has become incredibly sophisticated as well.

Yet through all this, America has done virtually nothing to give parents more tools to cope with this violence—to control the flood of it into their homes. Most parents try. But they simply aren't able to sit by the set all day and monitor every show.

My television violence report card is one way to address that, but there is another as well.

That's why I introduced S. 1811, the Television Violence Reductions Through Parental Empowerment Act in the Senate yesterday. This is a companion bill to the V-chip legislation that Congressman EDWARD MARKEY has pioneered in the other body. The V-chip is an effective way to address TV violence that gives more power to parents rather than to government. It would enable parents to lock the set, just as they lock their cars or their front doors. For the first time since the invention of television, it would enable them to eject from their living rooms the shows they don't want their children to see.

Television has done something that never occurred before in human history. It has given adults a way to bypass the parents, get past the front door, and speak directly to children. The V-chip would enable parents to lock the front door again. With it, they could send a message to the networks and cable channels through the free marketplace, without bureaucracy or government censorship of any kind.

The V-chip will be an important part of a solution. For the first time in this country, it would provide a boost for parents who want to keep portrayals of violence out of their homes. It is not censorship. It simply gives parents a tool to help supervise their childrens television viewing.

I want to commend Congressman MARKEY for his leadership on this issue. Without his efforts, it would not be on the national agenda the way it is today.

The media have turned the living rooms of this country into arenas for the display of bloodshed and gore. They have taught our children that violence is glamorous and cool and is the way that adults solve their problems. Parents are outraged, and rightfully so. Now we have an opportunity to address this problem. It is part of the unfinished business of the media age.

The technology of media violence has become ever more sophisticated. Very soon, high definition television will crank it up to yet another level. We simply have to right the balance, give parents more tools to restrain this invasion of their homes—one that no parents in history have had to confront.

We welcome the desire of the media to get its own house in order. To the extent that it does, then our efforts will be unnecessary. But until it does, we in Congress must keep pushing.•

PATRIOT MISSILES FOR UNITED STATES FORCES IN SOUTH KOREA: WHICH VERSION?

• Mr. D'AMATO. Mr. President, I rise today to call my colleagues' attention to an article entitled "Korean Impasse Spurs Patriot Plans," by John D. Morocco and David Hughes, that was published in the January 31, 1994, edition of Aviation Week & Space Technology. This article summarizes the situation as it stood last Sunday, adding relatively little new information to the public record. However, what it did say that is very important is that not all Patriot battalions have received the post-Desert Storm antitactical ballistic missile upgrades.

The critical paragraphs in the story read as follows:

> The number of Patriot batteries involved [in the planned South Korean deployment], as well as where they would come from, has yet to be determined. Under Secretary of Defense for Policy Frank Wisner said Patriot systems are in short supply, but indicated some have become available as a result of the U.S. drawdown in Europe.
>
> Pentagon officials are considering whether to send Patriot batteries equipped with post-Desert Storm engineering upgrades. Only two Patriot battalions out of 11 in the U.S. Army currently have the quick reaction program (QRP) improvements installed, according to Army officials, and the rest are being modified with kits one battalion at a time.

With QRP changes, Patriot batteries can defend five times more ground area against tactical ballistic missile attack than was possible during Desert Storm. QRP improvements include refinements in the ground-based radar, remote siting capability for the radar so it can be placed up to 10 km. from a launcher and a self-locating device to speed the emplacement of a new battery to under 30 min. A separate improvement underway is the addition of any optical disk system to all Patriot batteries to capture radar data on any engagements for replay and analysis. The lack of after-action data in Desert Storm made it more difficult to adjust to unexpected Scud aerodynamic performance and to verify Patriot performance after the war.

The Patriots would provide protection against North Korean surface-to-surface missiles. North Korea has more than 100 Scud-B and -C and Frog-3, -5, and -7 missiles. It also has developed the new No Dong 1, which has a range in excess of 1,000 km. (622 mi.). U.S. and South Korean forces currently have no missile defenses, and observers say the air defense system is inadequate.

The issues raised by this article are critical. Which Patriots is the administration planning to send to South Korea? Will the battalion be one of the two upgraded battalions with the quick reaction program engineering upgrades installed?

If the answer is "no," we have a more serious question—where in the world is the threat of surprise tactical ballistic missile attack against deployed U.S. forces higher than it currently is on the Korean Peninsula? If it is true that the upgraded Patriot system can cover five times more ground area than the basic system, how would the administration justify a decision to send the less capable systems—systems that would leave some of our people exposed to attack when they could be protected?

Mr. President, not only is it important to make the final decision to send the Patriots and send them now, but it is vital that the right Patriots be sent—the ones with the full quick reaction program upgrades and the optical disk radar data recorders. We are waiting for the decision, and the countdown to the February 22, 1994, deadline for North Korea agreement to full IAEA inspections of its nuclear facilities is running.

In fact, the time available to transport the Patriots to South Korea is so short that the administration may have to have them delivered by air instead of by sea. While air transportation is more costly, time has become critical.

It appears that the administration feels little urgency—at least from its public comments—in the Patriot deployment. The time has come for them to begin feeling the pressure and treating the issue as one that requires immediate decision and expeditious implementation.

My comments on this matter may seem unusual in the ordinary context of Defense Department deployment decisions. I ordinarily do not raise these matters on the floor. However, the Department's performance under Secretary Aspin's leadership in responding to a variety of contingencies causes me to raise this matter publicly and to make it an issue.

The men and women wearing this Nation's uniform in Korea deserve a far more competent and decisive response to their commander's request for the Patriots for force protection than General Montgomery's request for tanks and infantry fighting vehicles to protect his forces in Mogadishu received. With that bloody and tragic lesson of the price of delay and indecision in mind, I believe it is vital that we press the Pentagon and the administration's national security leadership as a whole to make a positive decision, make it now, and ship the Patriots—the right Patriots—as soon as is humanly possible.

The alternative may be another disaster by indecision.

Mr. President, I ask that the full Aviation Week & Space Technology article from which I quoted above be printed in the CONGRESSIONAL RECORD immediately following my remarks.

The article follows:

[From Aviation Week & Space Technology, Jan. 31, 1994]

KOREAN IMPASSE SPURS PATRIOT PLANS

(By John D. Morrocco and David Hughes)

The U.S. is planning to deploy Patriot air defense missiles to South Korea, a move that simultaneously increases the political pressure and hedges Washington's bets in the continuing diplomatic confrontation with North Korea over nuclear inspections.

The missiles were requested by Army Gen. Gary Luck, the commander of U.S. forces in Korea, following a review of defense requirements. The Pentagon said it is looking "favorably" at the request but "no actual decision has been made."

The plan comes amid increasing tensions on the peninsula. A U.S.-North Korean diplomatic standoff over the issue of full access to North Korea's nuclear facilities by international inspectors has spurred the threat of economic sanctions by the Clinton Administration.

The number of Patriot batteries involved, as well as where they would come from, has yet to be determined. Under Secretary of Defense for Policy Frank Wisner said Patriot systems are in short supply, but indicated some have become available as a result of the U.S. drawdown in Europe.

Pentagon officials are considering whether to send Patriot batteries equipped with post-Desert Storm engineering upgrades. Only two Patriot battalions out of 11 in the U.S. Army currently have the quick reaction program (QRP) improvements installed, according to Army officials, and the rest are being modified with kits one battalion at a time.

With QRP changes, Patriot batteries can defend five times more ground area against tactical ballistic missile attack than was possible during Desert Storm. QRP improvements include refinements in the ground-based radar, remote siting capability for the radar so it can be placed up to 10 km. from a launcher and a self-locating device to speed the emplacement of a new battery to under 30 min. A separate improvement underway is the addition of an optical disk system to all Patriot batteries to capture radar data on any engagements for replay and analysis. The lack of after-action data in Desert Storm made it more difficult to adjust to unexpected Scud aerodynamic performance and to verify Patriot performance after the war.

The Patriots would provide protection against North Korean surface-to-surface missiles. North Korea has more than 100 Scud-B and -C and Frog-3, -5 and -7 missiles. It also has developed the new No Dong 1, which has a range in excess of 1,000 km. (622 mi.). U.S. and South Korean forces currently have no missile defenses, and observers say the air defense system is inadequate.

Stressing the defensive nature of the Patriot system, Wisner said: "The deployment is clearly not meant to increase tensions." He said such a move had been considered for some time and was merely a response to the theater commander's request after Washington asked him to review security arrangements for U.S. forces. But given the current diplomatic tensions, it is certain to draw howls of protest from Pyongyang.

Wisner said the most viable way to pursue the nuclear problem with North Korea was through negotiations. But other officials have indicated that time is running out and warn that the U.S. could soon move to seek economic sanctions.

William Taylor, senior vice president at the Center for Strategic and International Studies, said just the talk of deploying Patriots sends a message to the North Koreans that time is running out. It signals the Administration's realization that the imposition of economic sanctions increases the risk of armed conflict and the U.S. is preparing for that.

The U.S. has offered to cancel the annual joint exercises with South Korean forces in exchange for the North Koreans allowing inspections of its seven declared nuclear sites. But Pyongyang has balked during discussions with the International Atomic Energy Agency on the details of how those inspections would be carried out.

IAEA Director Hans Blix is to report on the progress toward compliance by Feb. 22. The Administration's Patriot gambit has underlined the importance of that deadline, Taylor said. The Clinton Administration is basically telling North Korea it does not have much time to strike a deal with the IAEA, since it will take the agency two weeks to conduct inspections.

Wisner said the U.S. intelligence community is "divided" over whether the North Koreans have already developed a nuclear weapon. In testimony before the Senate Select Intelligence Committee last week, CIA Director R. James Woolsey reiterated his previous assertions that North Korea could already have produced enough plutonium for at least one nuclear weapon. "Moreover, their Yongbyon reactor may be shut down soon, enabling them to extract fuel, reprocess, recover the plutonium and use it to produce weapons."

Wisner said, however, it was "not immediately apparent" that the North Koreans are closing down the Yongbyon reactor. Furthermore, he noted that the U.S. intelligence community is divided over whether North Korea has nuclear weapons. He said it is possible, given the amounts of plutonium they have produced. "We should not rule that out."

Taylor noted that the Administration's announcement of Patriot deployment plans also satisfies congressional critics who have been urging that the U.S. bolster its defenses in Korea. But at the same time, it would un-

dercut long-standing U.S. efforts to get the South Koreans to buy Patriot systems of their own. "Forget Raytheon selling it to them if we bring it in," he said.

Rep. John P. Murtha (D.-Pa.) said Korea will be the first major foreign policy test of the Clinton Administration. "Haiti, Bosnia, Somalia don't amount to anything compared to Korea."

The chairman of the House Appropriations defense subcommittee said he expected "a confrontation" with North Korea this year over the issue of nuclear weapons. "I think it's so serious we have to consider the ultimate, and that's military action."

Air Force Lt. Gen. James R. Clapper, director of the Defense Intelligence Agency, said he did not think war was "imminent or inevitable." Despite recent movements to concentrate more of its forces along the demilitarized zone, Clapper said there are "significant shortcomings in force capabilities that Pyongyang would prefer to correct before initiating military hostilities." But he also noted that North Korea has no desire to become another East Germany and "it could find itself without attractive alternatives."

U.S. Air Force officials said there has been "a lot of planning, a lot of what-if-ing" in terms of a potential conflict in Korea, but there has been no recent surge of activity. It has been at "a pretty constant level for the last six or seven months," one official said. However, Woolsey has asked the intelligence community "to undertake additional specific steps to ensure strong intelligence support to our military forces [in Korea]."•

PRODUCT LIABILITY REFORM SHOULD NOT INCLUDE FDA AND FAA DEFENSE

• Mr. DORGAN. Mr. President, last fall the Senate Committee on Commerce, Science, and Transportation reported legislation that would reform tort laws on the Federal level and make rule changes that relate to product liability cases. I voted to report this legislation, S. 687, the Product Liability Fairness Act, out of the Commerce Committee. However, I did so with serious reservations about two provisions in its current form.

I believe that some kind of reform with respect to product liability cases is necessary and I am willing to support Federal action in this area. I share the concerns that many small businesses have with the current system. Small businesses are asking for some sort of attention to product liability issues and I want to respond to those concerns. I am sympathetic to those who say that fear of liability inhibits their ability to conduct their business and create jobs and I hope the Congress will pass legislation to address these concerns.

However, I have very serious reservations about provisions in S. 687 which would provide certain manufacturers with a defense against any punitive damages if their product has received Food and Drug Administration [FDA] approval or Federal Aviation Administration [FAA] certification. It seems to me that the Congress would be making a grave error if we gave large pharmaceutical companies and aircraft manufacturers a clear defense against punitive damages and expect that the FDA and the FAA can provide absolute and perfect protection to consumers. It is unacceptable to consumers, especially to those concerned with women's health and the safety of aircraft, to seriously weaken their rights to challenge manufacturers who market defective products. Punitive damages serve as a necessary check when Federal agencies fail. My conscience cannot accept this provision in the bill and I cannot support this legislation if this provision remains in the bill.

Although punitive damages are rare, they are very necessary when imposed. The bill in its present form would protect manufacturers from punitive damage exposure if their product is approved by the FDA or the FAA. The fact is that punitive damages are not a problem in the present tort system. The problem that needs to be addressed is that there are too many frivolous cases filed and settled simply to avoid a nuisance rather than resolve whether or not there was fault on the part of a manufacturer. The nuisance problem is draining resources and burdening small businesses. I want to address this problem and I believe other provisions in the bill address this issue. But the FDA and FAA provisions have no relation to the product liability that need to be addressed. Rather, they raise serious concerns about the ability of consumers to rectify unjustifiable behavior by a manufacturer.

Punitive damages are imposed in cases where there is a need to punish and deter manufacturers whose fault is conscious or reckless. Punitive damages are necessary to impose a threat on manufacturers whose negligence or disregard for safety are almost criminal. These awards are intended to force dangerous products either off the market or require manufacturers to redesign bad products. By eliminating the exposure to punitive damages for certain classes of products as the bill provides, a critical regulating device which has been used to get bad products off the market would be diminished.

At issue with this provision is not a matter of individual compensation for simple negligence. Rather, a broader social objective is at stake where the tort system plays a necessary role to hold manufacturers and Federal agencies in check. The FDA and FAA provisions in S. 687 provide protection to manufacturers in the kinds of cases where it is in the best interest of the public to fight for consumer protection. Examples of where the FDA and the FAA have failed to remove dangerous products are legion. If companies are given a defense from punitive damages because a Federal agency provides marketing approval, we are throwing public health concerns with respect to drugs, medical products, and aircraft manufacturing to the wind.

It would be naive of the Congress to believe that any government regulatory agency or system could prevent, stop, or control, the marketing of harmful products. As best, Government safety standards establish minimum levels of protection for the public. The FDA and the FAA have been slow to act in the face of evidence of harm and have failed to catch dangers in the marketplace in the past. Certainly, similar failures will happen in the future, especially if these agencies are not given increased resources and enhanced authority to monitor product safety. Even if the FDA and the FAA were dramatically improved, there will be cases where harmful products are approved and negligent behavior on the part of manufacturers will be the cause.

Examples of cases where the FDA has permitted a manufacturer to knowingly market a dangerous drug or medical device are many. Between 1981 and 1986 the FDA permitted the sale of the Bjork-Shiley heart valve even though both the FDA and the manufacturer of the valve had evidence of strut fractures that led to the death of many patients. An estimated 6 million women took DES, with FDA approval, despite evidence that it caused serious reproductive harm in the offspring of women who had taken it. Most of us are aware of the problems caused by the Copper-7 IUD's, silicone breast implants, and Accutaine—all FDA sanctioned products which were not only harmful to the public but are cases in which the FDA had knowledge of the products dangers.

The FAA certification protection for manufacturers raises similar concerns. A recent study by the General Accounting Office was very critical of the FAA's certification process and found that the FAA has delegated so much of its responsibilities for certification that it has "lost its ability to effectively oversee or add value to the certification process as well as understand new technologies." If the FAA has such serious weaknesses with its certification process, why should it be used as a protection by a manufacturer?

I understand that the FDA and FAA defense provisions include a clause which would eliminate the defense if the manufacturer received product approval through fraud or has not complied with information sharing requirements to the appropriate agency. However, this "escape clause" is far from adequate and does not change the fact that the actual impact of these provisions will mean simply that negligent manufacturers will have more protection in the lawsuit and in turn a substantially larger burden will be placed on the consumer. The burden is placed on the injured individual to prove what is required to be submitted to the agen-

cy, and what information is relevant and material. The FDA and the FAA are not adequately equipped to take on the additional and judicial functions of determining when corporations will be liable for punitive damages. In the last analysis, the consumer will bear the burden and responsibility to prove that a company defrauded a Federal agency with a product before they even have the opportunity to pursue punitive damages. Why is it that in cases where a company may be guilty of near criminal behavior with respect to showing blatant disregard for public safety, we would want to favor tort rules to benefit the manufacturer and make it substantially more difficult for the consumer.

If the FDA and FAA provisions remain in S. 687, I cannot support the bill. As I mentioned above, I want to support some sort of product liability reform. That is why I voted favorably to report this legislation from the Commerce Committee. But the FDA and FAA provisions in the bill do not address the liability concerns of small businesses. The major beneficiary of these provisions is the large pharmaceutical companies that want to be protected from liability if they show disregard for public health. It is my hope that the bill sponsors will realize the danger these provisions cause to public health and remove them from the legislation. If that is done, I believe that S. 687 will be a bill that those of us who want to support product liability reform which benefits small businesses will be able to support.

I urge my colleagues to fight for a product liability bill that helps small businesses and is not hostile to consumer interests. Such legislation can be crafted and I hope to work with the sponsors of S. 687 to achieve this goal.•

RUSSIAN SCIENTIST AND RULE OF LAW ON TRIAL IN MOSCOW

• Mr. DECONCINI. Mr. President, I would like to call to the attention of my colleagues today a closed trial that opened in Moscow last Monday, January 24. A Russian scientist named Vil Mirzayanov is being tried on charges of exposing state secrets.

As chairman of the Senate Intelligence Committee, I most assuredly believe a nation has a right to preserve certain secrets related to national security. But let's look at the particulars of this case.

Dr. Mirzayanov is a Moscow scientist and chemist who in 1992, on the basis of his work in a secret laboratory in Moscow, disclosed in the Russian and Western press that Russia was continuing to test chemical weapons despite having signed international agreements banning such tests. Subsequently, Dr. Mirzayanov was arrested and briefly held in custody in October 1992. He was then kept under house arrest until January 24, 1994, when his trial convened.

What Dr. Mirzayanov did must have infuriated some influential members of the Russian military-industrial complex, although it was apparently not illegal under Russian law at that time. Therefore, authorities prevailed upon Prime Minister Chernomyrdin to sign a retroactive secret decree in March 1993 to make Mirzayanov's allegations a crime. It hardly seems likely that a government supposedly committed to rule of law would hold a citizen liable for violating a decree not made public. Incidentally, the new Russian Constitution quite sensibly forbids using secret decrees as a basis for criminal charges.

Human rights activists and members of the scientific community have come to Dr. Mirzayanov's defense, both in terms of the legality of his trial and with respect to the substance of Dr. Mirzayanov's allegations that Russia is continuing chemical weapons testing. Dr. Joshua Lederberg, president of the New York Academy, has called for the charges against Dr. Mirzayanov to be dropped. "Otherwise," he notes, "we must conclude that Mirzayanov was telling the truth and a whole new class of deadly binary chemical weapons was created and that the Russian Government is reverting to the old Soviet-style practice of persecuting dissident scientists." I would note also that the respected Russian scientist and academic Roald Sagdeev has written that "the trial of Mirzayanov can only bring irreparable moral harm to the policies of the Russian Government and indeed the entire cause of peace."

The administration has also been following this case closely. Ambassador Pickering in Moscow has called it "more than strange and more than usual that someone could be either prosecuted or persecuted for telling the truth about an activity which is contrary to a treaty obligation of a foreign government." I'd say that's putting it mildly, considering the nature of the treaty obligations.

The Mirzayanov trial involves more than the fate of one man. It is a foreboding indication of the direction toward which Russia may be heading in the post-cold war era. Who is in charge here. Civilians operating under rule of law, or a military-industrial complex that can pull secret regulations out of a hat when challenged?

I hope that good will, common sense, and the rule of law will prevail in Moscow. Many conscientious Russians, in and out of government, are seeking justice for Dr. Mirzayanov. The Commission on Security and Cooperation in Europe, of which I am pleased to serve as chairman, is proud to join in their efforts. Along with Commission cochairman Representative STENY HOYER, I have written to Ambassador Lukin and asked him to convey our deepest concerns about the Mirzayanov trial to President Yeltsin. I hope that others will join us.•

HOMICIDES BY GUNSHOT

• Mr. MOYNIHAN. Mr. President, I rise to announce to the Senate that in the first 30 days of 1994, there were 93 homicides by gunshot in New York City alone; 21 of these occurred between Monday and Sunday of last week.

Mr. President, statistics like these are becoming all too familiar to us. It has come to a point in the United States where only the most brutal murders get our attention. And this is wrong.

As Judge Edwin Torres of the New York State Supreme Court has said;

> The slaughter of the innocent marches unabated: subway riders, bodega owners, cab drivers, babies; in laundromats, at cash machines, on elevators, in hallways. * * * This numbness, this near narcoleptic state can diminish the human condition to the level of combat infantryman, who, in protracted campaigns, can eat their battlefield rations seated on the bodies of the fallen, friend and foe alike. A society that loses its sense of outrage is doomed to extinction.

In an article in the American Scholar last year, I wrote that the crime level in the United States has been normalized. I called this process defining deviancy down. Consider the St. Valentine's Day massacre. On February 14, 1929, in Chicago, during Prohibition, four gangsters killed seven other gangsters. The Nation was shocked. The event became legend. It merits not one but two entries in the World Book Encyclopedia. We amended the U.S. Constitution.

Today, violence has reached a level that induces denial. Prof. James Q. Wilson comments that Los Angeles has the equivalent of a St. Valentine's Day massacre every weekend. Even the most ghastly reenactments of such human slaughter produce only moderate responses.

On the morning after the close of the Democratic National Convention in New York City in 1992, there was such an account in the New York Times. It was not a big story; bottom of the page, but with a headline that got your attention: "3 Slain in Bronx Apartment, But a Baby Was Saved." A subhead continued: "A mother's last act was to hide her little girl under the bed." The article described a drug execution; the now routine blindfolds made from duct tape; a man and a woman and a teenager involved. Each had been shot once in the head. The police found them a day later. The also found, under a bed, a 3-month-old baby, dehydrated but alive. A lieutenant remarked of the mother,

> In her last dying act she protected her baby. She probably knew she was going to die, so she stuffed the baby where she knew it would be safe.

The matter was left there. The police did their best. But the event passed quickly; forgotten by the next day, it would never make the World Book.

The Centers for Disease Control and Prevention announced last week that at the current rate, more Americans will lose their lives to gunshots than to automobile accidents by the year 2003. In fact, that point has already been reached in New York, the District of Columbia, and in five other States.

In 1991, 43,536 people died in automobile-related accidents, as against 38,317 from gunshot wounds. Vehicle-related deaths continue to decline as a result of better safety features. Yet violent killings, often random, go on unabated. Peaks continue to attract some notice. But these are peaks above average levels that 50 years ago would have been thought epidemic. In 1943, when I graduated from Benjamin Franklin High School in East Harlem, there were exactly 44 homicides by gunshot in New York City. In 1992, there were 1,499. Among 15–24-year-olds in the United States, deaths from gunshots rose 40 percent between 1985 and 1991.

In the early 1960's we made automobile safety a priority. An epidemiological approach, using passive devices such as seatbelts, highway dividers, and later, airbags, produced an annual decline in highway fatalities. Surely this approach can help with handgun violence. I have advocated ammunition control: banning some particularly deadly rounds, heavily taxing others.

We can start by not becoming desensitized to the problem. Everyone was shocked when a man opened fire with a 9mm handgun and black talon bullets on the Long Island Railroad last December 7. But we should not accept as routine the less spectacular deaths that occur every day.

To its credit, Newsday now publishes a daily count of homicides by gunshot in New York City. And on January 1, 1994, a New Jersey businessman installed a huge death clock on a rooftop above Times Square in Manhattan. It ticks off the number of gun killings nationwide. Less then 24 hours after the clock was turned on, the tally had already reached 85. Perhaps we need this.

I intend to keep the attention of the Senate focused on this issue with a weekly statement on the latest homicides by gunshot. The Nation cannot continue to tolerate this level of violence.

Mr. President, the former New York City Police Commissioner Raymond W. Kelly, in an essay entitled "Toward a New Intolerance," addressed this point.

There is an expectation of crime in our lives. We are in danger of becoming captive to that expectation, and to the new tolerance of criminal behavior, not only in regard to violent crime. A number of years ago, there began to appear in the windows of automobiles parked on the streets of American cities signs which read: "No radio." Rather than express outrage, or even annoyance at the possibility of a car break-in people tried to communicate with the potential thief in conciliatory terms. The translation of "No radio" is: "Please break into someone else's car, there's nothing in mine." These "No radio" signs are flags of urban surrender. They are hand-written capitulations. We need new signs that say "No surrender."

I do not suggest that ammunition control will eliminate gun violence. Our efforts in the public health area have not ended disease. Nor have highway safety efforts eliminated automobile fatalities. But we have made great strides in both fields. In 1966, the National Traffic and Motor Vehicle Safety Act became law. That year, with 930 billion vehicle miles traveled, 53,041 persons were killed on the Nation's highways. In 1992, with 2.2 trillion vehicle miles traveled, that number fell to 39,235. In 1992 alone, 5,226 lives were saved by safety belts, 268 child safety seats, and 559 by motorcycle helmets.

Mr. President, we cannot afford to ignore proven methods of controlling public health epidemics. Gun violence is a public health epidemic. Ammunition control can make a real difference, even if it is only a small step. Let us take that step now.•

TRIBUTE TO UNITED PARCEL SERVICE—ONE OF THE MOST RESPECTED COMPANIES IN AMERICA

• Mr. McCONNELL. Mr. President, it is with extreme pride that I rise today to pay a special tribute to one of the leading corporations in America. United Parcel Service, the world's largest package distribution company, was selected as one of the "Most Admired Corporations" in America, ranking 10th out of over 400 companies evaluated in the February 7, 1994, issue of Fortune magazine.

I take particular pride in honoring UPS today because its international headquarters is in my hometown of Louisville, KY. In fact, the company is the largest private employer in the Commonwealth of Kentucky, with more than 13,500 employees throughout the State.

UPS provides a variety of air and ground distribution services throughout the United States and in more than 185 countries. The company employs more than 280,000 people and operates one of the 10 largest airlines in the country.

When UPS was compared only with other transportation companies it ranked first. Mr. President, this success is nothing new to the Kentucky company. In fact, for the last 11 consecutive years UPS has been rated as the most admired transportation company in America.

The ratings used by Fortune are based on the collective scores of eight attributes. UPS ranked second among the 404 companies rated for "value as a long-term investment," and scored high in all other categories—quality of management, quality of assets, innovativeness, community and environmental responsibility, and the ability to attract, develop, and keep talented people.

The employees of UPS do not simply excel in the workplace, this year alone they were leaders in Louisville's metro United Way campaign. The employees and managers of the company accounted for over $1.6 million in donations.

So I ask my colleagues to join me in honoring United Parcel Service. I think everyone can agree that when we see one of those big brown trucks with the friendly delivery person, we know that the job is being done with care and dedication. Mr. Kent Nelson, the chairman and CEO of UPS should indeed be proud of all that his wonderful company has accomplished.•

TRIBUTE TO BUD GRANT

• Mr. DURENBERGER. Mr. President, this past Saturday former Minnesota Vikings head coach Bud Grant was elected to the Pro Football Hall of Fame. In doing so, he joins former Vikings Fran Tarkenton and Alan Page as a representative of the great Vikings teams of the 1970's.

Although Bud is best known for his accomplishments as a coach, he also had a diverse and successful career in professional sports before he ever put on a headset. He not only played football for the NFL's Philadelphia Eagles and the CFL's Winnipeg Blue Bombers, but also basketball for the NBA's Minneapolis Lakers.

But it was his years as a coach which assured him his place in Canton. In 1957 he became the coach of the Blue Bombers and in a 10-year span amassed 122 victories and 4 Grey Cup titles. It was this success which eventually brought him to Minnesota were he compiled an outstanding record of 168–109–5, with 12 playoff berths and 4 Super Bowl appearances during his 17-year career. In fact, between the years of 1969 and 1977, Grant's Vikings proved to be one of the most dominant teams in the history of the NFL as they represented first the NFL and then, after the league merger the NFC, in 4 of the first 11 Super Bowls.

As former Viking defensive end Bob Lurtsema said, "What made Bud such a great coach was his unique style of saying nothing. Just one look from Bud would maintain your 110-percent effort." These are the memories which a generation of Minnesotans carry with them as Bud Grant and his never changing persona remain on the sidelines of Metropolitan Stadium on a cold and snow-swept Sunday afternoon.•

TRIBUTE TO BARKLEY MOORE OF KENTUCKY REMEMBERING ONE OF KENTUCKY'S FINEST CITIZENS

• Mr. MCCONNELL. Mr. President, I rise today to honor the memory of a true giant in Kentucky. Mr. Barkley Moore of Oneida, KY, was a leader of the Kentucky Baptists and president of the Oneida Institute boarding school.

Mr. Moore had been president of the Oneida Institute since 1972, and had brought the small school from the brink of financial ruin. Today the school boasts an enrollment of 600 and an annual budget of almost $4 million.

Mr. President, it was not solely in Kentucky that Mr. Moore exhibited his gift of helping those in need. In the 1960's he completed 6 years of service to the Peace Corps in Gonbad Kavous, Iran, located in the northeastern section of the country. There he helped establish a public library, a kindergarten, two school buildings, and a modern science laboratory.

It was with a strong sense of duty that Mr. Moore returned to Kentucky to head up his alma mater, the Oneida Institute. The small Baptist boarding school located in the southeastern part of Kentucky was struggling along until Moore returned. Over the next 24 years Mr. Moore devoted every waking moment and ounce of energy he had to the Institute.

Mr. President, Barkley Moore had a motto he referred to when he described the school. He said, "You don't have to be anybody to get here, but you're going to be somebody before you leave." Mr. Moore made sure that his students lived up to his expectations, instilling in them the same qualities as he possessed, a solid work ethic and strong moral values.

Mr. President, I ask my colleagues to join me in remembering this wonderful and compassionate man. Barkley Moore was someone who gave to others throughout his entire life and his absence will be felt by all whose lives he touched. In addition, I ask that a story from the January 26 edition of the Louisville Courier-Journal be inserted in the RECORD at this point.

The article follows:

[From the Louisville Courier-Journal, Jan. 26, 1994]

BARKLEY MOORE DIES; LED ONEIDA INSTITUTE

(By Mark E. McCormick)

Barkley Moore, regarded as a giant in Kentucky Baptist life, died yesterday of an apparent heart attack at his home on the Oneida Institute campus in Oneida. He was 52.

Moore was president of Oneida Institute, a Baptist boarding school, since 1972. He moved the school from the brink of financial ruin to its current enrollment of 600 and nearly $4 million budget.

Moore was perhaps best known for his six-year stay in Iran with the Peace Corps in the 1960s, during which he helped establish a public library, a kindergarten, two school buildings and a modern science laboratory.

Gonbad Kavous in northeastern Iran, a town of 40,000, wanted Moore to stay to continue his work in community development and teaching English. But he returned to Kentucky, where in 1972 he assumed the presidency of the Onedia Institute, from which he graduated in 1958.

The school, about 65 miles southeast of Lexington, consumed his life thereafter.

Moore's work at the school allowed him to reach out to youngsters who needed guidance, said friend A.B. Colvin who was also Moore's special assistant at Oneida Institute.

"He was really interested in helping children," said Colvin, a retired employee for the Kentucky Baptist Convention. "He used to say that you don't have to be anybody to get here, but you're going to be somebody before you leave. If you've ever heard of someone who gave his all for the cause, he was the one."

Oneida Institute was Moore's cause, Colvin said. "He lived it about 20 hours a day, Everything he did, he did it running." Moore never married and lived in a dormitory room on the campus, Colvin said.

Colvin said Moore would be remembered for his larger-than-life status, figuratively and literally. Moore had won respect statewide for his efforts to keep the school afloat, and he was a hearty man of nearly 350 pounds.

"He had a tremendous amount of faith, not just in God, but faith in people," Colvin said. "He is considered by Kentucky Baptist as a super-human type of a fellow."

Moore, a University of Kentucky graduate, is survived by his parents, Elwood and Evelyn Moore, and a sister, Gloria Bowling, all of Oneida.

Funeral arrangements are incomplete.•

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 10 a.m. Wednesday, February 2; that following the prayer, the Journal of proceedings be approved to date, and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business not to extend beyond 11 a.m., with Senators permitted to speak therein for up to 5 minutes each.

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

ORDER OF BUSINESS

Mr. KERRY. Mr. President, I announce on behalf of the majority leader that there will be two rollcall votes tomorrow morning beginning at 11 a.m.

MODIFICATION OF ORDER

Mr. KERRY. Mr. President, I ask unanimous consent to modify the consent previously given regarding the time for morning business, to change the time from 5 minutes to 10 minutes each.

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

RECESS UNTIL 10 A.M. WEDNESDAY, FEBRUARY 2, 1994

Mr. KERRY. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 9:17 p.m., recessed until Wednesday, February 2, 1994, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 1, 1994:

DEPARTMENT OF STATE

STROBE TALBOTT, OF OHIO, TO BE DEPUTY SECRETARY OF STATE, VICE CLIFTON R. WHARTON, JR., RESIGNED.