SENATE—*Thursday, July 14, 1994*

(Legislative day of Monday, July 11, 1994)

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by the Honorable KENT CONRAD, a Senator from the State of North Dakota.

PRAYER

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

Let us pray:

Trust in the Lord with all thine heart; and lean not unto thine own understanding. In all thy ways acknowledge him, and he shall direct thy paths.—Proverbs 3:5,6.

Sovereign Lord, perfect in wisdom, who knowest all things, cover the Senate with Your grace and love. When the press and the media have finished their tasks, when the talk shows have exhausted their discussions, when the citizens have written all their letters, when the lobbyists have done their work, the 100 men and women who comprise this body are left with the decisions—decisions which encompass the needs of individual constituents; cities, counties, and States; multitudes of organizations; and critical issues of international importance. In the words of a former President, "The buck stops here."

Gracious God, help the Senators and their staffs understand that You are interested in the microscopic, as well as the cosmic. Help them seek Your counsel, Your direction, and lead them in the way that will mean the greatest good for the greatest number in every circumstance. Let the light of Your truth shine upon the Senate.

In the name of the Light of the World we pray. 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, July 14, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KENT CONRAD, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CONRAD 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 a.m., with Senators permitted to speak therein for up to 5 minutes each.

The time until 9:30 a.m. shall be under the control of the Senator from New Mexico [Mr. DOMENICI] and the Senator from Maryland [Ms. MIKULSKI], or their designees.

The Senator from Colorado [Mr. CAMPBELL] is recognized for up to 10 minutes.

The Senator from New Jersey [Mr. BRADLEY] is recognized for up to 20 minutes.

Mr. COATS addressed the Chair.

Mr. DOMENICI. I yield 2 minutes to the Senator from Indiana of my time.

The ACTING PRESIDENT pro tempore. The Senator from Indiana is recognized.

COMMENDATION OF SENATOR DOMENICI

Mr. COATS. Mr. President, I thank the Senator from New Mexico for yielding time.

First of all, I want to commend him for the subject that he is about to talk about. I think it is one of the most important issues that this Nation and the Senate can deal with, and that is bringing the component of character education to our young people and to our education system.

I commend him for doing that.

Mr. DOMENICI. I thank the Senator.

THE COST OF HEALTH CARE

Mr. COATS. Mr. President, I want to also discuss something that I know the Senator from New Mexico is vitally interested in because we have been talking about it over a number of days, weeks, and months.

The Wall Street Journal this morning reports that the latest figures are in on health care cost increases over the past 12 months. Studies show that health care costs have increased at the lowest rate in the past year in the last 20 years, 2.5 percent.

Milliman & Robertson, a consulting actuarial firm from Pennsylvania, has indicated that health costs for the 12 months ending last March rose just 2.5 percent, the lowest level since it began tracking health care costs 20 years ago.

"The findings are bolstered," the article says, "by several large employers who say they are winning significant reductions in premiums from some health plans as they negotiate rates for 1995." For instance, the Xerox Corp., which offers 204 separate plans to its employees—a cafeteria-style proposal from which they pick and choose, similar to what is offered in the Dole and Nickles proposal—they indicate a sharp drop in health care cost growth rates and a restructuring of the system.

There's incredible competition out there in most markets, said Helen Darling, manager of health care strategy and programs at Xerox.

Employer demands for quality improvement and cost reductions have, among other things, helped prompt a consolidation and reorganization of the health care system.

They go on to say that GTE has seen its cost increases practically become flat.

And the Medica health plan in Minnesota reduced its family rates for Minnesota government employees for 1995 by 25 percent. * * *

The whole underlying premise of the Clinton health care plan is that costs are rising at double-digit rates, and we cannot get control of them. And the only way we can get control is to reorganize the entire system. But there is a revolution underway in health care, and that revolution is driving down costs as employers are looking for ways of putting pressure on health care providers to cut costs, to come up with innovative plans.

So let us not proceed on false assumptions; let us not proceed on the assumption that unless we massively reorganize the health care system, we cannot get control of costs.

The Dole plan builds on what is happening out in the marketplace and adds to that the kind of reforms that do not interfere with this reorganization. I know the Senator from New Mexico is directly involved in all of this. This is good news for health consumers in America, and this should guide our discussions as we begin to undertake the health care issue.

I thank the Senator for yielding me the time.

I ask unanimous consent that this article in today's Wall Street Journal be printed in the RECORD.

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

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

MEDICAL COSTS ARE INCREASING AT A LOW RATE

(By Ron Winslow)

Medical costs in the U.S. are rising at the lowest rate in two decades, new reports indicate, another sign that the health care industry is managing to bring expenses under control.

Milliman & Robertson Inc., a consultant and actuarial firm based in Radnor, Pa., said health costs for the 12 months ending last March rose just 2.5 percent, the lowest level in the 20 years it has tracked such expenditures.

ABR Information Services Inc., Clearwater, Fla., said group health-insurance premiums it tracks in administering certain benefits for 12,000 employers have been essentially flat since the beginning of the year and have risen less than 3.5 percent since January 1993.

The findings are bolstered by several large employers that say they are winning significant reductions in premiums from some health plans as they negotiate rates for 1995.

But some benefits consultants predict that health costs at most companies will still be above the general annual inflation rate, currently about 3 percent. "We're seeing increases for next year of about 6 percent to 10 percent," said Robert Eicher, principal at Foster Higgins, a benefits consultant in New York.

Moreover, whether market forces or other factors are chiefly responsible for the moderation in health costs is a matter of fierce debate, as is whether the trend will last. "It's a matter of some speculation as to what happens next," said Richard Ostuw, a principal in the Cleveland office of benefits consultant Towers Perrin and the firm's chief actuary.

A recent Towers Perrin report said growth in employer health-care costs this year was about 6 percent, well below the 20-year average. Mr. Ostuw believes that fear of cost pressures from health-care reform legislation is a major reason for the trend. If Washington fails to act on health reform and "that fear is removed," he argued, "it will result in an uptick in health-care inflation."

In Minneapolis, Steven Wetzel, executive director of the Business Health Care Action Group, a coalition of major employers, said a lower cost trend is sustainable only if health plans truly reduce use of health-care services. "Premiums alone don't tell the whole story," he said. If plans are bidding aggressively to win market share, but fail, for instance, to reduce excess hospital capacity, costs will inevitably rise again, he maintained.

Peter Reilly, an actuary at Milliman & Robertson, maintained that increased market penetration of health maintenance organizations and other similar market forces have done little to stem the tide of health costs. An economic model he and his colleague John Cookson developed shows that a decline in real national income during the recession in the early 1990s is the major driver in moderating health costs. They maintain that there is a three-to-four-year lag between changes in income levels and similar changes in health-care spending. If that's the case, Mr. Reilly says a renewed dose of health-care inflation looms, since incomes have improved since the recession.

Many employers maintain that the growing power of purchasers is driving both a sharp drop in health-cost growth rates and a restructuring of the system. "There's incredible competition out there in most markets," said Helen Darling, manager of health-care strategy and programs at Xerox Corp., Stamford, Conn., which offers a total of 204 health plans to its employees in the U.S.

Employer demands for quality improvement and cost reductions have, among other things, helped prompt a consolidation and reorganization of the health-care system. But so much excess capacity remains, she said, that continued consolidation holds the possibility "that the rate of increase in health costs will stay low if not absolutely flat for several years."

In any event, Xerox itself is reaping the benefits of its purchasing power in markets across the U.S. Ms. Darling said recent negotiations will mean an average increase in HMO premiums for Xerox of 1.2 percent in 1995 over current rates. In many individual cases, in Florida and Washington, D.C., for instance, premiums will drop more than 10 percent.

Elsewhere, GTE Corp., expects 1995 rates for its managed health-care plans to increase 2 percent after a 3.5-percent rise this year, said Dwight McNeil, manager of healthcare information. And the Medica health plan in Minnesota reduced its family rates for Minnesota government employees for 1995 by 25 percent after a competitive bidding process.

Mr. DOMENICI. Mr. President, I yield myself 7 minutes, and I ask the Chair to call it to my attention when I have spoken for 7 minutes.

Might I say to the Senator from Indiana that he also could have said there are two things driving health care reform: One is clearly cost containment; the other is the need for reform. But I believe that the principal motivator for the last 12 to 15 years has not been the need for changes in the delivery system, but rather cost containment. If you cannot get one without the other, obviously, you have to set about to reform the system. But if you are getting substantial cost containment—and we have been certain of that for a while. We are hearing, anecdotally, from hundreds of companies that it is working, but this may be one of the most significant proofs that it is already going on to a substantial degree, which I believe should alter substantially that which we seek to do, because we should not have to build on a premise that it is motivated so much by cost containment that we need things like cost controls and things like the Senator from Indiana mentioned.

CHARACTER BUILDING IN THE UNITED STATES

Mr. DOMENICI. Mr. President, I note the presence on the floor of Senator MIKULSKI of the State of Maryland. Between us, we are going to utilize the next 35 minutes and share with a number of our colleagues that time to talk about what we consider to be one of the most important issues and one of the most important ideas that has come to the Senate floor.

Essentially, we believe—when I say "we," I now speak for 58 Senators who have joined in a resolution here—and, in particular, the 8 Senators, 4 from each side of the aisle, including this Senator, who have joined in introducing a resolution.

The resolution indicated that we were concerned about the lack of character development in this country, and we indicated in our resolution that a country without character, both as a nation and the individuals within it, if they do not have character, then a country will ultimately fall.

We are of the opinion that many Americans are anxious today because they are very concerned that while we are teaching our children, while their minds are being developed, clearly, we should consider such very basic characteristics like relationships with people and what one must do to live a decent life, such as the six character elements that were put together by a coalition that calls itself Character Counts.

Indeed, after discussions with lots of Americans from all aspects of life, they came up with these six elements that ought to be followed and taught; that the adults in our country ought to get behind a movement to bring them back into our daily lives and to encourage at the grassroots level the reinstilling in America of these simple characteristics that we believe count and without which America will not succeed: trustworthiness, respect, responsibility, fairness, caring, and citizenship.

Frankly, we are bound by a marvelous Constitution that tells us we should not teach religion in our schools and that is up to somebody else, but not the use of public properties and public money. But I believe nobody can stand up and say that our Constitution is violated if we try to instill in our people and in our young people some basic things like trustworthiness, respect, responsibility, fairness, caring, and citizenship.

The resolution that Senator MIKULSKI and others, whose names I will put in the RECORD soon, joined me in preparing, said to our President: Issue a proclamation that there will be 1 week in this country—October 16 through October 22—when our National Government says to all of those who are concerned about this that we join you, and we want to encourage across the land a groundswell of activities directed at these kinds of basic character building activities, ideas, and ideals.

Frankly, I might just give an anecdote about this to my friend from Maryland. In the city of Albuquerque, my hometown, I was joined by the mayor of our city, Mayor Martin Chavez, and a large, diverse task force from our city, in declaring that the city will be known as "Albuquerque: A Character Counts Community." As part of that, the entire community will begin to incorporate in its daily lives these six principles of character. There is already one school that is experimenting with using them in the classroom with great success. And as part of

this effort, the school system is going to encourage more schools to use them. A task force has been set up, and I am going to name the people soon and thank them. They are going to go about raising some money to begin to develop, citywide, these six pillars of character.

At one of the meetings, where our task force was sitting in a room—the preliminary task force—we were talking about this, and the local president of the AFL–CIO, who had been invited, sat and listened. We were about to wrap up the meeting, and I called him by his first name and said, "What do you think?" He looked around a bit and he said, "You are right on."

Listen to what he said: "You are right on, Senator. I cannot understand why people cannot tell the truth anymore." It is a most interesting observation. He said that people lie when there is no reason to lie, and then you spend all this time undoing it.

Well, it seems to me that what is happening in our country is that nobody is talking about these kinds of pillars of character that we have to have built back into our lives.

I do not want to argue on the floor nor do I indicate that we know it all. But I do not believe we ought to spend a lot of time saying are there more than these six? Of course. Are there 20? Maybe. Are there three that are better than these six? Maybe.

But, essentially, Mr. President, we believe we are on the right track. We believe that we have the responsibility to encourage grassroots participation in our Nation at every level, including our public schools and our private schools of ways and means to inculcate into our children, along with the three R's these six elements. In fact, I think it is time to say the three R's are not enough. Somehow or another, while we want parents to do this, it is obvious in this country they need help, and there are children who are not going to get any of this anywhere unless we as a society decide to help them.

Mr. President, in the Senate we have had a number of offices that have worked very hard with us to put this resolution together, and to help us get as far as we have.

I want to thank the Senators and some of the staff that did that right now.

Senator NUNN, who was one of the original cosponsors, Senator DODD, Senator DANFORTH, Senator COCHRAN, Senator MIKULSKI, Senator LIEBERMAN, and Senator BENNETT. That is what I was referring to early on as the eight who helped me start this.

The staff members of these Senators contributed significantly to this effort, especially Matthew Sikes from Senator NUNN's office; Suzanne Day from Senator DODD's office; George Leventhal from Senator MIKULSKI's office; Doris Dixon from Senator COCHRAN's office; Felicia Brown from Senator DANFORTH's office; Elizabeth Drye from Senator LIEBERMAN's office; Corine Larson from Senator BENNETT's office; and Brian Jones and Kay Davies of my staff.

Mr. President, I want to close with a couple of quotes. The two cochairpersons and sponsors for the Character Counts Coalition and approach is Barbara Jordan, thought to be more on the liberal side philosophically, and Tom Selleck, the actor, who is more on the conservative side. Tom Selleck was on David Brinkley and he said "People do not audition to be role models. It just happens. Everyone in the public eye, whether they like it or not, has to step up and realize what they say does count."

One other quote that I believe we should all pay attention to: In 1991 there was a National Commission on Children chaired by JAY ROCKEFELLER. I read to you one serious paragraph in it.

> The acquisition of values and moral framework for decisionmaking is the central aspect of human development. * * * Children may not always do as we say but they almost always do as we do. Creating a moral climate that teaches children the values of human dignity, character and citizenship is both a parental and a community responsibility. * * * it is up to parents, leaders in the public and private sectors, and communities to work together to ensure that children receive strong and consistent messages about the moral principles they value.

Mr. President, I am pleased to join with a bipartisan group of my colleagues to discuss Senate Joint Resolution 178, which sets aside the week of October 16–22, 1994, as National Character Counts Week. This resolution was cosponsored by 58 Senators—30 Republicans and 28 Democrats—and it passed the Senate several weeks ago. There are approximately 125 cosponsors of the identical resolution in the House, and it appears this measure again has overwhelming bipartisan support.

I believe this resolution is particularly unique. For the first time, on a bipartisan basis, we are able to stand beside and join with parents, educators, community and business leaders, and youth organizations in support of character development, education, and training. As important, we have been able to agree that there are, at a minimum, six fundamental core elements that constitute good character.

For far too long, I believe we have avoided or overlooked the issue of good character. Due to the controversial nature of defining what constitutes good character, most of us have exercised great caution relative to the appropriate role of the public sector in what is often considered a personal, private issue.

One of the most comprehensive and far-reaching reports to examine the omission of character development was detailed in the 1991 final report of the National Commission on Children. This Commission, chaired by our distinguished colleague from West Virginia, Senator ROCKEFELLER, devoted an entire chapter of its report to the necessity of positive role models for America's children, including the teaching of solid ethical standards. I considered chapter 12, "Creating a Moral Climate for Children," one of the most articulate summaries of the issue of good character. It states that:

> The acquisition of values and a moral framework for decisionmaking is a central aspect of human development. * * * Children may not always do as we say, but they will almost always do as we do. Creating a moral climate that teaches children the values of human dignity, character, and citizenship is both a parental and a community responsibility. * * * It is up to parents, leaders in the public and private sectors, and communities to work together to ensure that children receive strong and consistent messages about the moral principles they value.

After reading this report and delivering a statement on the floor about chapter 12, I was determined that there had to be a way we could lend our support to a national effort on behalf of character education; that there was an appropriate role for those of us in the public sector. This opportunity came about last fall when I learned about the efforts of the Character Counts Coalition. This coalition includes among its 45-plus member organizations such diverse groups as Big Brothers/Big Sisters of America, Boys and Girls Clubs of America, American Association of School Administrators, United Way of America, Youth Volunteer Corps of America, the National Urban League, AARP, and the American Red Cross. As diverse as its membership is its Council of Advisors and Advocates, among whom are Dr. William Bennett, Marian Wright Edelman, Barbara Jordan, and Rabbi David Woznica.

The Character Counts Coalition supports six elements of good character, as developed by a group of eminent scholars, educators, youth organizations and others in a document commonly referred to as the Aspen Declaration. These six elements of good character are: trustworthiness, respect, responsibility, justice and fairness, caring, and civic virtue and citizenship.

I became convinced that, at a minimum, these six core elements were character traits that could be supported by a majority of my colleagues. If over 30 million Americans could support these precepts, why couldn't we? My prediction proved accurate. Within a short period of time, Senators NUNN, DODD, DANFORTH, MIKULSKI, COCHRAN, LIEBERMAN, and BENNETT joined me in starting an informal group known as the Senate Character Counts Group, and our first group effort, joined by Senators CONRAD and DORGAN, was the introduction of Senate Joint Resolution 178, declaring the week of October 16–22, 1994, as National Character Counts Week.

Shortly after introduction of our resolution, a bipartisan group in the House formed its House Character Counts Group, composed of Representatives, HALL, WOLF, HAMILTON, HYDE, MOAKLEY, EMERSON, HUGHES, and NICK SMITH, and introduced an identical resolution, House Joint Resolution 366, for a National Character Counts Week. Congressman HALL, an ardent and committed supporter of character education, quoted Theodore Roosevelt in his introductory remarks: "To educate a man in mind and not in character is to educate a menace to society." This quotation probably best sums up why Members of Congress believe the time has come to trumpet what countless millions of Americans are already demanding—that good character is a central and integral component of the total person.

The congressional effort to elevate good character in our public dialog is not some public relations gimmick or recent conversion to moral principles. We are simply joining with the many character education organizations, parents, school adminstrators and teachers, youth organizations, and other caring Americans who believe, like Theodore Roosevelt, that character is an essential ingredient in our educational endeavors.

I believe this grassroots national effort is personified by the recent actions in my home State of New Mexico. I have commented in the past about the excellent program of the Bel Air Elementary School in Albuquerque, NM, and the resolution passed by the Albuquerque Public Schools to promote character education in all of the Albuquerque schools. However, one of the most exciting initiatives is the recent community-wide endeavor declaring "Albuquerque—A Character Counts Community."

Several weeks ago, Albuquerque Mayor Martin Chavez and I announced an exciting new community endeavor to apply the six elements of good character as a community-wide objective. Numerous leaders from community organizations worked together to structure this new initiative: The Albuquerque Public Schools Board, Albuquerque Teachers Federation, Greater Albuquerque Chamber of Commerce, Albuquerque Economic Forum, AFL-CIO, Mexican American National Association of Women, numerous Albuquerque public schools, Bel Air Elementary School, Albuquerque Junior League, United Way, Albuquerque Police Activities League, and the Hispanic Chamber of Commerce. The mayor and his staff, and the individuals representing the above-named organizations, gave enormous amounts of time and personal energies to developing this community-wide collaborative effort.

As a result of the public and private sector and city officials working together, a Character Counts Task Force was formed, the Greater Albuquerque Chamber of Commerce graciously agreed to provide the staffing support on a temporary basis until a permanent Character Counts structure can be developed, and the Albuquerque Community Foundation offered its assistance as a temporary fiscal agent for the effort.

I want to thank personally and pay tribute to our Albuquerque citizens who will serve on the Albuquerque Character Counts Task Force: Chairman William G. "Bing" Grady; Vice Chairman Don Whatley, president of the Albuquerque Teachers Federation; Dr. Peter Horoshak, superintendent, Albuquerque Public Schools; Leonard DeLayo, Albuquerque School Board member; Margaret Chavez; Toni Martorelli, city of Albuquerque Community Services Division; Buz Doyle, Greater Albuquerque Chamber of Commerce; Bob Stamm, Albuquerque Economic Forum; Dana Kouri, Albuquerque Police Activities League; Ray Ruiz, Building and Construction Trades Council; Margaret Anderson, New Mexico Association for Non-Public Schools; and Dennis Romero, assistant principal, and Mary Jane Aguilar, Bel Air Elementary School. Mayor Chavez and I will serve as honorary co-chairmen of this task force.

The Albuquerque effort represents an entire community standing up with pride and saying it promotes activities and personal deportment that include the six core elements of good character. It is a collaborative approach which reaffirms that the people of Albuquerque believe treating one another with respect is a good thing; that being trustworthy, responsible, fair, and caring are positive goals. Basically, Albuquerque believes that adopting these principles can contribute significantly to the quality of life of all the people of the community.

As stated so well by Don Whatley, vice chairman of the task force and president of the Albuquerque Teachers Federation:

> I am proud to be able to contribute to the effort to reinstill the core values highlighted by the Character Counts Coalition in our community. Educators have traditionally accepted the responsibility of transferring our knowledge base from one generation to the next. It is equally important to transfer commonly held cultural and civic values as well. To teach facts, figures and other academics without teaching commonly held ethical values to our children would be a tragedy. The whole community must join with our schools to encourage excellence of the mind and excellence in the character of our youth.

I applaud the individual and collective efforts of the citizens of Albuquerque; this is a model program that has extraordinary potential for improving the day-to-day lives of all its citizens. It is certainly worth trying, and it is certainly worth the effort. I look forward to working with these dedicated citizens to help make this initiative truly effective.

I would like to close today by thanking those Senators who have joined with me to pass Senate Joint Resolution 178. Particularly, I want to thank personally those from the Senate Character Counts Group, each of whom contributed time and energies to this effort: Senators NUNN, DODD, DANFORTH, COCHRAN, MIKULSKI, LIEBERMAN, and BENNETT. In addition, I want to thank the staff members of each of these Senators, all of whom contributed significantly to this effort: Matthew Sikes, Senator NUNN; Suzanne Day, Senator DODD; George Leventhal, Senator MIKULSKI; Doris Dixon, Senator COCHRAN; Felicia Brown, Senator DANFORTH; Elizabeth Dry, Senator LIEBERMAN; Corine Larson, Senator BENNETT; and Brian Jones and Kay Davies of my staff.

Earlier in my statement I mentioned that I believed this resolution was unique. I believe it bears summarizing again: Senators from both sides of the aisle, with different political philosophies, representing States across this great land, could join together in supporting six fundamental core elements of good character. As stated well by Tom Selleck, national spokesperson for the Character Counts Coalition, on ABC's "This Week With David Brinkley:"

> People do not audition to be a role model. It just happens. Everyone in the public eye, whether they like it or not, has to step up and realize what they say and do counts.

Finally, we in Congress can stand up and publicly join the millions of Americans who are already engaged in character education efforts—from parents, to teachers, to city officials, Governors, and service organizations. At first glance, this may not seem like a special event or anywhere close to a unique experience. But, I can assure you, Mr. President, that it is, indeed, a very exceptional accomplishment. I am proud of what we have achieved thus far, and I am pleased to be a part of this effort.

Now I yield to my good friend, Senator MIKULSKI.

The PRESIDING OFFICER (Mr. WOFFORD). The Senator from Maryland.

Ms. MIKULSKI. Good morning. Mr. President.

I thank the Senator from New Mexico for yielding on this discussion we will have today on character and why character counts. I thank the Senator from New Mexico for being the organizer of the Character Counts Coalition here in the U.S. Senate.

We are men and women, Democrats and Republicans, from all geographic parts of the United States of America, and we are united with one voice today to talk about why character counts and why we need to instill these pillars of character in our public schools, our

nonprofit organizations, and throughout the United States of America and every cultural method of communication.

We are 6 years from the year 2000. A new century is coming. A new millennium is about to be born. We in America need to ask ourselves, what will the United States of America be in the 21st century? Will we be a superpower? Yes. We will be a superpower because of our economic structure. We will be a superpower because of our military might. We will be a superpower because of our democratic framework. But we will also be a superpower because the people of the United States have been powered by a set of values that talks about how they can be part of a larger culture and yet actualize their own individual identity.

But we as a nation have to say what do we want to be and what will carry us forth.

Will it be science and technology? The answer is yes. Will it be our great American entrepreneurial spirit? The answer is, you bet. Will those enable us to cope with change? Absolutely.

But what will be the continuity between centuries that sustains us in terms of the ideals of the United States of America? I believe it is our values. And I believe it is these core values that are expressed in the pillars of character, trustworthiness, fairness, justice and caring, civic virtue and citizenship. These are the aspects of continuity that will help us not only cope with change but to embrace change and lead us into the 21st century.

For some time I have been concerned that in the United States of America we have gone from being a progressive society to being a permissive society, that you are rewarded instead of having character, you are rewarded if you are a character. I have been concerned that we call celebrities heroes. There has been much in the media lately calling people heroes.

I will tell you what a hero is. It is a man or woman who makes significant personal sacrifice, maybe even risking their lives for a greater good with no personal gain. We have them in this great body. Their names are BOB DOLE, BOB KERREY, DANNY INOUYE, who were decorated for their service and bear the permanent scars of war.

Right now this minute there are foster mothers throughout the United States of America caring for children who are abused, caring for children who have AIDS. Those people are heroes. They were willing to make personal sacrifices with no personal gain for a greater good. And why? Because they are inner-directed people based on their values. The values about trustworthiness, fairness, justice, caring, civic virtue, a call to duty, a call to responsibility and understanding that for every right there is a responsibility, for every opportunity there is an obligation, and that we do not talk about entitlements; we talk about enlightenment. That is what we need to be able to do. And we need to keep advocating a society based on virtue and value and not a society where every aspect of our cultural communication rewards and exploits violence and vulgarity. This is not what the United States is about, and this is not what built the United States of America. What built the United States of America was virtue and value, not violence and vulgarity.

People have known this through the years. And de Tocqueville when he came to study this new emerging country in the 19th century did his famous study on democracy and he said, what is it about it that is great? It is rugged individualism, their willingness to go to new frontiers, their willingness to always go out to explore, progress and change. But he said there is something special. It is what it is that are the ties that bind and he called them the habits of the heart, neighbor caring for neighbor, personal responsibility, personal respect for yourself and respect for others, and also social responsibility, the desire to be part of a neighborhood, a community, and to truly be a citizen of the United States of America.

That is what this coalition wants to do. It wants to reinforce those values that have sustained America through good times and bad, through war and through peace. And that is why I am advocating the Character Coalition and the inculcation of these values once again through our public schools and our nonprofits.

For too long I believe we have emphasized the goals of competition, exploitation, and aggression.

I believe we need to concentrate on community building and building individual capacity among our young people so they can be part of a larger community.

When my great-grandmother came to this country, she did not come in search of guarantees, but in search of opportunities. She was eager to become an American citizen. She did not want to melt, but she did want to be American. She did not believe America was a melting pot. She believed America was part of a great mosaic. She believed you could keep your cultural heritage and, at the same time, be a part of this great mosaic called the United States of America. She strove for that.

But what were the ties that bound us? It was a legal framework under the Constitution of the United States, and you took a test to pass to be a citizen of the United States. But there were other values that were the ties that bound us beyond a legal framework.

You cannot have a multicultural society unless you have the ties that bind.

I celebrate diversity. I believe in the mosaic. I believe in opening opportunities for people of all backgrounds. At the same time, though, we need to have the ties that bind, the links that keep us together, and maybe even the lifeline that saves us. And that is what these pillars of character are.

My mother and father were people of modest education. They gave us the best education that they could, both in our Catholic schools and with the values in our homes. Those values were taught in the home in my generation. And now we find that in many places they are only taught in the home, if you are lucky enough to have a home at all.

We need to be sure that we strengthen the American family and extend that to a larger community, the community that my sisters and brothers-in-law had. My nieces and nephews are growing up in a different world than we did in the old ethnic community in Baltimore.

But we need those values because of what is happening. The values in the home when I was growing up were reinforced in the school. They were part of the values of our particular faith preference. Now we find, however, that the values taught in the home are like a sanctuary, because the larger culture gives other messages that I do not believe represent what is the best in the United States of America.

We cannot have a society based on tabloid ethics and at the same time everybody doing their own thing without understanding the consequences to others.

So I am happy to lend my voice and my efforts for a cause that I believe transcends party and geographic lines.

But is that not great? That is what values are—to recognize those values. Because I believe a climate of change will be a source of continuity, which will build these core values, and I am happy to be part of it.

I am particularly pleased that we are now able to advocate this; that in my own hometown of Baltimore the superintendent of public schools, Dr. Amprey, is making sure that character counts; that in many of our schools and higher education facilities they are looking at how to have institutes to be able to advocate that.

During the week of October 20–23 that we call Character Counts Week, there will be a gathering in Chevy Chase, MD, at the 4-H Club Headquarters. There will be there 300 delegates from around the country of young men and women between the ages of 12 and 18. There will be entrepreneurs and athletes, people involved in public service. We are going to have workshops on character development, leadership training, ethical decisionmaking, and we are going to help them learn not only that character counts but how to be able to do that.

In the past, Maryland has been dedicated to character education. Over a

decade ago, Blair Lee, a former Governor, had a values commission. Our Maryland attorney general encouraged values to be taught in the schools. We are now again moving on innovative character education programs.

Because it is not only the laws in the books that help govern us as a society, it is the laws you carry in your heart that govern your day-to-day behavior, and the way you react with one another, the way you react with your neighbors, and the way you react with the larger community.

So I believe the pillars of character count, and I am happy to be part of this coalition.

Mr. President, I yield the floor and eagerly looked forward to hearing other colleagues speak on this issue.

Mr. DOMENICI. Mr. President, I yield 5 minutes to Senator NUNN.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I know the Senator from Mississippi has been on the floor. I do not want to barge in in front of him here.

Mr. COCHRAN. Please go ahead.

Mr. NUNN. I thank the Senator.

Mr. President, I want to thank my colleagues from New Mexico, Maryland, and also from Mississippi for being on the floor this morning and talking about what I think is the most important underlying fundamental challenge that is facing our Nation.

I am delighted that I am able to be here, not because I am speaking this morning but because I have been able to hear the Senator from New Mexico and the Senator from Maryland, I think, lay out very clearly why we are here and why the Nation has to begin turning its attention individually and collectively to this challenge.

Mr. President, I also want to add that I am pleased to be a coauthor with the Senator from New Mexico on this resolution. I think he is to be commended for getting this resolution passed and for putting a spotlight here, to the extent that we are able to do so, on the question of character, on the question of values.

I also want to say that his dedication to this concept is more than a floor speech on the Senate floor. It really goes to the way he conducts his duties in this body every day, and I think he displays that. I also would say the same thing for the Senator from Maryland. I think she displays that every day. And I would add that also to the Senator from Mississippi. So I think that is important.

I am hopeful this legislation will help in some small way to assist the grassroots effort that is already underway. We are not originating this effort. It is not originating here on the floor of the Senate. This is not something where we pass it and expect the national character to change. But I do believe that this may be a small way of helping the grassroots effort that is already underway.

The Character Counts Coalition, led by Tom Selleck, Barbara Jordan, and Michael Josephson, and others, is helping focus our Nation's attention on our most pressing problems—the erosion of our national values and our national character.

This legislation, which designates the National Character Counts Week, is but a small first step in beginning the difficult work that has to be done through millions and millions of individual actions in rebuilding the traditional virtues that have anchored and sustained our democracy.

The sponsors of this legislation hope to register our concern and our commitment to help focus the Nation's attention on the very real relationship of character and values to many serious problems which face our Nation today and, most importantly, to direct attention to the day-to-day grassroots efforts of the Character Counts Coalition to make the goals of the coalition a reality.

As a nation we are plagued by a web of interwoven social problems, including family breakdown, including drug abuse, including teenage pregnancy, and including the spread of violence in our communities. A common thread among these problems is a growing confusion in our society of what is truly important.

I particularly enjoyed the remarks of the Senator from Maryland, which I think were right on point when she discussed the question of who are our heroes and who are our heroines. Who are these people that we call heroes today? They are not the same kind of characters that we had when I was growing up. If I had had the same heroes that our young people are growing up seeing and, in effect, trying to model their lives after, my whole life would have been different.

I think we have to ask ourselves: Who is it we admire in this society and why? Because, in my view, without getting into individual cases, I do not think we are making a good choice in terms of who we are holding up for our young people to emulate.

If lives are to be turned around, we must send a message emphatically that character does count. The solution to our social problems will come down to individual responsibility, people taking responsibility for their own actions, for helping their neighbors and particularly for helping children, children who need help and need guidance every day in facing up to the challenges that they have to meet in their daily lives, totally different kinds of challenges than most of us grew up trying to meet and overcome.

Over its history, our Nation has been blessed. We have a large and vibrant economy which has sustained a high standard of living and provided opportunity for our children and for our citizens. We have the military strength to protect ourselves from foreign enemies, and we have shown the capacity to do great good for our own people and to spread that good and generosity throughout the world. Our continued prosperity, however, depends on maintaining the foundation which leads to such achievements and that foundation is strong individual character and strong individual values. As our values and our national character erode, so, too, does our culture. In the long run our values determine our strength as a Nation. Without traditional virtues and values our democratic institutions, which must rely on responsibility and self control as well as laws, wither.

I applaud the efforts of the Character Counts Coalition and their efforts to promote the six core elements of character: trustworthiness, responsibility, respect for ourselves and for others, fairness, caring, and citizenship. These are ancient virtues and responsibilities that have been taught and reinforced for ages. These are the virtues that are essential if we are to preserve the fundamental rights guaranteed by our Constitution.

The consequences of not taking action on this crucial issue are well illustrated by a profound question asked by our distinguished colleague, Senator MOYNIHAN. He posed the question: Will we be the first species on Earth that forgets how to raise its young? That is the question. Character does count. I am proud to be a small part of this Character Counts movement.

I urge my colleagues to join in this effort.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield 5 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I first of all want to thank very sincerely the distinguished Senator from New Mexico for his leadership in bringing together a group of Senators, Republicans and Democrats, to sponsor the resolution which was recently adopted by the Senate, setting aside a week in October to observe National Character Counts Week.

There is no question that there is a very serious threat to our American dream of freedom, prosperity and opportunity today in our society. This threat extends also to our domestic tranquility —to be safe and secure in our homes and in our communities. Today in America, a crime of violence occurs every 22 seconds. Each year, 25 percent of all homes are victimized by crime. The chances of being the victim of a violent crime in America today are greater than being involved in an automobile accident. In too many places, students are bringing weapons to school.

In March of this year, this resolution was introduced—at first sponsored by just four Republican Senators and four Democratic Senators. Now others have joined and the Senate has adopted this resolution. It seeks to emphasize the importance of good character in our society and to involve churches, schools, national organizations, and local groups in a nationwide grassroots effort to promote the elements that are the core of good character: trustworthiness, respect, responsibility, fairness, caring, and citizenship. This National Character Counts Week, which will be the week of October 16 this year, I hope will give us all an opportunity to think of ways we can become more personally involved and encourage others to do the same, to try to help ensure that students in our schools and that family members and others learn about the importance of these individual traits in our free and open society.

I can recall the first speech that the Senator from New Mexico made on this subject on the floor of the Senate. He included an article describing an elementary school in Albuquerque, NM, where the teachers had begun a program of discussion in the classrooms of each of these central pillars of character and setting aside one month for the observation and discussion of each of these character traits.

I recall that one example for bringing this information to the classroom was to put signs all around the school and the classrooms that just had the word on it. For example, "caring" was displayed throughout the school for the time that that was the subject of the discussion. And students were encouraged to talk about what caring meant to them, why it was important to care about each other, to care about what they were doing in school, to care about the school itself, to care about the community. Why was that important, for individual members of the class to care about what they were doing?

And what the teachers observed as they continued this program was that good character traits are contagious in the classroom, and not only among students but among the teachers as well.

We cannot solve all the problems of our society by just designating this one week, but I think it can bring to the attention of the American public how important we think these core values of character are, to be learned by students in our society today, to be observed by all of us in the best way we can—to help weave a stronger fabric of our society of individual traits that mean we respect each other more, we appreciate what we have, we appreciate our country, we want to take care of it, we want to promote fairness, we want to help ensure that there is true fairness and justice for all in our society.

I am very proud to be a part of this effort and I encourage all Senators to look at ways that we can all become more actively involved in this national crusade.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President I yield the remainder of the time to the distinguished Senator from Connecticut, Senator DODD. I believe on our side we have one additional Senator. He can use 5 minutes on his own time, as I understand that is the way the order is.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from New Mexico for yielding me some time. Let me begin by commending him and the other Senators involved in the Character Counts initiative. I join in the chorus of praise for my colleague from New Mexico and the others who have embraced this idea and have decided to use this privileged forum to educate and to discuss the issue.

We are, of course, talking about our children's education and how we can use it to contribute to their character development. But on a deeper level I believe the whole subject is really about democracy and about the lifeblood that flows through its veins. For the entire premise of our system of government—the people's ability to govern themselves—hinges on the good education and the good character of her citizenry. Without those critical ingredients, in my view, this entire enterprise is doomed to failure.

As Thomas Jefferson wrote in 1816,

> If a Nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be.

As Jefferson warned, we cannot expect to move ahead in ignorance. We cannot be ignorant of the knowledge of the world, nor can we be ignorant of the common values that should bind us together as a Nation.

The Character Counts initiative calls on us as a people to embrace both of these goals and to expand our definition of education. It calls on us to recognize that education must be more than the transmission of facts. It must be more than the relay of concepts. It must be more than the molding of the intellect.

Education must also be about character. Education must help teach young people what they need to know to be full participants in our society. Strengthening the mind is not enough. We must also nurture the character.

We are not talking about imposing any individual's or group's world view or morality on the schoolchildren of America. I invite my colleagues with concerns about this proposal to look very closely at what we mean when we say character education.

Mr. President, we are talking about honesty, courage, respect, responsibility, fairness, caring, citizenship, and loyalty. Those are the principles we are promoting. These are not revolutionary concepts, Mr. President. These words are not controversial. They transcend individual religions and philosophies, and they are almost universally accepted.

I might point out that a recent Phi Delta Kappa/Gallup Poll asked adults in our country whether certain principles should be taught in our schools. Let me tell you the results of that survey: 97 percent of the surveyed adults in this society supported teaching honesty in our schools; 93 percent supported teaching democracy; 93 percent supported teaching acceptance of people of different races and ethnic backgrounds; 91 percent supported teaching caring for friends and family members; 91 percent supported teaching moral courage, and the list goes on.

So, Mr. President, we are not talking about something that is completely radical and different.

While these principles have widespread support among the American people, the idea of teaching them in schools has been attacked from both the left and the right. I understand the fears expressed by both sides. But let me quickly add, I think those concerns are totally unfounded.

To the conservative elements of our society who are critical of this concept, I say that certainly schools will never and should never replace family. Parents and grandparents, churches and synagogues should and always will be the primary influence on children's values and systems of belief. To promote character education is not to challenge that influence but, in truth, to complement it.

To my liberal friends who are concerned about this initiative, I say there is no plot here, no hidden agenda. Rather than suffocate the splendid diversity of America, we strengthen it by imbuing our young people with values—such as mutual respect, honesty, and caring—that make that diversity possible.

Character education may be a controversial idea in this town, but let me tell you something; it is anything but controversial outside of this town. I invite my colleagues to do what I have done: Go and ask your own constituents about character education. Ask them if schools should teach students about the importance of fairness, about the value of responsibility. Ask them whether or not they think the merit of good citizenship should be taught.

I predict that if you do this, your constituents will answer yes without exception, as mine have. They will answer yes because they know that developing good character in our young people will make a real difference in the lives of individuals and the lives of communities and the life of a nation.

Character education is, obviously, not the magical answer to all of our problems. If every school in America

taught character education tomorrow, we would not end teen pregnancy, although we might reduce it. We would not stop street violence, but we might curb it. We would not eliminate child abuse, but I think we might lessen it. Character education would not end any of these plagues, but it could make a difference. Character education is not a complete solution, but it should be part of one.

The Labor Committee began to address this issue earlier this summer when it adopted a character education amendment that I offered to the elementary and secondary education bill.

I commend again my friend and colleague from New Mexico for all his work in this area. I have enjoyed working with him on it. I look forward to working with him in the future. I invite my colleagues to join in this effort to develop the character of young Americans and to shore up the foundation of American democracy.

Mr. President, I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I rise to commend my friend and leader in this effort, Senator DOMENICI, from New Mexico, for what he has done with respect to the Character Counts activities.

I will not repeat the comments that have been made by those who have gone before me because I believe they have covered the issue, but I do want to make one observation with respect to the resolution regarding National Character Counts Week. I think it is very important that national leaders talk about these issues.

One of the things that has happened in the last two or three decades has been that we have developed such a sensitivity for the possibility of offending people that we have taken a number of issues out of national dialog. The motive behind that is perhaps admirable, but the effect has been to sanitize the national dialog to such an extent that no one has the courage to talk about anything anymore.

We get our schools together and we talk about the mechanics, if you will, of sex education. We have examples of teachers holding up cucumbers and placing condoms of them, but somehow we cannot have a discussion, let alone any kind of curriculum, in regard to the question of responsibility when it comes to one's sexual behavior. That somehow implies a discussion of religion; that somehow violates the separation of church and state. So we pass around cucumbers instead, and then wonder why our young people get the silent message that responsibility does not matter.

So without getting into any of the details of what should or should not be taught or how far we should go or what kinds of curriculum we should have, I want to commend the Senator from New Mexico for getting us, as national leaders, to simply start talking about character.

Inevitably in a free society, when the leaders start talking about such things as trustworthiness and respect, responsibility on the part of our young people, talking about such concepts as justice and fairness, talking about caring and civic virtue and citizenship, it is inevitable that the citizenry will begin to start talking about these things. Dialog must occur not only at home, but in schools, both elementary and secondary, in business, and in Government. Individuals will then come up with the answers. We will not.

We cannot legislate from the Senate nor from Washington nor can the President dictate what the Nation should do about these areas. However, we can start a national dialog about the common values on which this country was founded and trust the good common sense of the American people to do the right thing in every one of these areas to make them relevant again today.

As the Senate Character Counts coalition raises this issue today and in the future, we will be the leaven of the lump, if I might use the Biblical phrase, that will start the rediscovery and discussion of our common values, and expand this emphasis throughout society as a whole.

So I am delighted to be part of the effort, to be one of the original cosponsors of the Character Counts resolution. And I join with the rest of my colleagues in paying tribute to the Senator from New Mexico for his leadership.

Mr. DANFORTH. Mr. President, I would like to commend the efforts of my colleagues in the Senate for the enthusiasm they have shown with respect to promoting the concept of character development and education. President Theodore Roosevelt once said, "to educate a man in mind and not in morals is to educate a menace to society." We need only look to the current deterioration of morality and ethics that permeates our society to see the truth in these words.

There has been a growing movement in the country to restore the teaching of values to the standard curriculum. These efforts have largely been initiated at the local level, the communities working cooperatively with schools to promote character education and development. The momentum fueling this movement stems from the frightening realization that many of our youth have grown up in a moral vacuum. Children killing children without remorse is only the most visible sign of the death of values in much of our society. The transmission of values is an important step in regaining this lost generation and reversing the moral crisis facing the Nation generally and our young people in particular.

I would like to particularly recognize the efforts of my good friend, Sanford McDonnell, chairman of the board of directors of the Character Education Partnership. The partnership, established in March 1992, is dedicated to promoting the development of moral character and civic virtue among young people. The partnership represents a network of individuals and organizations committed to facilitating the implementation of effective K–12 character education programs which will produce a generation of responsible and compassionate individuals.

While the efforts of the partnership extend throughout the country, Sandy has worked tirelessly in St. Louis to implement character education throughout the metropolitan area school districts. His personal efforts in the establishment of PREP—personal responsibility education process—is indicative of his commitment to instilling values and ethics in young people. PREP is a collaborative effort of corporations, foundations, community groups, individuals, and 23 public school districts representing over 183,000 students. As a consequence of PREP's endeavors, many youngsters have the opportunity to learn about respect, civic virtue, and personal responsibility. PREP recognizes that schools and communities must work together, forming a partnership, to address problems such as drug abuse, youth violence, and teen pregnancy. Sanford McDonnell's efforts in this regard have been exemplary and he has generously given of his time and himself.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask for 2 minutes, and then we will be finished with our dialog.

I want to make two comments. First, this effort that we are involved in to elevate good character is not some public relations gimmick or some recent conversion to moral principles. We are simply joining with many character education organizations—parents, schools, administrators and teachers and, yes, Mr. President, a huge, huge part of the American population—who are desperately worried about what is happening in our society as they see these pillars of character disappear, as they see little or no effort to build them up and use them and inculcate them so we can all have a better life.

Last, there are cynics around who would instantly challenge this group of Senators who spoke today. They might say, Mr. President, how can you do that when Government is in such disrepute? I am not a cynic; none of the Senators participating is a cynic. We are saying as long as we are in office, we choose the positive; we choose to

try and try again and, in this case, we think we have a very, very good effort. We ought to promote it in spite of cynics who will say it will not work; it is not your business; let somebody else do it. I firmly believe it is our business and we should participate.

I yield the floor.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. I thank the Chair.

(The remarks of Mr. SHELBY pertaining to the introduction of S. 2283 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BRADLEY. Mr. President, I ask unanimous consent that I may proceed for 25 minutes.

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

RACE RELATIONS AND AMERICANS FROM ASIA

Mr. BRADLEY. In the past 3 years, I have given a number of speeches about race relations in America. They focused primarily on a black-and-white portrait of America. Today I wish to broaden that view and talk about Americans whose ancestors come from Asia. I wish to do it in a way that is forthright, historical, personal, and in a way that challenges all of us to think about the incredible potential of America's increasing diversity.

A young Chinese-American girl during the late 1960's was discussing the civil rights movement in a schoolyard with two of her friends. One was black, and the other was white. As the conversation became more animated, the African-American girl turned to the Chinese-American girl and said, "You gotta decide, are you black or white?"

For too many Americans whose ancestors come from Asia, this story rings familiar. Asian-Pacific-Americans live in a country where minority means black and bilingual means Spanish-English. Some Americans do not even register that Asian-Pacific-Americans are even a thread in our national fabric, and many more only see them through stereotypes and caricatures, ranging from the gifted math and science students and the so-called model minority myth, to exotic geisha girls, Bruce Lee and kung fu and waiters serving moo shu pork in the local Chinese restaurants. Stereotypes, both positive and negative, about Asian-Americans abound, but they hardly eliminate the complexity of their cultures or their social contributions to America.

Asian-Americans have a rich history in the United States. In the 1850's, the blood and sweat of 10,000 Chinese immigrants built the transcontinental railroad. Japanese-Americans in the early 1900's were a dominant force in California agriculture, producing up to 90 percent of some crops while controlling only a tiny fraction of the State's fertile farmland. More recently, from ice skater Kristi Yamaguchi to playwright David Hwang, Asian-Pacific-Americans have been achieving success in politics, business, academia, sports, and the arts. And since I have been in the Senate, four of my colleagues have been Asian-Pacific-Americans—and Senator DANIEL INOUYE of Hawaii has become one of the most respected Senators of the last 50 years.

Mr. President, like most Americans, I have felt the impulse to consider nonwhites as fundamentally different from me. Only contact and interaction has taught me the stupidity and foolishness of those views. With African-Americans, that contact began in childhood and matured in the reading of American history and deepened in professional basketball when I lived with African-Americans day in and day out on the road in America. With Asian-Americans, that journey began with the fascination for that which was different from what I had known growing up in a small Midwestern town. It matured and deepened in college when I roomed with a second-generation Japanese-American who was born in a stable at the Santa Anita Racetrack on his way to a World War II internment camp in Poston, AZ.

My roommate had a way about him that invited openness and manifested genuine interest in other human beings. He was a sensitive friend. Both of us had served as student leaders, grown up with deeply religious mothers, and shared a love of sports and history. The only real difference was that he was Japanese and I was Scotch-Irish, which ultimately was no difference at all. The more we talked, the more I realized what we held in common and the more familiar I became with his hopes, not for his race but for himself as an individual.

Then I would see how other people reacted to my roommate by consistently denying his individuality. I saw the hurt look on his face every time someone called him "Odd Job" after the Asian character in a James Bond movie of the time and the anger he showed when the dean of students asked him to speak to the board of trustees about the experience of a foreign student at Princeton. In search of his own identity, he knew he was American, but either from ignorance or prejudice, many white Americans seemed to deny him that birthright.

My roommate rarely talked about the camps, but partly out of catharsis and partly as a service, in 1971 he wrote a book called "American in Disguise." It told of how he spent his first few years in an internment camp and how he lived his entire life having to deal with racism in America.

It was a sad, honest, angry, insightful, and accurate book. During the summer of 1971 he did a book tour. I accompanied him one evening to a call-in show at a TV station in St. Louis, MO. I was not prepared for the hostility that followed.

Caller No. 1: "If Mr. Moto"—not his name—"if Mr. Moto does not like America, tell him to go back to Japan."

Caller No. 2: "I don't know why you're complaining; you've done well in America."

Caller No. 3: "I lost my husband at Pearl Harbor. You can't trust these Japanese. How do we know what you say about these camps is true? I don't trust you."

Caller No. 4: "Tell the Japs they're lucky we didn't drop another atomic bomb on them."

Caller after caller spewed out irrational hatred toward the Japanese. None apparently registered that my roommate was American, not Japanese. Their failure to appreciate history was an extraordinary denial of historical record. If the truth teller did not look American—that is, Caucasian—it seemed he was not believed. It would not be the last time that I observed such reactions, and always it would be painful.

Even today in 1994 whites and blacks see different looking eyes and go blind to individuality, blurting out such comments as, "Why don't you go back where you came from?" "We are out of jobs because of you." "Hey, China doll."

In 1991, I heard a story of a Japanese-American Girl Scout troop that was selling cookies outside a suburban grocery store in California. One passer-by who refused to buy any of the cookies said, when he refused to buy, "I only buy from American girls."

To understand such an insensitive comment requires a knowledge of the history of Asians in America. The 19th century image of America as a melting pot did not include immigrants from Asia. The torch-bearing arm of the Statue of Liberty was raised toward Europe and the Atlantic. A similar welcome was not extended westward across the Pacific.

In the beginning, Asian-Americans have been ostracized by white Americans. When California became a State in 1850, its constitution made it legal for cities to expel and segregate Chinese. It also restricted employment of Chinese workers and denied Chinese the right to vote. Oregon and California did not ratify the 15th amendment to the Constitution until the mid-20th century because their politicians reasoned that to support giving the vote to African-Americans would necessitate enfranchising Chinese-Americans.

As a source of cheap and hard-working labor, Chinese by the 1870's became a favorite target of white labor unions that pushed for their ouster

from the State. Congress responded by passing the Chinese Exclusion Act of 1882 making Chinese "aliens ineligible for citizenship," stripping them of all legal rights, and prohibiting nearly all immigration of Chinese to the United States. As Chinese immigration declined after 1882, the United States looked to Japan for cheap labor to work in the orchards and fields on the west coast and Hawaii.

Japanese success in agriculture led to the second anti-Asian backlash. In 1913, the California State legislature passed the alien land law aimed at the Japanese, prohibiting aliens—to use that name—from buying land or leasing it for more than 3 years.

Pressure from California officials led to the gentleman's agreement of 1908 with Japan in which both nations agreed to decrease Japanese immigration to the United States. In 1924, the Asian Exclusion Act passed by this Congress barred all Japanese and other Asian immigration from permanent residence.

Other laws denied the Japanese citizenship, barred them from certain jobs, and kept them from marrying whites. These attitudes culminated in 1942 when war hysteria compounded historic racism and led to one of the sharpest blows to constitutional rights in the history of this country, the internment without evidence of disloyalty of 120,000 Japanese-Americans. In addition, Japanese-Americans were asked specifically to forswear allegiance to the Emperor of Japan.

Gene Oishi has written that asking second generation Japanese-Americans to take a loyalty oath was "comparable to asking Joe DiMaggio, the son of Italian immigrants, to forswear allegiance to Mussolini."

Asian Indians were also included in America's anti-Asian xenophobia. Pursuant to the naturalization law of 1790, which said only whites could become citizens, the Supreme Court in 1923 stripped a Sikh from California of his citizenship on the basis that Hindus were not "free white men."

Mr. President, I know that these historical facts are painful for anyone who believes that pluralism is America's strength. But to ignore them would deny us a chance to get this behind us. Only coming to terms with them will free us.

Since the Immigration Act of 1965 eliminated national origin quotas, we have seen a new era of Asian immigration. Asians are the fastest growing minority group in this country. In the 1980's over 3 million Asians immigrated to America, doubling the Asian-American population. In my State of New Jersey, the Asian-American population grew 162 percent in the 1980's.

Such waves of immigration make it more important than ever for us to see that we are no longer a society of just two races, and to understand that diversity is the basic component of what it means to be an American. In the coming years, contributions to American society by Americans of Asian and Pacific descent will become increasingly important. These recent immigrants from Asia differ significantly from their predecessors. Most now come as intact families with the intention of settling here permanently, and about a third are professionals.

Moreover, post-1965 Asian immigrants have originated from more Asian countries. While immigrants from India, Korea, and China come to the United States in search of economic opportunities, others from Vietnam, Cambodia, and Laos, have fled unstable political conditions in their home countries. The vast difference in experience and perspective between a Hmong refugee from Laos who arrived with no understanding of the concept of written language, and an established fourth-generation Japanese-American whose families have been in the United States longer than many European groups, is the range of diversity in Asian America.

Despite this diversity, Chinese, Japanese, Vietnamese, Filipino, Indian, Korean, and Cambodian-Americans, along with the Americans from the islands of Polynesia, find themselves continually being lumped together and defined as one unified group. To force the over 60 different Asian groups under one label is the height of ignorance and racial stereotyping, and makes about as much sense as calling a Scot a Euro-American.

One of the most prevalent stereotypes that ignores the diversity of the Asian-Pacific-Americans is the model minority myth which says that Americans of Asian descent are the healthy minority, the smart minority, the self-sufficient minority, the hardworking but silent minority. In many respects, statistics back up the model minority myth. Asian-Americans have the lowest divorce rate of any racial group, the lowest teenage pregnancy rate, the highest median family income, and the lowest rate of unemployment. Moreover, the number of Asian-owned businesses has increased nearly 1,000 percent from 1972 to 1987.

But a report released last month also revealed that southeast Asians have the highest rate of welfare dependency of any racial or ethnic group. More than 30 percent of all southeast Asian households are on welfare, and among some groups, like Cambodians and Laotians in California, the percentage on welfare skyrockets to 77 percent.

Moreover, although the median family income for Asian-Americans is on a par with that of whites, the figure can be misleading. Asian-Americans live disproportionately in areas where the cost of living is above the national average, and high family income is also related to relatively larger families.

Being classified a "problem-free minority" can also create tensions with other minority groups. "Why can you not be more like the Asian-Americans?" blacks and Latinos are told? As a result, Asian-Americans have become targets of anger, creating a backlash in relationships with other groups of Americans. The greater the success of Asian-Americans, the more some whites and some blacks resent them. When economic times are tough, the seemingly positive attributes of the "model minority" suddenly get turned against Asian-Americans, and the hardworking, resourceful, and dedicated, suddenly become ruthless, diabolical, fanatical.

Today, the most blatantly discriminatory laws have been dismantled, but prejudice against Asian-Americans remains and phobic attitudes persist. For example, the taboo against interracial marriage dies slowly. It is cloaked with superstition, tribalism, and often just plain racism. How race should be prohibitive when two people fall in love has always been a mystery to me. Irrational attachment to race purity is found in all cultures, including some Asian societies, but in America it fused with bizarre theories about white supremacy to produce an explosive mix of emotion and law.

Today, many Asian-Americans experience more subtle forms of intolerance. Height requirements, such as those used by some police and fire departments, bar Asian-Pacific-Americans from many jobs. Many prestigious colleges have been accused of imposing new admission standards in order to limit the number of Asian-American students. Glass ceilings in corporations block too much Asian-American talent from fulfilling the potential of its abilities.

Asian-Americans often become, also, a convenient scapegoat. Take Japan-bashing, for example. With the recent failure of United States-Japan trade talks, it could reappear. The U.S. economy is experiencing monumental transformation—the end of the cold war, the influx of millions of new people into the world marketplace, the emergence of the knowledge revolution, and the continued buildup of our national debt. Americans are understandably feeling vulnerable.

At the same time, Japan has erected barriers to its markets. Japan owes it to its consumers and to the world to open its markets. We must be clear and firm in our policy toward the Japanese Government. But making Japan our scapegoat is not the answer. Inflammatory rhetoric helps no one. The Japan-bashing phenomenon becomes more and more disturbing with each politician's slip of the tongue and each Honda-bashing party that the media covers. What these critics of Japan must realize, given the disproportionate role of race in American society, is

that anger toward Japan risks turning into hostility toward our fellow citizens. Increasingly, the brunt of anti-Japan sentiment falls not only on Japanese-Americans, but because many non-Asians fail to make a distinction among Asian-American nationalities, it falls on Asian-Pacific-Americans as a whole. For example, the first highly publicized instance of brutal anti-Asian violence was the 1982 murder of Vincent Chin. Chin, a 27-year-old Chinese-American, was bludgeoned to death in Detroit by two unemployed auto workers who blamed layoffs in the auto industry on the Japanese.

Even with the increasing presence of Asian-Americans in such places as San Francisco, New York, Seattle, and New Jersey, Asian-Americans are constantly questioned about their Americanness. Because they look different from Caucasians such as German-Americans, Irish-Americans, or Italian-Americans, they are often asked, "well, where are you from?" Or they are told, "gee, you speak English very well." They are continually viewed as foreigners. Maybe that is why they are often left out of discussions about race relations in America. They, like my roommate many years ago, are not even seen as Americans by a white majority or a black minority.

In its most frightening form, these attitudes result in racist violence. In 1987, a Cambodian-American teenager in Lowell, MA, was drowned by a youth shouting racial slurs. Also in 1987, a group of youths attacked and killed Navroze Mody, an Indian-American man; the youths were affiliated with a group called Dotbusters, referring to the red dot many Indian women wear on their foreheads. In 1989, a Chinese-American named Ming Hai "Jim" Loo was beaten to death in Raleigh, NC, by a number of white men who blamed him for the Vietnam war. In October 1992, a Chinese-American man was beaten on a bus in San Francisco by five African-American teenagers, who yelled, "Chink," and "get the Chinaman."

Mr. President, I have recently spoken out about the violence that is plaguing our country—not just in our cities, but also in suburban malls, on college campuses, and between husband and wife. While all violence must be condemned, a new wave of hate violence is particularly disturbing.

According to a 1992 report by the U.S. Civil Rights Commission, although Asians made up 4 percent of the population of Philadelphia in 1988, they were the victims of 20 percent of the city's hate crimes. In 1993, there was 335 reported anti-Asian incidents, including 30 homicides, or nearly one incident every day in this country.

But Asian-Pacific-Americans are beginning to fight back. In 1988, Japanese-Americans won a long and hard-fought battle to regain their dignity and a rightful place as American citizens with the passage of the Civil Liberties Act. This legislation gave a national apology and monetary compensation to the surviving Japanese-Americans who were unjustly taken from their homes on the West Coast and interned in camps solely on the basis of their ancestry. Such an acknowledgment is true progress.

More recently, Bruce Yamashita challenged one of the oldest institutions in this country—the U.S. military. In 1989, Yamashita, a third generation Japanese-American from Hawaii, fresh out of Georgetown University with graduate degrees in law and international relations, enrolled in the Marine Corps Officer Candidate School. Yamashita's idealistic aspirations of serving his country were shattered when he was subjected to onslaughts of racial barbs and verbal abuse from his sergeants at OSC: "You speak English? We do not want your kind around here. Go back to your own country." Other superiors insisted on speaking to him in broken Japanese, often calling him by the names of Japanese products, such as "Kawasaki Yamaha Yamashita." One sergeant ordered him to change into a dirty uniform before his final company review board, knowing that it would jeopardize his evaluation. After 9 weeks of OCS training and 2 days before graduation, Yamashita was kicked out for unsatisfactory leadership.

Charging racial harassment and discrimination Yamashita challenged his dismissal. After two Marine Corps reviews and an offer of commission that he found unsatisfactory, Yamashita appealed to President Clinton last fall for a full resolution of his case. In December 1993, Navy Secretary John Dalton overruled the Marines and authorized that Yamashita be commissioned as a captain. Five years after his ordeal began, at a March ceremony in the House of Representatives, Yamashita was commissioned as a captain in the standby reserves. No longer silent, Yamashita won his battle—another step of progress.

Forcing people to fight for the right to be treated as human beings is a colossal waste of energy and talent. By the year 2000, only 57 percent of the people entering the work force in America will be native-born whites. It is their children whose economic future will increasingly depend on the talents of nonwhites. The considerable talents of Asian-Americans will help all of us advance if we allow them not only a place at the table of performance, but also a place at the table of acceptance. To stigmatize, to stereotype, and to abuse Asian-Americans is to deny ourselves the possibility of our best future.

Americans also need to see how our diversity is a peculiarly American strength, available to virtually no other nation. I was at a conference in Europe recently and the Europeans kept referring to Americans, Mexicans, Canadians, Brazilians, and Venezuelans as "New Worlders." "You New Worlders," they said. I asked them, "What do you mean by that?" They said: "In Europe, increasingly, nationality is defined as ethnicity. In the New World it isn't." To which I say thank God.

American nationality is not ethnic; it is creedal. We ask our citizens to subscribe to a set of principles etched in the Declaration of Independence and the Constitution, not to produce their pedigrees. No country is so open, and this is a source of tremendous strength. These rights, such as life, liberty, and the pursuit of happiness, do not accrue only to a certain race or ethnicity, but to a qualified person of any race who steps forward and says, "I'm American."

Our growing Asian-Pacific-American population is one of the keys to our future success in the international marketplace. The Pacific Rim offers us unlimited opportunities for American export markets, not to mention potential partners in tackling the global problems of human rights, the environment, technology, and population control.

In Asia, our immigrants can be our guide to the cultural rhythms of the fastest growing area in the world economy. Given competitive price and quality, that knowledge can give American goods the edge in Asia. If American companies can draw on the world for our talent, our pool will be much larger than it would be if we, like the Japanese, confined our talent search to a few universities and one racial strain.

Our diversity can mean more jobs and more prosperity for all Americans if we can seize the moment. But to realize that promise, we have to see people. We have to see human beings, not the color of their skin or the shape of their eyes. We have to see human beings for what they are as individuals and as Americans.

To encourage contributions to our Nation's future from Americans of Asian descent requires a commitment from each of us to get beyond the stereotypes, to move past simplistic discussions of race relations which only recognize black and white, to realize the depth and diversity of the many different people we call Asian-Pacific-Americans, to reach out to the Asian-American physicist in New Mexico, garment worker in San Francisco, doctor in New Jersey, restaurant owner in Chicago, and teacher in Los Angeles, to recognize that the surnames Nguyen, Patel, and Chang are just as American as Kennedy, Johnson, and Bush, to speak out against anti-Asian talk and violence where we hear or see it, to realize that contact brings understanding, and like my roommate in college,

prejudice withers in an air of friendship. And when that happens, Americans from Asia will be a living, contributing, and integrated part of American life. And we will, in every way, be a richer society because of it.

THE DEATH OF JACQUELINE KENNEDY ONASSIS

Mr. MOYNIHAN. Mr. President, Jacqueline Onassis touched the lives of millions through her remarkable conduct as First Lady, her courage during a shattering national tragedy, and her ability to then raise two beloved children and succeed brilliantly in a career in publishing.

Yet there is even more to be added to the Senate's account of her achievements—her many contributions to the life of America's two greatest cities—New York and Washington, DC. Characteristically, she never sought recognition for these efforts, but they were significant ones and ought to be recorded for history.

In New York City, which was her home and which she loved, Mrs. Onassis was for the last two decades a member of the Municipal Art Society, the 102-year-old organization dedicated to historic preservation and the furtherance of civic art in New York.

As Senator KENNEDY observed in his eulogy, she was much involved in the society's efforts to preserve Grand Central Terminal. Senators may recall the news photographs of her outside Grand Central with the architect Philip Johnson and others in 1975. She led the fight to stop an awful proposal to erect a 53-story office tower atop the magnificent 1913 Beaux Arts Terminal, and ultimately prevailed when in 1978 the U.S. Supreme Court upheld the New York City landmarks law that protected the station.

She also applied her considerable energies and talents to the revitalization of Times Square; to efforts to revive Manhattan's West Side riverfront; to the preservation of St. Bartholomew's Church, and to the protracted fight against a plan to build a skyscraper at Columbus Circle that would have cast a giant shadow over Central Park.

Her influence on the city of New York was profound, yet her legacy in the area of civic improvement is perhaps even greater here in the Nation's Capital.

During his inaugural parade in 1961, President Kennedy looked at the north side of Pennsylvania Avenue, then lined with an assortment of structures in varying states of dilapidation and the unfinished Federal Triangle on the south side, and decided that something had to be done with it. He gave this task to Arthur Goldberg, then Secretary of Labor, who in turn assigned it to me, then Secretary Goldberg's assistant. This led to the creation of the President's Commission on Pennsylvania Avenue—later the Pennsylvania Avenue Development Corporation—which produced the plan for developing the 1.1-mile stretch of the avenue between the White House and the Capital.

One of the last instructions President Kennedy gave before departing for Dallas was that a coffee hour be arranged for the congressional leadership in order to display the model of the Pennsylvania Avenue plan and seek their support. Bill Walton, Charles Horsky, and I were at lunch discussing this on November 22, 1963 when the White House operator called with the news that the President had been shot. We made our way to the White House; the final word came. We left with this task undone. Or would have had it not been for the intervention of Mrs. Kennedy.

Soon after President Kennedy's funeral, she met with President Johnson in the Oval Office. Their conversation was later recounted by Mrs. Kennedy in an interview she gave on January 11, 1974 to Prof. Joe B. Franz of the University of Texas at Austin. Professor Franz conducted the interview in Manhattan for an oral history of the Johnson administration. Here is an excerpt from the transcript of Mrs. Kennedy's remarks:

> I remember going over to the Oval Office to ask him for two things. They were two things I thought that I would like to ask him as a favor. One was to name the space center in Florida "Cape Kennedy." * * * And * * * there were plans for the renovation of Washington and there was this commission, and I thought it might come to an end. I asked President Johnson if he'd be nice enough to receive the commission and sort of give approval to the work they were doing, and he did. It was one of the first things he did.

Jacqueline Kennedy asked for Pennsylvania Avenue, for the continuation of the President's Commission on Pennsylvania Avenue. And coming from Mrs. Kennedy, this request understandably made a claim on President Johnson and on his administration. As it did on me. The enterprise soon acquired official sanction, having been wholly informal under JFK. And it moved forward. By the time President Nixon left office, the Pennsylvania Avenue Development Corporation had been established by act of Congress. Today, with construction of the Federal Triangle building at 14th Street well underway, a third of a century's work is nearly complete—and Jackie made it all possible.

A few years back, as the last major features of the redevelopment fell in place, I received from her perhaps the most precious letter I will ever receive from anyone. "Twenty five years," she wrote, "is a long time not to give up on something." Then this:

> I will be forever grateful dear Pat, for your message to me along the way, for the spirit you brought to something Jack cared about so deeply, and for this happy ending.

The poet Yeats said of a man that he was blessed and had the power to bless. Those few lines of Jacqueline Kennedy Onassis suggested how very blessed she was in spite of all that came to her as she traveled, in Maurice Tempelsman's words, to Ithaca.

On the morning of May 23, Liz and I attended her funeral at the Church of St. Ignatius Loyola on East 84th Street in Manhattan, the same church where she was baptized as a child. We knew and loved Jacqueline Kennedy Onassis all these many years, and never more than of late when she so wondrously, luminously contributed to any enterprise that might add grace and beauty to the city of New York. She adorned New York as she had adorned Washington before, much as she embellished our age.

EXPLANATION OF ABSENCE

Mr. COVERDELL. Mr. President, I was necessarily absent from the Senate yesterday, July 13, and missed votes numbered 189 and 190. I accompanied the President to view the flood damage in my home State of Georgia.

HAITI

McCONNELL. Mr. President, Deputy Secretary Talbott has characterized the administration's recent policy shifts as refinements of an existing strategy rather than flip-flops and reversals. Unfortunately, the public does not quite see it that way. Nor for that matter do some of his strongest supporters.

In May, my colleague from Iowa, Senator HARKIN urged the administration to "get some steel in their spine and quit equivocating."

A policy of anarchy is how the chairman of the Black Caucus summed up the situation.

I think the public's frustration level is only surpassed by the suffering of the citizens of Haiti.

And, now we have a dangerous mass exodus underway which has produced over 15,000 refugees in a brief few weeks.

I can only wonder how dismal the conditions in Haiti must be to force a parent to pack their children in flimsy dinghys and risk their lives on the high seas.

And, how did we end up with this human exodus?

I trace it back to candidate Clinton's denouncing the Bush policy of returning Haitians for processing in Haiti. Within weeks of assuming office, faced with a human wave of misery, Clinton retreated and adopted the Bush line.

Unfortunately, the radical fluctuations in policy did not stop there.

True the Governor's Island Accords held out fleeting hope which was shattered. Frankly, I was never quite clear why the military with all the power—in essence with all the cards—would simply fold and go back to their barracks.

Next we seemed to stagger about like Gulliver under attack by Lilliputians—Haitians armed with sticks drove back the U.S.S. *Harlan*. Randall Robinson, in William Raspberry words, "using his life as a lever" managed to starve a significant retreat out of the President on refugee policy.

Now, we have a series of selected leaks about invasion training exercises, I guess in the hope of bluffing the military leadership out of office.

The Haiti policy, like other foreign policy positions taken by the administration seem to be monuments to the mood of the moment—not enduring, principled, well constructed edifices.

We have all been disheartened by the perilous policy twists and turns—that may be policy refinement in the Clinton play book, but the public can't understand his calls.

As we creep closer and closer to the use of force, no one understands why.

Vague official commentary about restoring democracy is overshadowed by internal criticism of the alleged symbol of democracy, Aristide.

Concern about the consequences of a tidal wave of refugees is muddled by senior officials who understandably engage in public hand wringing over images of children starving.

And, the talk of invasion, purportedly to protect American lives is rejected by the very Americans who the administration wants to save.

Sadly, I think Carl Rowan was right when he said he thought the President was about to invade because he didn't have the foggiest notion what else to do.

I think we may very well be reduced to this option because we have squandered our credibility and forfeited our resolve in enforcing any other option.

At the end of the day a few thousand poorly trained, barely armed thugs have terrorized a nation and intimidated the United States.

In public and private comments the military leadership in Haiti scorns the United States and speaks with contempt at the prospect of an invasion. Bravado? Maybe, but so far they have little reason to believe we are as good as our word.

Mr. President, I have heard senior officials lament time and time again that the policy appears confusing because the situation is changing rapidly and new circumstances must be evaluated and addressed. They are feeling their way through troubled waters.

I urge the administration to chart a course and stick with it. Just as the public was skeptical about the Persian Gulf during the buildup, when a clear message was consistently delivered, when the economic and political principles at stake were starkly defined, the American people supported the President.

THE FREEDOM FIGHT IN CYPRUS: 20 YEARS OF TURKISH OCCUPATION

Mr. PRESSLER. Mr. President, today, I address the past and present political status of Cyprus. We now are witnessing the 20-year mark of the division of the island between the Greek and Turkish Cypriots. Cypriot loyalties have long been torn between Cyprus, Greece, and Turkey.

Over the past two decades, we have witnessed numerous failed attempts at reconciliation under official U.N. auspices. Additionally, many unofficial rounds of negotiations have not succeeded in ending Cyprus' political turmoil. As we remember the invasion of Cyprus, we should commit ourselves to strive for an international solution to the division of this illegal country.

Cyprus' division began in 1974. A Turkish military junta ousted President Makarios and eventually took control of the northern one-third of the nation. The so-called Turkish Republic of Northern Cyprus has yet to gain diplomatic recognition from any of the world's countries except Turkey. The southern two-thirds of the Republic of Cyprus is inhabited by Greek Cypriots, who comprise 80 percent of the population.

The political goals of each side have wavered little in the past 20 years. The balance to be struck between the establishment of a single-sovereignty federation, favored by the Greek Cypriots, and the formation of two independent States, favored by the Turkish Cypriots, continues to be a somewhat elusive goal. The primary issues are also clouded by other complicating factors. Displaced persons, territory, property, and military rights reveal the far reaching effects the 1974 invasion continues to have—not only on the people of Cyprus, but also on the efforts for political compromise and reconciliation.

Mr. President, an end to the illegal Turkish occupation of Cyprus is long overdue. Twenty years have passed since Greek Cypriots, comprising at least 75 percent of the population of Cyprus, have lived without the presence of Turkish troops in their homeland. Since 1974, Greek Cypriots have looked to the United States Congress to help them end the unacceptable status quo of division and Turkish occupation.

To help implement a viable solution to the problem in Cyprus, I have sponsored legislation in past Congresses which would make United States aid to Turkey contingent upon the removal of troops from Cyprus. While I do not believe the necessary votes to pass such legislation currently exist, I still am compelled to reiterate the need to withhold aid from Turkey unless we are assured the Turks are not violating the human rights of both Kurds in Turkey and Greek Cypriots. Additionally, we should demand assurance that no portion of Cyprus will be governed by Turkish settlers and troops.

After two decades of illegal Turkish occupation of Cyprus, the United States should reexamine its policy toward Turkey. The United States Congress and the Clinton administration need to send a signal to the people of Turkey: Basic principles of human rights must be respected. For the past 20 years, Greek Cypriots have faced Turkish intransigence. The United States, as the leader of the world community, no longer should tolerate Turkey's unreasonable position regarding the settlement of Cyprus and its gross human rights violations.

An end to the division of Greek and Turkish Cypriots rests squarely in the hands of Turkish Government leaders. It is time the United States held the Turkish Government accountable for two decades of illegal military occupation in Cyprus. Let us not forget that the occupation is being carried on with the support of United States military equipment, made available through United States foreign aid to Turkey. We clearly have a responsibility to contribute to a solution to a problem that we, in part, have helped to create. I urge my colleagues to consider the plight of divided and foreign occupied Cyprus as we consider United States financial aid to Turkey.

THE 100TH ANNIVERSARY OF THE COMMERCIAL LAW LEAGUE OF AMERICA

Mr. HEFLIN. Mr. President, I recently sent a letter to the Commercial Law League of America, and its current President, congratulating the league on their 100th anniversary. During those years the league has worked to achieve several laudatory goals regarding commercial laws, including the promotion of uniformity of matters affecting such laws and the elevation of the standards and improvement of the practice of commercial law. I ask unanimous consent that a copy of this letter be printed in the RECORD at this point.

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 13, 1994.

Mr. FREDERICK M. LUPER,
President, Commercial Law League of America, Chicago, Il.

DEAR MR. LUPER: Congratulations to the Commercial Law League of America, and to you as its current President, on a century of dedicated service provided to the legal community of America. The work which the League has performed over the past one hundred years has played an important role in the development of commercial laws throughout America.

As stated in the "Objectives of the Commercial Law League of America", one of your goals is "To promote uniformity of legislation in matters affecting commercial

law." The League has achieved this goal through the testimony before Congress of your members who are experts on a variety of issues.

I commend the League not only on its longevity as the nation's oldest organization of attorneys and other experts on credit and finance, but also on your successful growth from a 400-member organization in 1895 to over 5,000 members in today's League. The Commercial Law League produces, through the contributions of its members, such excellent publications as the Commercial Law Journal and the Commercial Law Bulletin which keep all professionals, who work in the field of commercial law, abreast of our rapidly changing financial world.

As the League begins its second century, it is especially important to remember one of the objectives of the League, "To elevate the standards and improve the practice of commercial law." It is through the leadership and constant attention which you have provided in the past that has enabled today's commercial bar to enjoy a streamlined and improved set of laws. These laws have made commercial transactions fair and equitable for all participants within our commercial system.

It is with admiration and praise that I say Happy Birthday to the Commercial Law League of America. I hope you will be as active in the next one hundred years as you have been in the past one hundred. Thank you for allowing me to be a small part of this great event.

I remain as always,

Sincerely,

HOWELL HEFLIN.

TRIBUTE TO THE ASSOCIATION FOR THE ADVANCEMENT OF THE BLIND AND RETARDED

Mr. MOYNIHAN. Mr. President, I have addressed this body many times on behalf of the rights of the disabled. Americans have come to recognize that we have a responsibility to help individuals overcome both their physical and mental handicaps. We must do all we can to ensure that they lead more full and productive lives.

I would like to take this opportunity to pay tribute to one organization that has taken the lead in helping these most deserving individuals—the Association for the Advancement of the Blind and Retarded. AABR is a private organization which, for nearly 40 years, has served young adults and adults that are afflicted with multiple handicaps, including blindness and severe mental retardation.

There are, indeed, far too few programs that provide extensive services to these neediest of our fellow citizens. AABR is able to do so through programs that are tailormade by 300 professional and paraprofessional staff members who are trained in the latest advances and methods of instruction. They also operate day treatment centers, family services, recreation programs, a vacation retreat, and education programs serving individuals throughout the New York City area.

AABR's staff members are inspiring and compassionate people—the exact sort we need in this profession. As a result of their patience and devotion, AABR's clients are helped to reach their full potential. The enthusiasm and wonderful sense of caring and commitment of the staff should serve as an inspiration to us all.

Over the years, AABR's magnificent accomplishments have won considerable praise and support from the private sector. For example, on August 8 of this year the Metropolitan Club Managers Association of New York will hold it's 21st annual charity golf and tennis tournament and dinner dance for the benefit of AABR's handicapped youth. The support and the encouragement provided by MCMA is most noteworthy and sets a superb example for others to follow.

I ask my colleagues to join me in extending best wishes for an enjoyable event and much continued success to AABR, MCMA, and all those involved in this worthwhile cause.

THE DONALD STUART RUSSELL FEDERAL COURTHOUSE

Mr. HOLLINGS. Mr. President, on July 25, the Federal courthouse in Spartanburg, SC, will be formally dedicated in honor of Donald Stuart Russell. At my initiative, a provision to name the building in honor of Donald Russell was included in a supplemental appropriations bill early this year. This is a fitting, if belated, honor to one of the most accomplished and respected South Carolinians of our time.

Mr. President, Donald Russell's career in public service spans more than half a century and continues to this day, as he continues to serve with distinction as U.S. circuit judge for the fourth judicial circuit.

A native of Mississippi, his family moved to Chester, SC, in 1911 when he was 5 years old. Judge Russell graduated Phi Beta Kappa from the University of South Carolina in 1925, and from the University of South Carolina School of Law in 1928. Before the war, he practiced law in Spartanburg, eventually joining Jimmy Byrnes' law firm in that city. In the wake of Pearl Harbor, he came to Washington with Byrnes to serve in the War Department, first as a member of the Price Adjustment Board and later as Deputy Director of the Office of War Mobilization, which was charged with full responsibility for managing the war effort on the home front. In 1944 he served as an Army major assigned to the Supreme Headquarters Allied Forces in Europe.

When then-Justice Byrnes was named Secretary of State by President Truman in 1945, he tapped Donald Russell to serve as Assistant Secretary of State for Administration. In that capacity, Russell laid the basis for a modern, professional U.S. diplomatic corps by shepherding through Congress the Foreign Service Act of 1946.

In 1951, he returned home to serve as president of the University of South Carolina. During this distinguished 6-year tenure, he boosted academic standards and made major improvements in the university's physical plant.

In 1963, Russell succeeded me as Governor of South Carolina, presiding over the peaceful integration of Clemson College and, several months later, the University of South Carolina. His inauguration in January 1963 is still remembered as a remarkable event. The newly sworn in Governor Russell opened the grounds of the executive mansion to whites and blacks alike for a festive and integrated celebration.

After a stint as U.S. Senator from 1965 to 1966, he was appointed by President Lyndon Johnson to serve as U.S. district judge of South Carolina. In 1971, President Nixon appointed him to serve as U.S. circuit judge for the fourth judicial circuit, where he has served with enormous distinction for nearly a quarter century.

Mr. President, as scholar, statesman, and jurist, Donald Russell has distinguished himself as a man of extraordinary ability and genuine vision. For more than a half century, Judge Russell has epitomized the ideal of selfless and dedicated public service. In dedicating the Donald Stuart Russell Federal Courthouse, the people of South Carolina and of the United States express their appreciation for the many contributions and accomplishments of this great public servant.

TRIBUTE TO JACQUELINE KENNEDY ONASSIS

Mr. RIEGLE. Mr. President, Jacqueline Kennedy Onassis has aptly been called a national treasure. Throughout her life, Mrs. Onassis devoted herself to preserving our Nation's historical treasures before everything slips away, before every link with the past is gone. And now, she herself has slipped away from us.

Because she embodied some of our Nation's most magnificent moments, and some of its most tragic, her passing has touched all of us in a very personal way.

Her own words best explain how she was able to live with the joys and the tragedies which characterized her life:

> We must give to life at least as much as we received from it. Every moment one lives is different from the next. The good, the bad, the hardship, the joy, the tradegy, love and happiness are all interwoven into one single indescribable whole that is called life. You cannot separate the good from the bad. And, perhaps there is no need to do so either.

Mrs. Onassis lived her life with zeal, dignity, and grace. She was guided by her unique vision of life's possibilities and an understanding of the role history would play in judging our actions.

For the few brief years that she graced this city as our Nation's First

Lady, she raised our Government's support for the arts and historic preservation to a higher level. The White House became a living monument to America's rich history and culture, where the Nation's best artists and musicians came to perform.

The historic preservation crusade, begun during her White House years, continued throughout her life. Aiding in the rescue of Washington's historic Lafayette Square and New York's Grand Central Station from demolition are among Mrs. Onassis' best known achievements.

None of Mrs. Onassis' efforts, however, were as dear to her as the raising of her two children. She referred to that successful effort as the best thing she ever did, and her wish was to be remembered and emulated for that achievement more than for any other.

Mr. President, in his book "The Bouviers," John Davis writes:

President Kennedy's administration had captured the public imagination in a way few Presidents in the nation's history had done. His youthful sincerity and enthusiasm had inspired men everywhere with hope for a better world. In the last analysis, his major contribution to his country was spiritual rather than political, and after his death, it was primarily his widow who kept that contribution alive, who perpetuated it. Her majestic conduct at his funeral, from the march to St. Matthew's to the lighting of the eternal flame, her influence in changing the names of national landmarks to Kennedy, her helping with the design of his tomb, her role in founding the John F. Kennedy Center for the Performing Arts and the John F. Kennedy Library, all these contributed immensely to keeping the bright spirit of the slain President alive.

Closely allied with her efforts to perpetuate John F. Kennedy's memory is what may well prove to be her most significant contribution of all, as well as the most ephemeral: the presentation of an image of beauty, courage, and grandeur to the world during three of the most shameful and humiliating days in her country's existence. As an incomparable artist in life, it was her supreme privilege and achievement to grant an entire nation, at the time of her husband's funeral, some of the finest moments in its history. It is upon the enduring quality of those moments * * * that her place in history will ultimately rest.

Jacqueline Kennedy Onassis provided the quote from Shakespeare used by Robert Kennedy in his tribute to the President at the 1964 Democratic National Convention:

When he shall die
Take him and cut him out in little stars
And he will make the face of heaven so fine
That all the world will be in love with night,
And pay no worship to the garish sun.

I believe the words of Shakespeare are equally appropriate in memorializing her.

Two of the fairest stars in all the heaven,
Having some business do entreat her eyes
To twinkle in their spheres till they return.
What if her eyes were there, they in her head?
The brightness of her check would shame those stars,
As daylight doth a lamp; her eyes in heaven
Would through the airy region stream so bright
That birds would sing and think it were not night.

And so, the architect of the eternal flame at Arlington—Jacqueline Bouvier Kennedy Onassis—will now be immortalized by it. It will forever evoke the memory not only of a fallen President, but of the lady who served beside him and did so much to define his presidency during what was, in the words of the poet Robert Frost, "an age of poetry and power."

FOOD AID FOR CHILDREN IN THE FORMER SOVIET UNION

Mr. RIEGLE. Mr. President, as the Senate debates the fiscal year 1995 Foreign Operations Appropriations Act, I wish to address an issue that is of critical importance to the people of the former Soviet Union. Despite the great progress these nations have made in their economic transitions, large segments of the populations continue to suffer from lack of food. Those hardest hit are infants and young children. While the scope and scale of our food aid to these nations are likely to diminish in future years, we must ensure that the children receive the nourishment they need.

The help of the international community has been vital in helping the New Independent States [NIS] to continue their economic and political transformations. However, in light of the changing needs of these nations, international assistance is declining. In particular, our bulk commodity food aid will diminish and our overall agricultural assistance will likely focus more on technical and industrial investment. This shift is due to the fact that shortages are occurring primarily in regions torn by armed conflict, while the rest of the region is in need of infrastructure and technology.

Despite the improving conditions in much of the former Soviet Union, infants and young children continue to suffer shortages. Last year, the Belarus Ministry of Health reported that only 18.3 percent of infants have adequate amounts of fruits, vegetables, and juices in their diets. The Russian Ministry of Health reported an even lower total—13 percent. This situation will only worsen unless we take concrete steps to ensure that children in the NIS receive the nourishment they need.

On June 10, several of my colleagues and I wrote to the distinguished chairman of the Foreign Operations Subcommittee asking that the committee support the procurement of United States-manufactured processed baby food to be sent to the nations of the former Soviet Union as part of our international assistance program. The inclusion of processed baby food with our aid to the NIS will address a serious problem facing thousands of children in that area of the world. Moreover, improving the diets of these children now reduces the need for medical assistance later—a far costlier form of humanitarian aid.

In the report accompanying the Senate version of the fiscal year 1995 Foreign Operations Appropriations Act the committee included the following language.

Children and infants in the NIS continue to experience nutritional problems due to poor diets. Processed baby foods, juices, and cereals are not available in sufficient quantity in a number of places within the former Soviet Union. Russian and other former Soviet republics are beginning the process of rebuilding their processed baby food industry. The Committee agrees with the House that providing nutritional assistance for children and infants in the meantime would be a timely humanitarian gesture.

Mr. President, I am pleased that many of my colleagues have joined in their support of this type of program that will help thousands of children. We currently face the enormous challenge of reshaping our foreign assistance program to reflect changing economic and security needs worldwide. In doing so we must be aware of the humanitarian needs which are immediate and which we can address without great expense. The situation in the NIS is just such a concern and I urge all of my colleagues to support any program that will help ease the plight of children in this region.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is like the weather—everybody talks about the weather but nobody does anything about it. And congress talks a good game about bringing Federal deficits and the Federal debt under control, but there are too many Senators and Members of the House of Representatives who unfailingly find all sorts of excuses for voting to defeat proposals for a constitutional amendment to require a balanced Federal budget.

As of Wednesday, July 13, at the close of business, the Federal debt stood—down to the penny—at exactly $4,624,337,130,856.67. This debt, mind you, was run up by the Congress of the United States; the big-spending bureaucrats in the executive branch of the U.S. Government cannot spend a dime that has not first been authorized and appropriated by the U.S. Congress. The U.S. Constitution is quite specific about that, as every schoolboy is supposed to know.

And disregard the nonsense from politicians to the effect that the Federal debt was run up by one President or another, depending on party affiliation. Sometimes they say Ronald Reagan ran it up; sometimes they say

George Bush. I even heard that Jimmy Carter helped run it up. All three suggestions are wrong. They are false because the Congress of the United States is the villain.

Most people cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban Missile Crisis was going on. A billion minutes ago, not many years had elapsed since Christ was crucified.

That sort of puts it in perspective, does it not, that Congress has run up a Federal debt of 4,624 of those billions—of dollars. In other words, the Federal debt, as I said earlier, stands at 4 trillion, 624 billion, 337 million, 130 thousand, 856 dollars and 67 cents.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order morning business is now closed.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 4426, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

The Senate resumed the consideration of the bill.

Pending:

(1) Dole Amendment No. 2245, to establish a congressional commission for the purpose of assessing the humanitarian, political, and diplomatic conditions in Haiti and reporting to the Congress on the appropriate policy options available to the United States with respect to Haiti.

(2) McConnell (for Brown) Amendment No. 2247, to reduce available funds for the United Nations Development Program.

(3) McConnell (for Brown) Amendment No. 2248 (to committee amendment on page 2, lines 12–21), to make Poland, Hungary, and the Czech Republic eligible for allied defense cooperation with NATO countries.

(4) McConnell (for Brown) Amendment No. 2249, to freeze contributions to the International Development Association.

(5) McConnell (for Brown) Amendment No. 2250, to maintain funding for the Global Environment Facility at fiscal year 1994 level and to make the funds available pending certain reform measures.

(6) McConnell (for Brown) Amendment No. 2251, to establish an independent commission to study the salaries and benefits of the World Bank and the International Monetary Fund.

(7) McConnell (for Brown) Amendment No. 2252 (to committee amendment on page 2 lines 12–21), to make Poland, Hungary, and the Czech Republic eligible for allied defense cooperation with NATO countries.

(8) Helms Amendment No. 2253 (to committee amendment on page 2, lines 12–21), to prohibit U.S. Government intervention with respect to abortion laws or policies in foreign countries.

(9) Helms Amendment No. 2254, to prohibit the availability of funds for the United Nations Development Program.

(10) Helms Amendment No. 2255, to prohibit the use of funds for foreign governments engaged in espionage against the United States.

(11) Helms Amendment No. 2256, to prohibit funds for Russia while that country is not in compliance with the Biological Weapons Convention.

(12) Helms Amendment No. 2257, to limit the provisions of assistance to Nicaragua until a full investigation is conducted relating to the existence of a terrorist/kidnapping ring.

(13) Helms Amendment No. 2258, to limit the authority to reduce U.S. Government debt to certain countries.

(14) Helms Amendment No. 2259, to provide conditions for renewing nondiscriminatory (most-favored-nation) treatment for the People's Republic of China.

(15) Helms Amendment No. 2260, to establish an Ambassadorial rank for the head of the United States delegation to the Conference on Security and Cooperation in Europe.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont [Mr. LEAHY] is recognized.

Mr. LEAHY. Mr. President, I ask unanimous consent to be able to yield 10 minutes to the distinguished Senator from Pennsylvania, with the floor then reverting to me.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Pennsylvania is recognized for 10 minutes.

Mr. SPECTER. Mr. President, I thank my colleague from Vermont.

Mr. President, I had come to the floor at 10 o'clock in hopes that I might be able to offer an amendment which I have pending on the foreign operations bill, which has been accepted by the managers, and in the absence of formally starting on the bill or absence of one of the managers. I thank my colleague from Vermont for the time to speak on the amendment, perhaps there will be a procedural posture to be accepted before the 10 minutes have expired.

This amendment, Mr. President, would condition appropriations from the United States to the PLO on their strict compliance with their commitments in the Israel PLO peace accords.

We have found that since the historic events of September 13 of last year when President Clinton brought together the Prime Minister of Israel Yitzhak Rabin, and PLO Chairman Yasser Arafat, the progress has proceeded and the agreement entered into. But there have been many violations of the agreement by acts of terrorism by the PLO.

Speaking very candidly, Mr. President, it was a difficult moment for me personally to be at the White House last September 13, to see Yasser Arafat and the PLO honored in the Nation's capital in light of what they have done in the past. The record is plain that the murder of the United States Chargé, the second in command in the Sudan in 1974, directly implicated Yasser Arafat as well as the PLO; the murder of Mr. Klinghoffer on the *Achille Lauro* involved the PLO and Arafat, as have many, many other acts of treachery and terrorism. So it was a difficult moment to see Arafat honored at the White House.

But when the State of Israel, which had been the principle victim of PLO terrorism, agreed to that arrangement it seemed to me that the United States ought to be supportive, and I compliment President Clinton for what he has done in that historic setting. But since the accords have been entered into there have been repeated acts of PLO terrorism. They have been documented, and a good bit of the documentation has come from the Zionist Organization of America and the initiative of Mr. Morton Klein and Mrs. Sandy Stein.

It is vital that if the United States is to advance the substantial funding which we have appropriated, that there be compliance. This amendment which has been cosponsored by Senator SHELBY, Senator D'AMATO, Senator CRAIG, and Senator GRAHAM, would remove the authority of the President to advance the funds on certification of national security. That is, the President would not have the power to excuse what the PLO has done and allow the funds to be advanced without full compliance.

The second provision would recite the expectation of the Congress that the PLO will remove all of the provisions in its national covenant which state its intention to eliminate Israel.

In an original form, we had thought and drafted and proposed that the charter of the PLO be amended in advance of any moneys being given by the United States to the PLO. On reconsideration, we have noted that after this amendment was announced, there have been statements from the PLO that they do intend to amend their charter. So that in order to avoid a controversy and to proceed at this time with a clear-cut statement of congressional intent, this amendment just goes so far as to say that it is our expectation that the covenants of the PLO charter will be amended.

If that is not done, let there be no mistake that we will be back on the next foreign aid bill with the mandatory requirement that the PLO covenant be amended if any funds are to be advanced.

There are a number of provisions of the PLO covenant which bear on this question.

For example, article 15 of the Palestinian National Covenant from 1968 recites:

The liberation of Palestine, from an Arab viewpoint, is a national duty to repulse the Zionist imperialist invasion from the great Arab homeland and to purge the Zionist presence from Palestine.

Obviously, that is a direct variance with the Israeli-Arab peace accord and that ought to be stricken.

Article 19 provides, in part:

The partitioning of Palestine in 1947 and the establishment of Israel is fundamentally null and void.

That, obviously, must be stricken.

Article 20 contains the provision:

The Balfour Declaration, the Mandate Document, and what has been based upon them are considered null and void. The claim of a historical or spiritual tie between Jews and Palestine does not tally with the historical realities nor the constituents of statehood in their true sense.

And that ought to be stricken.

Mr. President, I ask unanimous consent that the full text of this Palestinian National Covenant be printed in the RECORD at the conclusion of my remarks, along with an article from the New York Times on this subject.

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

[See exhibit 1.]

Mr. SPECTER. Mr. President, there has been established in both the Senate and the House of Representatives monitoring groups. In the Senate, we have a group of some 15 Senators, virtually equally divided among Democrats and Republicans. It is our intent to keep a very close eye on what occurs with respect to PLO compliance with their commitments. If the terrorism is not absolutely ended, then there is no reason whatsoever for the United States to be advancing funds to the PLO. That is a very, very reasonable request.

EXHIBIT 1

THE PALESTINIAN NATIONAL COVENANT, 1968

This Covenant will be called "The Palestinian National Covenant" (Al-Mîhâq Al-Watanî Al-Filastînî).

ARTICLE 1

Palestine is the homeland of the Palestinian Arab people and an integral part of the great Arab homeland, and the people of Palestine is a part of the Arab Nation.

ARTICLE 2

Palestine with its boundaries that existed at the time of the British Mandate is an integral regional unit.

ARTICLE 3

The Palestinian Arab people possess the legal right to its homeland, and when the liberation of its homeland is completed it will exercise self-determination solely according to its own will and choice.

ARTICLE 4

The Palestinian personality is an innate, persistent characteristic that does not disappear, and it is transferred from fathers to sons. The Zionist occupation, and the dispersal of the Palestinian Arab people as result of the disasters which came over it, do not deprive it of its Palestinian personality and affiliation and do not nullify them.

ARTICLE 5

The Palestinians are the Arab citizens who were living permanently in Palestine until 1947, whether they were expelled from there or remained. Whoever is born to a Palestinian Arab father after this date, within Palestine or outside it, is a Palestinian.

ARTICLE 6

Jews who were living permanently in Palestine until the beginning of the Zionist invasion will be considered Palestinians.

ARTICLE 7

The Palestinian affiliation and the material, spiritual and historical tie with Palestine are permanent realities. The upbringing of the Palestinian individual in an Arab and revolutionary fashion, the undertaking of all means of forging consciousness and training the Palestinian, in order to acquaint him profoundly with his homeland, spiritually and materially, and preparing him for the conflict and the armed struggle, as well as for the sacrifice of his property and his life to restore his homeland, until the liberation—all this is a national duty.

ARTICLE 8

The phase in which the people of Palestine is living is that of the national (Watanî) struggle for the liberation of Palestine. Therefore, the contradictions among the Palestinian national forces are of a secondary order which must be suspended in the interest of the fundamental contradiction between Zionism and colonialism on the one side and the Palestinian Arab people on the other. On this basis, the Palestinian masses, whether in the homeland or in places of exile (Mahâjir), organizations and individuals, comprise one national front which acts to restore Palestine and liberate it through armed struggle.

ARTICLE 9

Armed struggle is the only way to liberate Palestine and is therefore a strategy and not tactics. The Palestinian Arab people affirms its absolute resolution and abiding determination to pursue the armed struggle and to march forward toward the armed popular revolution, to liberate its homeland and return to it, [to maintain] its right to a natural life in it, and to exercise its right of self-determination in it and sovereignty over it.

ARTICLE 10

Fedayeen action forms the nucleus of the popular Palestinian war of liberation. This demands its promotion, extension and protection, and the mobilization of all the mass and scientific capacities of the Palestinians, their organization and involvement in the armed Palestinian revolution, and cohesion in the national (Watanî) struggle among the various groups of the people of Palestine, and between them and the Arab masses, to guarantee the continuation of the revolution, its advancement and victory.

ARTICLE 11

The Palestinians will have three mottoes: National (Wataniyya) unity, national (Qawmiyya) mobilization and liberation.

ARTICLE 12

The Palestinian Arab people believes in Arab unity. In order to fulfill its role in realizing this, it must preserve, in this phase of its national (Watanî) struggle, its Palestinian personality and the constituents thereof increase consciousness of its existence and resist any plan that tends to disintegrate or weaken it.

ARTICLE 13

Arab unity and the liberation of Palestine are two complementary aims. Each one paves the way for realization of the other. Arab unity leads to the liberation of Palestine, and the liberation leads to Arab unity. Working for both goes hand in hand.

ARTICLE 14

The destiny of the Arab nation, indeed the very Arab existence, depends upon the destiny of the Palestine issue. The endeavor and effort of the Arab nation to liberate Palestine follows from this connection. The people of Palestine assumes its vanguard role in realizing this sacred national (Qawmî) aim.

ARTICLE 15

The liberation of Palestine, from an Arab viewpoint, is a national (Qawmî) duty to repulse the Zionist, imperialist invasion from the great Arab homeland and to purge the Zionist presence from Palestine. Its full responsibilities fall upon the Arab nation, peoples and governments, with the Palestinian Arab people at their head.

For this purpose, the Arab nation must mobilize its military, human, material and spiritual capabilities to participate actively with the people of Palestine. They must, especially in the present stage of armed Palestinian revolution, grant and offer the people of Palestine all possible help and every material and human support, and afford it every sure means and opportunity enabling it to continue to assume its vanguard role in pursuing its armed revolution until the liberation of its homeland.

ARTICLE 16

The liberation of Palestine, from a spiritual viewpoint, will prepare an atmosphere of tranquility and peace for the Holy Land, in the shade of which all the holy places will be safeguarded, and freedom of worship and visitation to all will be guaranteed, without distinction or discrimination of race, color, language or religion. For this reason, the people of Palestine looks to the support of all the spiritual forces in the world.

ARTICLE 17

The liberation of Palestine, from a human viewpoint, will restore to the Palestinian man this dignity, glory and freedom. For this, the Palestinian Arab people looks to the support of those in the world who believes in the dignity and freedom of man.

ARTICLE 18

The liberation of Palestine, from an international viewpoint, is a defensive act necessitated by the requirements of self-defense. For this reason, the people of Palestine, desiring to befriend all peoples, looks to the support of the states which love freedom, justice and peace in restoring the legal situation to Palestine, establishing security and peace in its territory, and enabling its people to exercise national (Wataniyya) sovereignty and national (Qawmiyya) freedom.

ARTICLE 19

The partitioning of Palestine in 1947 and the establishment of Israel is fundamentally null and void, whatever time has elapsed, because it was contrary to the wish of the people of Palestine and its natural right to its homeland, and contradicts the principles embodied in the Charter of the United Nations, the first of which is the right of self-determination.

ARTICLE 20

The Balfour Declaration, the Mandate Document, and what has been based upon them are considered null and void. The claim of a historical or spiritual tie between Jews and Palestine does not tally with historical realities nor with the constituents of statehood in their true sense. Judaism, in its character

as a religion of revelation, is not a nationality with an independent existence. Likewise, the Jews are not one people with an independent personality. They are rather citizens of the states to which they belong.

ARTICLE 21

The Palestinian Arab people, in expressing itself through the armed Palestinian revolution, rejects every solution that is a substitute for a complete liberation of Palestine, and rejects all plans that aim at the settlement of the Palestine issue or its internationalization.

ARTICLE 22

Zionism is a political movement organically related to world imperialism and hostile to all movements of liberation and progress in the world. It is a racist and fanatical movement in its formation; aggressive, expansionist and colonialist in its aims; and Fascist and Nazi in its means. Israel is the tool of the Zionist movement and a human and geographical base for world imperialism. It is a concentration and jumping-off point for imperialism in the heart of the Arab homeland, to strike at the hopes of the Arab nation for liberation, unity and progress.

Israel is a constant threat to peace in the Middle East and the entire world. Since the liberation of Palestine will liquidate the Zionist and imperialist presence and bring about the stabilization of peace in the Middle East, the people of Palestine looks to the support of all liberal men of the world and all the forces of good progress and peace; and implores all of them, regardless of their different leanings and orientations, to offer all help and support to the people of Palestine in its just and legal struggle to liberate its homeland.

ARTICLE 23

The demands of security and peace and the requirements of truth and justice oblige all states that preserve friendly relations among peoples and maintain the loyalty of citizens to their homelands to consider Zionism an illegitimate movement and to prohibit its existence and activity.

ARTICLE 24

The Palestinian Arab people believes in the principles of justice, freedom, sovereignty, self-determination, human dignity and the right of peoples to exercise them.

ARTICLE 25

To realize the aims of this Covenant and its principles the Palestine Liberation Organization will undertake its full role in liberating Palestine.

ARTICLE 26

The Palestine Liberation Organization, which represents the forces of the Palestinian revolution, is responsible for the movement of the Palestinian Arab people in its struggle to restore its homeland, liberate it, return to it and exercise the right of self-determination in it. This responsibility extends to all military, political and financial matters, and all else that the Palestine issue requires in the Arab and international spheres.

ARTICLE 27

The Palestine Liberation Organization will cooperate with all Arab states, each according to its capacities, and will maintain neutrality in their mutual relations in the light of, and on the basis of, the requirements of the battle of liberation, and will not interfere in the internal affairs of any Arab state.

ARTICLE 28

The Palestinian Arab people insists upon the originality and independence of its national (Wataniyya) revolution and rejects every manner of interference, guardianship and subordination.

ARTICLE 29

The Palestinian Arab people possesses the prior and original right in liberating and restoring its homeland and will define its position with reference to all states and powers on the basis of their positions with reference to the issue [of Palestine] and the extent of their support for [the Palestinian Arab people] in its revolution to realize its aims.

ARTICLE 30

The fighters and bearers of arms in the battle of liberation are the nucleus of the Popular Army, which will be the protecting arm of the Palestinian Arab people.

ARTICLE 31

This organization shall have a flag, oath and anthem, all of which will be determined in accordance with a special system.

ARTICLE 32

To this Covenant is attached a law known as the Fundamental Law of the Palestine Liberation Organization, in which is determined the manner of the organization's formation, its committees, institutions, the special functions of every one of them and all the requisite duties associated with them in accordance with the Covenant.

ARTICLE 33

This Covenant cannot be amended except by a two-thirds majority of all the members of the National Council of the Palestine Liberation Organization in a special session called for this purpose.

[From The New York Times, July 8, 1994]

ARAFAT PROMISING TO REPEAL CALL FOR ISRAEL'S DESTRUCTION

(By Marlise Simons)

PARIS, July 7.—Yasir Arafat pledged today to convene the Palestinian parliament-in-exile to eliminate sections of the Palestinian charter that call for the destruction of Israel.

Mr. Arafat said in a communique issued here that the meeting would be held "in the very near future" in Gaza, lending weight to the predictions that Gaza will be his base.

He told reporters that the meeting of the Palestine National Council, as the parliament is known, would take place "in a matter of months."

His pledge addressed a fundamental point that many Israelis have been doubting, namely that the Palestine Liberation Organization intends to repeal its call for the destruction of Israel, as promised last September in a letter from Mr. Arafat, the chairman of the P.L.O., to Prime Minister Yitzhak Rabin of Israel.

Mr. Arafat's failure to carry out that promise until now has become a weapon of the Israeli rightist opposition. It has argued that the P.L.O. has no intention of changing its constitution and that the Israeli Government is foolish at best and treasonous at worst to make accords with an organization that will not make good on such a basic commitment.

NEW MEETINGS ON MONDAY

Mr. Arafat and Mr. Rabin, who met in Paris, also agreed to begin a new and critical phase of the Middle East peace effort, with the first meetings starting in Cairo on Monday.

Joint working groups are to discuss unfinished business related to the transfer of power to Palestinians in the Gaza Strip and Jericho, a town in the West Bank, and how to go about expanding Palestinian administration in towns in other parts of the West Bank.

The two sides also said they would organize a conference with Egypt and Jordan on the future of Palestinian refugees. The P.L.O. has demanded the right to return for some 800,000 people, while Israel has said that up to 250,000 would be affected by an agreement on people displaced since the 1967 war.

Israeli and Palestinian leaders met twice during their 24-hour visit to Paris, to which they came to receive a Unesco peace prize. After their first meeting on Wednesday morning, they reconvened again just before midnight and broke up at almost 2 a.m. today.

AN ACHIEVEMENT

"This is a new commitment to negotiate and a plan how to do it," said a senior Israeli official. "We all see this as an achievement. The mood was very cooperative and business-like."

Mr. Arafat, before leaving for Tunis this afternoon, described the talks as "very positive."

Among the difficult points, a Palestinian delegate said, was his delegation's demand to include in the communiqué a reference to the organization of the first Palestinian elections. Israel refused, he said.

The delegate said that on elections, the two sides had in fact reversed positions: at first, Israel pressed for early elections, but now, the Palestinians were more eager to see the endorsement of Mr. Arafat and the P.L.O. as the legitimate authority. According to an Israeli official, the Government is not pressing for early elections because these will raise difficult questions about power and jurisdiction. While the September peace accord establishes the right of the Palestinian residents of Jerusalem to vote, the P.L.O. also wants such residents to be eligible for office.

NOT ACCEPTABLE TO ISRAEL

But in Israel's eyes, this is unacceptable. Enabling such residents to run for Palestinian office, so the Israeli argument goes, would mean inserting Jerusalem into the process of self-rule and recognizing part of Jerusalem as occupied territory.

Today's communiqué also said talks would be held on the release of more Palestinian prisoners held in Israeli jails. Palestinian officials here said that the freeing of more than 6,000 Palestinians in Israeli jails was indispensable.

The Israeli delegation said it would seriously consider the request to release imprisoned women.

Mr. Arafat also asked for the release of Sheik Ahmed Yassin, the founder of the militant Islamic movement Hamas. Today, Mr. Rabin said for the first time that he would consider the request to free Mr. Yassin, 58 years old, if he would leave the region for 10 years and tell others to refrain from terror and violence. The Hamas leader is serving a life sentence for ordering the murder of four alleged Palestinian informants.

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has just 2 seconds over 3 minutes.

Mr. SPECTER. I thank the Chair.

AMENDMENT NO. 2245

Mr. SPECTER. Mr. President, in my remaining time, I support the amendment by Senator DOLE which would establish a congressional commission for

the purpose of assessing the humanitarian, political, and diplomatic conditions in Haiti and reporting to the Congress on the appropriate policy options available to the United States with respect to Haiti, which report should be filed within 45 days of enactment.

Many Senators, including this Senator, have expressed concern on the floor about the potential of an invasion of Haiti by the United States. There has been a sense-of-the-Senate resolution passed saying that we do not believe there ought to be an invasion of Haiti.

There is no doubt that a military invasion would not be a very complicated matter and it is a war which could be won perhaps in a matter of hours. But what would happen after the military victory is very, very problematical and very uncertain.

The amendment by the distinguished Republican leader would establish the congressional commission to investigate the policy options. It is my view that the Organization of American States ought to have a large role in assessing what should be done in Haiti, and that if military action is to be undertaken, it ought to be joint action by the Organization of American States.

The saber rattling which the President has engaged in in Haiti, as well as in Bosnia, has undermined very materially the credibility of the United States, and it is at a very important time when we face a real crisis in North Korea where there are vital United States interests at stake.

With the sense of the Senate having been expressed against an invasion of Haiti, the establishment of this commission would again put the President squarely on notice—no invasion of Haiti. And the 45-day time limit would permit a report back with an assessment of policy options by the Congress.

If President Clinton wants to have the military option, then he ought to come to the Congress and ask for our authorization just as it was done on the authorization for the use of force in Iraq. The Constitution of the United States gives to only the Congress the authority to declare war. And while the President does have prerogatives under his power as Commander in Chief to act in an emergency and in the context of the Haiti situation, if he wants to exercise the option or have the option for military force, he ought to come to the Congress, there ought to be a full-fledged debate, and that authorization ought to be given only by the Congress.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SPECTER. I thank the Chair and I yield the floor

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont [Mr. LEAHY] is recognized.

Mr. LEAHY. Mr. President, unlike the Senator from Pennsylvania, I take an entirely different view on the Dole amendment establishing a commission on Haiti policy.

Incidentally, I should note on the amendment of the Senator from Pennsylvania regarding the PLO, I am perfectly willing to accept that. Once the Republican floor manager is on the floor, I will, if I am not too close to the time of the next vote, propound a unanimous consent agreement that we be able to set aside the pending amendment temporarily so that we can adopt the amendment of the Senator from Pennsylvania. And I will do that as soon as the Republican floor manager or his designee is on the floor.

Mr. SPECTER. Mr. President, I thank my colleague from Vermont for accepting the amendment. It is my understanding that it has been cleared with Senator MCCONNELL.

I ask, at the time it be accepted, that my formal floor statement, Senator SHELBY's formal floor statement, and the remarks I just made appear in context in the CONGRESSIONAL RECORD continuously with the events which Senator LEAHY has described.

The PRESIDING OFFICER. You are asking that that be included in the RECORD now?

Mr. SPECTER. I ask it be included at the point in the RECORD where Senator LEAHY and Senator MCCONNELL urge the adoption of the amendment.

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

Mr. LEAHY. Mr. President, let me talk about the Dole amendment on Haiti.

This is an amendment, as we know, to establish a congressional commission on Haiti policy.

This assumes that the relevant committees, key Members of the House and Senate in both parties, are not now discussing Haiti policy. The fact is that we are. The various chairmen of the appropriate committees, the ranking members as well as other key and knowledgeable Members of Congress—again, from both parties—have had lengthy discussion of Haiti policy. There is absolutely no need for a commission at this time. In fact, it would do direct harm to U.S. national interests.

All one has to do is look at the calendar. This calls for a commission, once having been set up, to report back in 45 days. It would not go into place until after this bill is passed and signed into law. That means passed by this body, gone through conference, then passed by both bodies, and then signed into law. As a practical matter, we are talking about a report back to Congress sometime after the Congress has recessed for the fall elections.

It is no wonder that one of the biggest supporters, according to the news today, is General Cedras of Haiti. He supports this amendment. Frankly, I support President Clinton on this matter.

I understand the concerns being expressed. But we have on the one side General Cedras, who thinks this is a great idea, and we have President Clinton and the administration, who think it is a bad idea. I side with President Clinton and the administration. It is a bad idea.

No mistake should be made. The distinguished Republican leader is right in saying the Haiti situation is critical, just as so many other Senators on this side, including the distinguished Democratic leader, Senator MITCHELL, are right in saying the Haiti situation is critical.

Mr. SPECTER. Will my colleague yield for a question?

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

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the distinguished chairman.

The question which I have turns on the authority of the Congress contrasted with the authority of the President. We have had extensive debate on the Senate floor about the military option. The Senator from New Hampshire [Mr. GREGG] offered an amendment several weeks ago to limit the use of funds to foreclose the military option. That amendment had certain exceptions where the President could act in case of an emergency.

I have a question for my colleague from Vermont. We have debated these issues formally and informally during the 14 years that I have been in the Senate. We used to debate other issues when we were district attorneys in the good old days, or in the bad old days. It seems to me when there is a real national issue on what we ought to do in Haiti and the President has reserved the military option and there is no emergency, as we have had an opportunity to debate it, that we really ought to confront the issue head on in the Congress and ought to come to a conclusion as to whether Congress authorizes the use of military force in Haiti? And, if so, under what circumstances?

The question I have for my colleague, Senator LEAHY, is why should we not do that instead of leaving the matter up in the air?

Mr. LEAHY. Mr. President, I would respond to this. That is not, though, the Dole-Warner amendment. This establishes a commission that will report back sometime after the Congress has gone out of session for the year. We could then have a debate on it, maybe in February or March of next year. I cannot conceive, during the years of the Bush administration or Reagan administration, any of the cosponsors of this amendment standing for one second—for one second—for such an amendment if it was going to tie up, literally into months and months and months, the hands of the Republican President. That is the issue.

Should there be consultation? Should there be discussion of our Haiti policy? I have no problem with that at all. But to put in an amendment that basically says we are going to have a debate on this thing sometime in January or February, and then decide what will happen—I cannot imagine any President standing for that. We have had a number of instances where Presidents have taken actions and had the debate after. In what was probably one of the better debates—on the Persian Gulf—we debated a specific resolution then and there on it. That is a different thing than this. We did not debate a resolution which says we will determine the answer to this question several months from now.

Mr. McCONNELL addressed the Chair.

Mr. LEAHY. Mr. President, I do not want to be discourteous to my colleagues but I know the Senator from Pennsylvania had a statement to make earlier. The Senator from Kansas had a statement to make on this. I would like to complete my statement.

I will be glad to yield for another question, of course I will, but then I am going to have to make my statement and then I will be glad to yield to all the questions they would like.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, just one quick question to my friend from Vermont. If this amendment were not crafted this way but crafted in a way similar to the Persian Gulf—because really that is the analogy here, where you have a long lead time. It is not an emergency, but a long lead time where there is, in essence, a national debate going on about whether or not we should use force in Haiti. If the amendment were crafted in a different manner and it was simply related to the question of Presidential consultation and ultimately approval from the Congress, would my friend from Vermont support that?

Mr. LEAHY. Mr. President, 92 of us voted for one a couple of weeks ago. Actually, I believe it was on this same bill. And we voted——

Mr. McCONNELL. Then I assume my friend would be unhappy if the President were to invade Haiti when we were out of town?

Mr. LEAHY. If the Senator from Kentucky wants to see the Senate debate a freestanding resolution saying whether the Congress would support Presidential discretion in the use of force in Haiti or would absolutely deny any ability, under any circumstances, of the President to utilize force in Haiti—if he wants a freestanding resolution on that, I am perfectly willing to have that and vote on it. Or even some of the varying degrees of that, which is basically what we did on the Persian Gulf. I have no problem with a debate of that nature.

But we have debated this issue already on this bill 2 weeks ago. The final resolution was to vote down the Gregg amendment, the amendment of the Senator from New Hampshire; 92 Senators voted in favor of a Haiti resolution. We now have a resolution and the fact of the matter is we have a resolution that is supported by General Cedras, according to this morning's press; opposed by President Clinton—again, according to today's press. Frankly, while that is not dispositive of the issue, it certainly should weigh on the minds of Senators why it is that General Cedras, a man who is holding this country under a military dictatorship, supports this resolution and why the Commander in Chief of the United States opposes it. It is a fairly simple issue to me.

Incidentally, I might mention to my friend from Pennsylvania, when he talks of our days as district attorneys, that is the last time either one of us had a job we truly enjoyed. But we are good friends, and of course I yield to another question.

Mr. SPECTER. Mr. President, I thank my colleague from Vermont. I agree with much of what he has said as to the resolution by the Republican leader. I do not know that it would come up after the Congress is out of session, but I think its purpose is really to avoid an invasion while Congress is out of session. I appreciate what the distinguished Senator from Vermont has had to say, that he would welcome debate on a freestanding resolution for the use of force in Haiti.

Mr. LEAHY. With a realistic time, like a day or two or something like this—but something realistic—and have one drafted in such a way we knew the exact parameters. I think that is an appropriate thing for Congress to do. I would have no problem with that. But we could debate Haiti forever on this appropriations bill and the end result can be we have no appropriations bill on issues that are entirely different.

I think this issue on Haiti is a significant enough one. If we are going to debate it, let us debate just that without us thinking is this an amendment that should work or should not work on this bill? Is it going to end up making it impossible to pass this bill or not pass this bill? All of which are issues that should not be on the question of Haiti.

Mr. SPECTER. As usual, when the distinguished Senator from Vermont and I discuss a matter, we usually come to a meeting of the minds. I think we are very close on this one. I would not want to hold up this bill on the issue of a Haiti resolution.

It would be my hope that the President would come to the Congress and ask for authorization to use force in Haiti, just as the Congress authorized the use of force in Iraq, so that there would be a heads-up debate facing the issue squarely, with the Congress of the United States deciding whether there would be force used in Haiti, which is really the war power which is reserved solely to the Congress on our authority to declare war.

Then we would have a determination as to whether the Congress authorized the use of force and authorized a war and under what conditions. I hope that if the President wants to maintain that military option, he will come to the Congress and ask for that authority. In the absence of his doing so—and I think this is a less desirable alternative—for someone in the Congress to structure that kind of a resolution and bring it to a head, but perhaps that is what we should do if the President will not take the initiative and ask the Congress for that authorization.

Mr. LEAHY. Mr. President, I want to note that naturally there have been a number of times since both the Senator from Pennsylvania and I have been serving in the Senate where Presidents have not done that.

I ask unanimous consent that a list of some of the briefings, including the briefing by the administration of the Republican Policy Committee members in the House involving the CIA, DI, and others, be printed in the RECORD.

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

BRIEFINGS AND HEARINGS ON HAITI

28 June 1994, Hearing on US Policy Towards Haiti; Gray, Shattuck, McKinley testify before SFRC SC on Western Hemisphere Affairs.

15 June 1994, Hearing on Haitian Asylum-seekers; Ambassador Brunson McKinley testifies before the House Judiciary Subcommittee on International Law, Immigration, and Refugees on legislation on Haiti introduced by Meek and Dellums.

8 June 1994, Hearing on Haiti; William Gray III; before HFAC.

8 June 1994, Hearing on Haiti, CBI Parity, Cuba, Latin America Summit; Senator Bob Graham: Briefer: Alexander Watson.

1 June 1994, Briefing on Haiti Refugee Processing; HFAC Staff with RP and INS.

25 May 1994, Briefing on Haiti Intelligence Community Briefing (closed) HPSIC Members and Staff. Briefers: CIA/NIO Lattrel, INR, others.

24 May 1994, Briefing on Haiti Pre-trip Intelligence Community Briefing, Rep. Dixon and HPSCI staff. Briefers: CIA, InR, DIA, DEA, NSA, JCS/J-2.

12 May 1994, Briefing on Haiti Refugee Policy. House Judiciary Subcmte on Immigration; RP & INS.

3 May 1994, Briefing on Haiti Refugee Issues: RFAC Staff with RP, ARA, and INS.

3 May 1994, Briefing on Haiti. Senator Dodd and other SFRC Members. Briefers: Acting Secretary Talbott and NSC Sandy Berger.

8 March 1994, Hearing on Haiti. SFRC Subcommittee on Western Hemisphere. Witness: Ambassador Pezzullo.

9 November 1993, Briefing on Haiti: Hafac Western Hemisphere Members Briefing; (Amb. Pezzullo).

3 November 1993, Briefing on Haiti (closed); HPSCI Members & Staff. Briefers: State/CIA/DIA/DOD.

27 October 1993, Briefing on Haiti-Intelligence; House Republican Policy Committee Members. Briefers: CIA, DI.

20 October 1993, Briefing: on Recent Events in Haiti: House Intelligence Committee; State witness TBD (Pezzullo or Watson).

22 July 1993, Recent Developments in Haiti; HFAC W. Hemisphere Subcommittee

18 June 1993, Haiti; Cong. Toricelli and Hfac staff. Briefer: Amb. Pezzullo.

26 May 1993, Assistance for Haiti; Sen. Leahy. Briefers: ARA Pezzullo & Watson.

18 May 1993, Haiti: SACFO Minority Staff. Briefers: ARA–Pezzullo, AID.

13 May 1993, Haiti; SACFO Minority Staff. Briefers: ARA–Pezzullo, AID.

13 May 1993, Haiti; HAC Foreign OPS Subcommittee and Associate Staff. ATA/Pezzullo, AID, and DOD.

3 May 1993, Situation in Haiti/Request for Contingency Fund; SACFO Majority and Minority Staff. Briefers: ARA–Pezzullo, AID—Williams.

10 March 1993, Haiti; for HAC Foreign OPS Minority Staff w/Majority Staff.

9 March 1993, Haiti; for HAC Foreign OPS Minority and Majority Staff. Briefer: ARA/??.

26 January 1993, Haiti; HAC Foreign Ops Subcommittee Staff. ARA/Gelbard.

12 January 1993, Update on Haiti; Senate Judiciary Committee Staff Briefers: ARA/RP/INS.

Mr. LEAHY. Mr. President, when you have time to consult, I much prefer that. In fact, there was a consultation of key Members of the Senate, both Republicans and Democrats, last night. It was very extensive. I think it lasted a couple of hours and involved General Shalikashvili, the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, William Perry, the Secretary of State, Warren Christopher, our U.N. Ambassador, Madeleine Albright, and the President's National Security Adviser, Anthony Lake, as well as others.

It was very, very extensive with a very candid, free exchange. I wish we could print in the RECORD the transcript, but much of it was classified. We did it in a secure room. I thought it was very open. I thought the answers of Secretary Perry and Secretary Christopher and Ambassador Albright and National Security Adviser Tony Lake were very honest, very forthright, very clear, and extraordinarily candid. It was one of the most candid briefings and consultations I have had in my 20 years here.

There have been other times when we have not had this. I think of when we sent the marines to Beirut. Here was the policy: From the time they were given the orders to go, to the time they were sent en route, to the time they arrived, to the time they were put in place, the reasons given by the administration and the White House for their being there changed every single time. Almost daily the policy of why they were there changed.

They were then put in a building which all our intelligence people said was a clear target of terrorists. And on White House orders, they were still put there. The White House, the President, the National Security Adviser—everybody else—ignored clear, clear warnings that there was going to be a terrorist attack on them this is in a country where car bombings were endemic. They ignored clear, clear reports of when that car bombing could take place and who might do it.

The marine sentries on duty under White House orders were not even allowed to have live ammunition in the chambers of their guns. Now this is under an administration where the President would always demonstrate he was the toughest President ever, President Reagan. Under White House orders, they were not even allowed to have live ammunition for the sentries.

They were not allowed to put up the normal type of tank traps that might stop a car bomber from coming through and, of course, what happened is a car bomber came through and 250 brave marines died needlessly. They died because of incompetence at the White House. They died because we had a policy that was designed more for show than for substance.

They were put there because nobody even knew why they were there, but we all knew they died. And then to make it even worse, when the bodies were brought back, it had to be after dark so it would not show on the national news.

And what was the response of the President of the United States? We invaded Grenada. Wow. And Grenada was such a success that if you were in the Pentagon during the invasion, if your elevator door opened, a hand reached in and slapped a medal on you. It was darn near that bad. We invaded Grenada. We ignored it for several days. The Cubans were trying to surrender: "We want to surrender." "Sorry, you can't surrender, we have to have a successful invasion here."

Other Americans died killed by Americans. We talked about how we are stopping the Soviet Union and communism in Grenada. We gave the Soviet Union enormous, enormous tactical intelligence on the United States. They found out that our ships could not talk to each other, ships could not talk to the Army. We had an Army commander who goes down and uses a pay phone in Grenada to call back to the Pentagon to ask them if they would tell the Navy to maybe shell a little bit closer to the Cubans and less on the Americans.

We had others who died needlessly. We could not even send information down from here to tell where they were supposed to be. Fortunately, there were a couple tourist shops open so our intelligence people could go in and buy a map. And this was our big victory, trying to overshadow the death of 250 brave marines who died needlessly—who died needlessly.

So maybe consultation and policy should be done. But maybe we ought to talk about substance and not symbolism. The symbolism was great. We defeated Grenada. Whoopee. Wow. The National Guard from most of our States could have done that. We did not need the might of the greatest power on Earth to do it. We have to ask ourselves what was the reason for it.

I digressed.

We have a situation in Haiti that is critical. We still come down to the point: This amendment meets the strong support of General Cedras. It is strongly opposed by the Clinton administration. Frankly, I think the choice is clear. All of us are distressed by the situation in Haiti. Look what the cruel and corrupt leaders are doing there—driving their own people to misery. This is a terrible, terrible thing going on there. Poor, poor people, the poorest of the poor in our hemisphere, and an oligarchy lives in great splendor, to go off and in an hour they can travel and go into stores where they and their families will spend more money than a whole village will make in a year. So they can buy their jewelry and their fancy cars and liquor and everything else while their poor country dies of economic deprivation.

We want to try to help. It is in our hemisphere. The entire international community agonizes over how to help. The members of the United Nations have joined together to apply stiff economic sanctions against the outlaw regime in Haiti, and I believe the American people strongly support these sanctions.

There is not consensus on the next steps. I do not think there is any enthusiasm in this country—certainly there is not in my own State of Vermont—for a military invasion of Haiti, but neither are many people comfortable about having the United States Government sit on its hands and watch the stream of refugees trying desperately to escape from Haiti and find refuge in the United States and see that stream grow steadily larger.

They do not want to stand by while innocent people are tortured, mutilated, and killed. Look at the pictures on our morning television today of the mass grave just discovered and you can understand why the United Nations was kicked out yesterday, why human rights observers were kicked out, so they will not find such things as mass graves where people have just been massacred, and with all signs pointing to the fact that it is the military and the police all under the command of the same people.

We do not want to let thousands of children starve. We do not want to see democracy thwarted by a group of corrupt, power-hungry thugs, which is what General Cedras and his people are.

Now, are there simple solutions to this crisis? Of course not. And I agree with the sponsors of the amendment,

with Senator DOLE and Senator WARNER and others that there are no simple solutions. But because there are no simple solutions, it is all the more reason not to preemptively tie the hands of the President in fashioning a responsible policy on Haiti in consultation with our allies.

The administration is consulting with our allies. It is consulting with the leadership, Republican and Democrat, in the Congress.

Public discussion of the proper role for the U.S. Government is not only valuable, but I feel that it is essential. Debate along lines we are having here is part of that discussion. It may not belong on this bill, but it does belong in this Chamber. And it is a legitimate area of debate for all of us, whether we agree with the administration's policy or disagree. It is a legitimate area of debate for the Senate. After all, we are supposed to be the conscience of the Nation, an issue and designation that all too many of us tend to forget. So that is why I, along with 92 of my fellow Senators, voted in favor of a resolution just 2 weeks ago calling on the President to consult with Congress before undertaking military action in Haiti.

Public debate is essential, but more study of the nature of this would be counterproductive. To have a study that would come back after the Congress is out, that we might vote on in January or February or March of next year, makes no sense, but it is why General Cedras wants us to pass this amendment and why President Clinton does not want us to. Again, it is a case where I will side with and support the President of the United States. I disagree with General Cedras. I disagree with this resolution.

The facts of this crisis are not hidden or complicated. American correspondents are providing a steady flow of reporting and analysis of the changing situation in Haiti. All you have to do is turn on your radio, turn on your television or read your newspapers. And I hear no one suggesting that the reason there is disagreement over Haiti policy is that we lack facts. Quite to the contrary. We are dealing with a tiny, little country in our hemisphere, and we can get all of the necessary facts. We do not need a study commission to get more facts. I suspect that most of us are not even fully keeping up with all the facts that are pouring in, to say nothing about adding more to it.

But if we establish that study commission, it sends the wrong message to the murderers in Port-au-Prince. We are going to be saying to them, if we establish this commission, "Relax. Don't worry about the sanctions. The U.S. Government is not going to act any time soon. We are going to study the situation for the next several months. You can keep on your stealing and your killing for a while longer because we have just put the brakes on everything."

Mr. President, is that the way to conduct foreign policy? Is it the way to conduct foreign policy, saying no matter what we say, we took the keys out of the car for the next several months; we turned the ships around; we have grounded the airplanes; we have told the Marines and others, "Don't worry; we are not going to do anything"?

What kind of diplomatic pressure do you bring on a country if they know, no matter what happens, you are not going to move, you are not going to do anything, you are going to talk, there is this congressional limitation which says nothing happens until the Congress gets around to it in January or February or March of next year.

Now, there is dispute in the country about what our policy should be, but I suspect there would be no dispute in the country among the people if asked: Do you think it really is the best way to set our foreign policy, to say we will set up a hiatus until the Congress gets around to work on this issue next spring sometime?

I do not think many people in the United States are that confident in the Congress that we might do it. And it also says to the international community, after we have been up there—Ambassador Albright has done a tremendous job in New York dealing with the international community, as has Secretary Christopher and everybody else. But this is the same international community we have gone to to seek their support. Now we say, "Relax, folks. We do not really support the U.N. Security Council's July 12 resolution calling for a 'rapid and definite' solution to the crisis," a resolution that we helped put through. We are saying, just a few days later, we do not agree with it. In fact, we are saying to them, "Why don't you just go home; it is hot in New York City at the United Nations. Go home, forget about Haiti for a while. We will check back with you in a couple of months." It will keep the undertaker business going in Haiti, but we are gone.

Our allies would have one more reason to question U.S. leadership in world affairs. The Haitian oppressors would go on oppressing. The flood of refugees would go on growing.

Mr. President, this is the wrong resolution and the wrong place at the wrong time, and I am going to vote against it. I hope my fellow Senators would, too.

I know that one of the people who has as much experience in this part of the world as any Member of the Senate is the Senator from Florida. Senator GRAHAM has gone down there. He has visited these areas. He has done it at personal danger. I know Senator GRAHAM is in the Chamber. If he wishes to speak on this resolution, I would be happy to yield to him at this point.

I should also note for my colleagues we are going to have a vote at 11:30 on another matter.

Mr. MCCONNELL. Mr. President, I was going to say I am prepared——

Mr. LEAHY. Reserving my right to the floor, I would like to yield for a question.

Mr. MCCONNELL. For a question. I am prepared to change the subject and discuss another amendment and lay it down, if that would be helpful.

Mr. LEAHY. Mr. President, earlier this morning the distinguished Senator from Pennsylvania had been on the floor discussing an amendment which I believe he sent to the desk.

Mr. MCCONNELL. Mr. President, I have a couple of amendments that have been cleared, while we are checking with Senator SPECTER.

Mr. LEAHY. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside and the Senator from Kentucky be recognized to introduce a couple of amendments that have been cleared.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside. The Senator from Kentucky.

Mr. KENNEDY. Mr. President, I ask unanimous consent to withdraw amendment No. 2252.

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

The amendment (No. 2252) was withdrawn.

AMENDMENT NO. 2261

(Purpose: Relating to U.S. contributions to U.N. peacekeeping operations)

Mr. MCCONNELL. Mr. President, I send to the desk an amendment by Senator PRESSLER, which I understand has been cleared on both sides, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. PRESSLER, proposes an amendment numbered 2261.

Mr. MCCONNELL. 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 112, between lines 9 and 10, insert the following new section:

PAYMENTS-IN-KIND AS VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING ACTIVITIES

SEC. . It is the sense of the Congress that—

(1) United States voluntary contributions to peacekeeping operations conducted by the United Nations may consist of contributions of excess defense articles or may be in the form of payments made directly to United States companies providing goods and services in support of United Nations peacekeeping activities; and

(2) such contributions should be made in consultation with the Secretaries of State and Defense.

Mr. PRESSLER. Mr. President, I have altered this amendment to reflect

the concerns of my colleague from Vermont, Senator LEAHY. This amendment is a sense of the Congress amendment, which allows U.S. voluntary contributions to U.N. peacekeeping operations to be made in forms other than direct cash payment to the U.N. bureaucracy.

My amendment would allow U.S. contributions to consist of excess Department of Defense articles or of direct payments to U.S. companies providing goods and services. Furthermore, the amendment calls for consultation between the Secretaries of State and Defense before any transfers or contributions are made.

During the Senate floor debate on the foreign operations appropriations bill, I have offered two other amendments which promote U.S. contributions of goods and services to U.N. operations. As the No. 1 contributor to the United Nations, the United States should be afforded the opportunity to promote U.S. business through a payment-in-kind process. For years, some European member States have utilized a payment-in-kind system to full U.N. obligations. It is time the United States was credited for the equipment and services we have been providing over the above our current assessments.

I urge my colleagues to support this amendment. It offers the United States fair opportunities in the U.N. contribution process. We owe it to U.S. taxpayers to get the most out of the dollars we contribute to the United Nations.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

So the amendment (No. 2261) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2262

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. HATFIELD, proposes an amendment numbered 2262.

Mr. McCONNELL. 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 11, line 19, after "1961" and before the period (.) add the following new proviso: "Provided further, that of the funds appropriated under this heading, not less than an amount equal to the amount made available for the Office of Population of the Agency for International Development in fiscal year 1994 shall be made available to that office".

Mr. HATFIELD. Mr. President, this amendment seeks to maintain core funding for the Agency for International Development's excellent population program.

As AID seeks to reengineer itself, I am concerned that the population program not lose its effectiveness through well-intended but short-sighted experiments on its central funding. This amendment ensures that the amount of money going to the Office of Population in fiscal year 1995 will be at least the same amount the Office received for this fiscal year. My understanding is that figure is between $280 and $300 million.

Behind the great success of AID's population program is the efficiency of its current funding system, where field missions buy into the wealth of expertise, services, and commodities purchased in bulk through the central Office of Population. This economy of scale is what this amendment seeks to maintain.

Mr. McCONNELL. Mr. President, this amendment has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Oregon.

The amendment (No. 2262) was agreed to.

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

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

The motion to table was agreed to.

NUCLEAR REACTOR TRAINING SIMULATORS

Mr. WARNER. Mr. President, I rise with the distinguished ranking member of the subcommittee, Mr. McCONNELL, to express concern over the continued operation of the nuclear reactors in the former Soviet Union which do not meet international safety standards. These Soviet-built reactors are very dangerous; however, they are critical to the economic well-being of the countries they service. There appears to be no alternative but to improve the safety of these operational reactors if a future accident with very serious international consequences is to be avoided. Is it the understanding of the distinguished ranking member that there is little likelihood that these reactors will be shut down in the near term?

Mr. McCONNELL. I would respond to the Senator that the power these reactors supply cannot be economically replaced in the near term and the loss of the electrical energy which is generated by each of these units would cause significant damage to the economies of these countries.

Mr. WARNER. I understand that the construction costs to bring these reactors to the standards accepted in the United States is prohibitively expensive. Is that similar to the understanding of the distinguished ranking member?

Mr. McCONNELL. The Senator is correct. The amount required to improve the physical plant of these reactors is so large that improvements of this type, although very desirable, are very unlikely.

Mr. WARNER. I am informed that the International Atomic Energy Agency has initiated several programs to review, analyze, and diagnose the significant problems at these reactors and that these studies reveal that the root causes of many operational safety related events involve inadequacies in operator actions, procedures, and the design interface with the control boards. I am also informed that a cost-effective way to address these shortfalls is the procurement of analytical engineering simulators for use by the nuclear regulatory agencies of the former Soviet Union countries and by the crews of the reactors. For a relatively small sum, simulators for the most dangerous of the reactors could be procured, with corresponding improvements in the operational safety of these reactors in the near term. Would the distinguished Senator consider including language in the "Statement of Managers" which would encourage the Department of State to consider this course of action?

Mr. McCONNELL. I am happy to respond that I will press for such language in the conference between the two bodies, and I thank the Senator for raising this issue.

AMENDMENT NO. 2253

Mr. LEAHY. Mr. President, am I correct we are now back on the Helms amendment which is going to be voted on at 11:30?

The PRESIDING OFFICER. That is correct. We are on the Helms amendment, and will vote on it at 11:30.

Mr. LEAHY. Mr. President, again I state my strong opposition to this amendment. I believe it makes it impossible for us to even take part in the Cairo Conference on Population. But it also makes it impossible for us even to work with any country that wants to do away with abortion, make abortion safer, or find other methods of population control.

I know the Senator from Washington State is here. I would like to yield.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. the Senator from Washington [Mrs. MURRAY] is recognized.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, I rise in opposition to the Helms amendment, and in strong support of the upcoming International Conference on Population and Development. I believe the effect of the Helms amendment would be to undermine United States leadership at the upcoming Cairo Conference and at any events that will follow from that important event.

In just a few months, over 100 nations of the world will gather in Cairo for the International Conference on Population and Development, the most significant meeting in a decade to address issues related to population.

The purpose of the Cairo Conference is to assess the current state of global population, determine its impact on human development, and produce an action plan for the next decade and century to deal with this most serious issue.

The program of action—commonly known as the Cairo document—will represent the international consensus on population policy.

Today the world's population has swelled to over 5 billion people, with 93 million more added each year. Without strong leadership in support of voluntary family planning programs, experts predict that in just 35 years the world's population is likely to double to 10 billion.

We know that many economic, environmental, and health problems facing our world can be directly related to overpopulation. Global warming, stagnating economies in developing countries, teen pregnancy, and high maternal death rates all relate to overpopulation.

If we are to effectively address this problem, the success of the Cairo Conference is crucial. The goal of the conference is to vastly increase access to family planning and help establish improved reproductive health care.

Further, the conference will emphasize the vital need to improve the status of women worldwide, and most importantly, work to ensure that population programs are responsive and accountable to the people who use them—especially women.

Let us remember some of the history of this issue, and why adoption of the Helms amendment by the Senate today would be unwise.

The last major world meeting on population took place in 1984 in Mexico City. Until the 1980's, the United States had been at the forefront of efforts to increase access to voluntary family planning worldwide and address the problem of overpopulation.

At the 1984 Mexico City Conference, however, the United States sent chilling signals to countries around the world that our Nation had reversed course—that we were no longer concerned about promoting access to safe and effective family planning, and that the United States considered the entire question of global population growth to be a "neutral phenomenon" that would somehow take care of itself.

The United States maintained that harmful position throughout the remainder of the 1980's—refusing to recognize the correlation between unchecked population growth, poverty, hunger, or environmental degradation.

Fortunately, those days of putting our heads in the sand are over. President Clinton, together with the international community, is embracing a comprehensive approach to international population issues, which involves addressing a wide range of concerns.

President Clinton recognizes that there is no magic bullet to address the population issue, he knows that to be successful, population programs must not only focus on reducing birthrates but must also address human rights, women's health and status, and cultural differences.

Thus, to the Cairo Conference the United States is brining new approaches, emphasizing programs that enhance the ability of individuals and couples to freely and responsibly decide the number and spacing of their children. The overwhelming majority of states participating in the Cairo Conference have endorsed this approach.

In addition, the United States' long-term approach to population includes:

Promoting access to the full range of quality reproductive health care, including women-centered women-managed services;

Stressing the need for governments and public and private organizations to commit themselves to quality of care in family planning services;

Supporting the empowerment of woman;

Ensuring access to primary health care, with an emphasis on child survival;

Preserving the endangered natural environmental of our globe; and finally;

Ensuring that our population policy supports the world's priority for sustainable development.

So where does the Helms amendment fit into this important debate?

Because the document that is to be adopted at the Cairo Conference will speak to the next two decades, proposing recommendations for many years to come, I believe that if implemented, the Helms amendment will interfere with and obstruct United States activities after the Cairo Conference. Essentially, the amendment seeks to chill any of the important and ongoing dialog that our Nation will be involved in regarding population issues.

It is important to know that the Helms amendment misrepresents the United States position on abortion and the United States role at the Cairo Conference and at other population forums.

President Clinton has articulated his view on abortion numerous times and it is a view endorsed by the overwhelming majority of Americans: Abortion should be safe, legal, and rare. That is the position the United States will represent in Cairo and any related events in the years to come.

And for the record, let us be clear about current law on abortion funding internationally: Under existing law, U.S. funds may not be used either to fund abortions as a method of family planning or to motivate any person to have an abortion. Exceptions are permitted only in cases of rape, incest, or if the life of the woman is in danger, and then only in settings and institutions where such activities are legal and safe.

In addition, the notion that the United States will use the Cairo forum and other meetings like it to lobby other nations on abortion is just plain nonsense; the draft document for Cairo clearly acknowledges the sovereign right of each nation to implement its own policies.

And nowhere in the Cairo document is there any call for the legalization of abortion.

In any case, it is important to note that current U.S. law prohibits the use of Federal funds Governmentwide for lobbying purposes, so that the type of activity described in the Helms amendment is already prohibited by law.

So because this amendment will have no real effect on current law, it is really about the symbols and messages we send to the international community on the issue of population.

To me, the Helms amendment is deeply cynical. By attempting to cloud United States participation at the Cairo conference and the activities that will follow, the Helms amendment preys on the world's poorest women, who I believe have it tough enough already. Let's not add to their burden today by playing politics with one of the most daunting and complex issues of our time. The fact is that family planning saves lives and helps reduce abortion worldwide.

Experts estimate that the lives of 5.6 million children and 500,000 women could be saved each year if all the women who wanted to limit their families had access to family planning. If the intention of the Helms amendment is to prevent abortion—a goal which I strongly support—then I encourage the Senator from North Carolina to address that problem head on by seeking additional funds for our bilateral family planning program. Providing women with the means to prevent unwanted pregnancies will do more than anything else to reduce abortion.

In closing, I hope we can go on record today as sending our delegation to Cairo with the full support of this Senate, so that the United States team can continue efforts to develop and implement a plan to give families around the globe access to the reproductive health care services they need.

I strongly urge my colleagues to defeat the Helms amendment.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. NICKLES] is recognized.

Mr. NICKLES. Madam President, I rise in support of Senator HELMS'

amendment. I hope that my colleagues will support this amendment, as well. I have heard people say that if you support this amendment, we cannot participate in the Cairo Conference. That is not true. I read the amendment, and that is certainly not this Senator's interpretation.

What Senator HELMS is trying to do is prohibit the State Department and this administration from lobbying other countries to change their laws concerning abortion.

Madam President, there are 95 countries throughout the world that have various restrictions on abortion. Some are very strict against abortion; some are not quite so strict; and that is probably to be expected. We have had significant debate in this country about how restrictive we should be. We have had restrictions in this country dealing with abortion. This administration is now going international, using the influence and prestige of the United States, trying to change all other countries' laws concerning abortion, to make them identical with the philosophy of this administration.

I might mention that the philosophy of this administration is not the law of the land. They have not been successful in changing the laws of this country. We have laws that prohibit the use of taxpayer funds for abortions. We have laws in this country that this administration has tried to change, but they have been unsuccessful to date. They may be successful later on. This administration would like to have abortion as a fringe benefit under its health care policy. They may be successful, but they have not been successful yet. They would like to have a change in policy where taxpayers subsidize abortion under the Medicaid Program. They have not been successful yet. Yet, they want to change all other countries' laws.

Let me just read from an action cable that came on March 16 of this year from the State Department. This is part of the statement:

> Posts are requested to approach host governments to outline [our Government] negotiating priorities for the final preparatory meeting for the [U.N.-sponsored] International Conference on Population Development * * *. The priority issues for the United States include assuring * * * access to safe abortion * * *. The United States believes that access to safe, legal, and voluntary abortion is a fundamental right of all women.

Well, a lot of countries have laws prohibiting abortion. When I think about it, most people would say abortion is legal in this country, but that has never passed in the Congress. We have never passed a law legalizing abortion. That was done through the Roe versus Wade decision, not by a majority in Congress. Yet, this administration says we want to make sure abortion is safe and legal. In other words, in countries that have laws outlawing abortion, they think those are wrong and should be changed. So they are sending out delegates to approach host governments throughout the world saying: Change your laws.

A lot of countries are very offended by this cultural imperialism where the United States is going to try to dictate or direct what their policies should be concerning abortion. I am not talking about one or two countries, but a total population of about 2 billion people. About 37 percent of the world's population have restrictions against abortion, and this administration wants to eliminate that.

A lot of those countries are predominantly Catholic, and some are predominantly Moslem. A lot of those countries are our allies. If we put this kind of pressure on those countries, a lot of them are going to resent it. I really wonder why our State Department is doing it. I cannot help but think that we have serious problems. This State Department cannot decide what they want to do on Haiti, or Bosnia, or North Korea, where we have a vacillating policy, but they know what they want to do on abortion: Implement their philosophy, which they have not been successful in passing through the United States Congress yet—and I hope they will not be successful—throughout the world, and tell 95 countries that their laws should be replaced with the Clinton policy, a policy not even supported in Congress.

I will just mention that I asked a question of our former colleague, Senator Wirth, who is now the State Department counselor, at a hearing on March 8, before the Foreign Operations Subcommittee.

I said: "We are spending a significant amount of money on population control. Does that include abortion?"

He answered: "We believe that women have the right to a full range of women's reproductive right services, and that would include abortion, if necessary."

I informed Counselor Wirth that that was against the law. We have a law that says we are not going to use these funds for abortion. Yet, he said we want everybody to have a full range of services.

I said: "Well, does the Clinton administration want to repeal the present law that prohibits U.S. funds from being used to pay for abortions?"

Senator Wirth said: "That is right. We have asked for a complete rewrite of the Foreign Assistance Act, and in our submission to Congress, we did not include the language which we think is much too constraining."

In other words, they want to change the law we have been operating under, and the Foreign Assistance Act says we do not want taxpayers' money being used to subsidize abortion. We do not do it in the United States, except when necessary under certain circumstances—to protect the life of the mother, and in cases of rape and incest. And we want to make sure we do not do it internationally.

Senator Wirth and this administration want to change that. They think the taxpayers should be involved in funding abortions and the access to abortion, and should override the laws that these 95 countries have prohibiting abortion. They want to overturn those laws.

I think that is really wrong. I do not agree with the policy in the United States, but I think it is doubly offensive that we should try to impose this administration's philosophy on everybody else in the world. What about all the Latin American countries? I have a comment that was made by the Argentine President, Carlos Menem, on the so-called rewrite of the antiabortion policy. Abortion is illegal in at least 15 of the 16 countries that attended the Latin American summit.

He said:

> We renew our commitment to defend human life, in any of its expressions, from the moment of conception until death.

President Fidel Castro of Cuba was the only Latin American leader to differ. He said:

> The decision to abort should be made by the pregnant woman.

That was Castro's opinion. But 15 out of the 16 Latin American leaders said they are prolife, their countries are prolife, and they do not want to adopt this policy and do not want Uncle Sam coming in and telling them to change their policies. They are predominantly Catholic. Why in the world should we try to mandate a policy that has not even passed Congress on these Latin American countries?

What about Egypt, a predominantly Moslem country, 85 percent Moslem? They have laws restricting abortion. Why should we tell them they have to change their laws? I will tell you, that will help ignite a lot of the more radical members of the Moslem community against some of our friends and allies. I do not think we want to do that. I do not think we want to undermine some of the leaders in Egypt that have been working with the United States and who signed a peace agreement with Israel. That happens to be the largest Moslem country in the region. Why should we do something that would undermine that leadership? I think it would be a serious mistake.

Why should we tell these 95 countries that the United States knows best and that they should adopt the proabortion policies this administration is advocating? That is a serious mistake.

The amendment of the Senator from North Carolina is on target. We need to send this administration a signal and say: You can attend the Cairo conference; that is fine. You can participate in it. We can talk about world population. But we should not use that

conference or the United Nations or other multinational organizations to promote United States or Clinton administration proabortion policies.

Let us allow those countries that do have restrictions on abortion to continue those. Let us not interfere in their domestic policies and priorities.

I think it is a serious mistake if we do not pass this amendment, and I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from California.

Mrs. BOXER. Thank you very much, Madam President.

Mr. LEAHY. Madam President, will the Senator from California yield for a unanimous-consent request.

Mrs. BOXER. I yield.

Mr. LEAHY. Madam President, there have been a number of people who wanted to speak on this and a related subject.

I understand this has been cleared with the ranking member of the committee or has been cleared with the Republican leader.

I ask unanimous consent that the vote scheduled to take place at 11:30 a.m. take place at noon.

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

Mr. LEAHY. I thank my friend from California.

Mrs. BOXER. I thank the honorable chairman.

Madam President, I am very pleased to be able to participate in this debate. Many times constituents say, "Has it really made any difference now that there are more women in the U.S. Senate?"

This is one of those times that I feel it clearly makes a difference because we can join with the men in the U.S. Senate who share our view that women are not second-class citizens, that pregnancy-related services are matters of health, and, especially in this particular case, to speak out against Senator HELMS' amendment which is such a slap in the face of women all over the world, many of whom are struggling for their rights.

Madam President, I think it is very interesting that in this amendment Senator HELMS says that nothing in his amendment should stop the United States "from engaging in activities in opposition to policies of coercive abortion or involuntary sterilization."

I agree with that. I think the United States should be a sane voice for sane policies, and it is not a sane policy to force people to get sterilized, men or women, and it is not a sane policy to have coercive abortions.

I am pro-choice. That means it is up to the woman, in consultation with her doctor, and her God, whether she is here or anywhere else in the world.

Madam President, I feel very strongly about this amendment. Senator HELMS' amendment says that U.S. agencies should be able to express our views and strongly lobby against forced abortion and forced sterilization, a position which I share. But that same amendment says that we cannot exert any other influence on policies of other countries. That seems to me to be a very radical notion.

We have fought long and hard here, those of us who are pro-choice, to make sure that in our current policy there is an exception for the use of Federal funds when a woman's life is at stake or when a woman is raped or when there is incest. Madam President, that was not an easy fight. As a matter of fact, when I was in the House of Representatives, it was my amendment that ensured a rape and incest exemption, because nothing could be crueler than forcing a woman to have a child that is the product of a rape or the product of incest.

So I want to know, Madam President, why the Senator from North Carolina and his supporters would say in the same resolution that we can lobby hard to stop countries from involuntary sterilization and coerced abortion and yet not lobby equally as hard if they have laws that force women to carry a baby to term that is a product of rape or incest.

And that is exactly what this amendment does. It is radical, and I would join with you, Madam President, in opposition to this amendment. It is a terrible signal to women all over this world; a terrible signal that their life is not worth anything.

I say it is very fine that you are here to speak on it and that I am here to speak on it. I certainly hope other women in the Senate will have an opportunity to speak. I know some of them are caught up in the Judiciary Committee hearings this morning. I hope that every woman in the Senate will speak on it because I think it is an affront to us as women that the Senator from North Carolina would have this amendment before us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Madam President, yesterday when the Senator from North Carolina [Mr. HELMS] was speaking about his amendment on the floor, I know it was of particular concern, that it would not be withholding money for attendance at the Cairo Conference. I wanted to clarify Mr. HELMS' intentions regarding U.S. participation in the International Conference on Population and Development and subsequent meetings.

After the Senate's discussion of this, I worked with others in trying to propose some language in an attempt to resolve the question. I regret to say we have not been able to work out substitute language that would be agreeable to everyone. But I believe it was important to try to work this out.

The language proposed by Senator HELMS is statutory language. However, it seemed to me that changing to a sense-of-the-Congress language would be a better way to provide some guidance to our delegation to the Cairo Conference about the concerns raised by Senator HELMS, and which I share to a certain extent. During our participation in this international conference I think we need to be mindful and sensitive to the diversity of cultures around the world.

I offered to the Senator from North Carolina a sense-of-the-Congress amendment that unfortunately has been rejected. This sense-of-the-Congress resolution would provide guidance to our representatives participating in the 1994 International Conference on Population and Development.

I personally believe that guidance could be a useful expression of our consensus as a Congress. My sense-of-the-Congress language addressed the issues which the Senator from North Carolina has identified as most problematic, specifically: that U.S. participation in and support for international family planning activities must not be withheld or reduced in countries where abortion is severely restricted or prohibited; and, second, that the United States should respect the diversity of international cultural and religious traditions and not actively attempt to change the abortion laws of countries where abortion is severely restricted or prohibited.

I, Madam President, believe abortion should be legal, but I do think we have to be sensitive to the cultures, religions, and customs of other countries.

In addition, the resolution which I proposed specifically stated that the United States should be a full and active participant in the Cairo Conference and subsequent activities arising from the conferences that will occur in the future. It is important, I believe, for us to not lose sight of the fact that the 1994 International Conference on Population and Development in Cairo, Egypt, is not just about family planning. It is not about abortion. It is about population and the rapid increase of population rates in many areas of the world. It is about child survival, migration, sustainable development, and economic growth. Each of these issues is of great importance to the United States and the world. These issues need to be understood and addressed, and we need to be full and active participants in these discussions.

I believe it is useful for Congress to send some guidance which reflects our concerns, to support the delegation that will be attending the Cairo Conference.

I thought it was important for us to do so not in statutory language as a sense-of-the-Congress, and I regret that

we have not been able to get agreement on this.

I will vote against the language of the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, I would like to take a few minutes to speak against the amendment offered by the Senator from North Carolina.

This amendment would severely hamper our ability to participate fully in the upcoming International Conference on Population and Development to be held in Cairo. It would also hamper our ability to participate fully in future conferences on population issues.

What this amendment would do is effectively prohibit representatives of the United States from discussing the laws and policies of any foreign country with respect to abortion.

While our representatives in Cairo will not be attempting to change the legal status of abortion in any country, they will be strategizing on ways to reduce injuries and deaths which result from unsafe abortions. It seems to me that the U.S. representatives will not be able, under this amendment, even to attempt to find a solution to this problem of deaths from abortions, deaths from abortions that take place in countries where abortions are forbidden. And if they cannot discuss the abortion laws and policies of other countries, obviously they cannot get into the problem of the deaths that arise in those countries from unsafe abortions.

Madam President, we have all lived through the agonizing debate and discussion on the gag rule and the Mexico City policy, policies which prohibited the mere mention of abortion in family planning clinics. Fortunately, we are rid of those misguided policies which unfortunately held sway for several years here. The amendment before us this morning would start us right down that same path of limiting the subjects that we may or we may not discuss.

At the last international conference on population, we came away with the onerous Mexico City policy which took us many years to do away with. I am pleased that we have an opportunity in Cairo for a fresh start. I look forward to the United States taking a lead role in reducing the incidents of unsafe abortions, as well as addressing the critical issue of population explosion throughout our world. These issues simply cannot be addressed without addressing the issue of abortion. Let us not tie the hands of our representatives by restricting what they can or cannot discuss.

I urge my colleagues to reject the Helms amendment.

I thank the Chair.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield the floor?

Mr. CHAFEE. Yes.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, just a couple of comments.

A couple of our colleagues said, "Well, this will hamper our ability to participate"—some people even said we could not go to the Cairo Conference, and that is clearly not in the amendment—"and it hampers our ability in Cairo."

I think that is well and good, if our purpose in Cairo is trying to get 95 countries to change their laws to make abortion legal or to make it easier or more accessible or more prevalent.

I mean, we have 1½ million abortions every year in this country; maybe some people want more. We have some restrictions in this country. But I think we would kind of resent it if we had other countries coming in and saying, "United States, we really do not like your policy and therefore you ought to change it."

I think it is very legitimate in the foreign operations bill to say, "Wait a minute. We do not want to use U.S. funds to lobby other countries to change their law, because we do not think they are proabortion enough, or they do not give enough access to abortion, or they do not make abortion legal."

So my point is, if that is the purpose of the conference, we should not be participating in that part of the conference.

If we want to talk about global population, if we want to talk about some of the challenges we face there and other things, fine. But if we are going to use it as a method to lobby or trying to convince or use the power and prestige of United States to get other countries to change their laws, we are going to be really offending a lot of countries that are predominantly Moslem or predominantly Catholic, and I think that is a serious mistake.

Mr. President, I have to address one other thing, and that is the comment made by a couple of our colleagues in the debate both yesterday and today. They said, "Well, if we don't do this, we will not be able to convince countries to have safe abortions, and prevent some of the deaths from some of these unsafe abortions."

I just ask my colleagues to remember there are two lives at stake. How safe is an abortion to unborn children? Well, they are fatal. They should remember there are two lives at stake. So, in this interest to have safe abortions, they are talking about increasing the number of abortions that are fatal to unborn children and I think we need to keep that in mind.

And we also need to keep in mind that we do not want U.S. taxpayers' dollars used in the destruction of human life. That happens to be the present law. It is not this administration's policy. It is not this administration's wish. It happens to be the present law. We will not use U.S. funds for abortion. That is the law. They have not changed it yet. They want to change it. They testified they want to change it, but they have not been successful.

They want to repeal the Hyde amendment. They have not been successful.

So they are advocating policies that they have not been successful in changing in the United States. And they have not been successful in changing the law that says, "Hey, we are not going to use U.S. taxpayers' funds in the foreign ops bill for abortion." Yet it is quite obvious from Mr. Wirth's statement, and also from this State Department action cable that went out to all countries urging our people to contact the host government so we can convince them that this administration policy on abortion is correct. It is not correct. It has not passed the Congress. I think it would be a serious mistake, not only would it be a serious mistake but it would be fatal to countless lives throughout the world if this administration is successful.

I urge my colleagues to adopt this amendment.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, the debate on this amendment is basically this: Can the United States go to the population conference in Cairo or not?

Now, we are a major, not the major, but we are a major provider of foreign aid. We have a lot of other countries that provide more foreign aid than we do, certainly as a percentage of their gross domestic product. Some countries actually, in the areas where population has caused the greatest problems, like sub-Saharan Africa, there are countries that provide actually more dollars than we do. In fact, we are rather shameful in the treatment of some of the developing countries in claiming we help and they look at what we do in other aspects of our budget.

But, be that as it may, we know and our allies know and everybody who tries to help these developing countries know that one of the greatest problems they face is unchecked population.

Now I will yield to nobody in my abhorrence of abortion as a method of population control or as a method of birth control.

I hope that some of the money that we are providing to the former Soviet Union, especially Russia, would be used to provide safe, effective methods of birth control. That is a country that has very effectively and I think outrageously used abortion as a method of birth control. I should not use the word "effective," because I do not consider that as an effective method of birth control, but they do it.

You have women who have had six, seven and eight abortions. Now that is wrong. It is flat out wrong. And I do not think anybody would suggest that we not work with Russia, especially as we send foreign aid over there, to help them find a better method of birth control, whether it is birth control pills, condoms, diaphragms, whatever else, things that are very expensive, not in easy availability in Russia. We could help them with that. Sex education itself, methods of preventing conception in the first place, can be done there. But it can be done in a lot of other countries.

Now, does anybody doubt that in Cairo the discussion is going to be had on all of these things? There is going to be a discussion of the status of women in these developing countries, and I think the United States has been the leader in bringing out that there should be a heightened status of women. In many of these countries they are treated as mere chattel. They have no rights. They certainly have no rights over their own reproductive abilities. That has to change.

There has to be a realization that with proper birth control and health and nutrition, that live births can go up in countries and children can live past their infancy. Perhaps we can, and I hope would, lessen the incidence of abortion worldwide as we bring to countries the ability to adopt birth control practices that actually make sense; in many instances birth control practices where the countries that provide foreign aid could pay the costs.

What in the United States might seem like a very small cost to carry out birth control practices, in other countries could be a very significant part of their income. Assuming the types of birth control that we would take for granted in this country, assuming they are even available, the costs could be too great. These are areas we could help. Certainly we ought to be talking to these countries. Nobody expects the United States to come over and pound the table, as has almost been suggested here, and say, "You have to start having abortions. You have to start adopting this method of birth control. You have to do this, that or the other thing." That is not going to happen.

But when, as the chair of the Foreign Operations Committee, I try to figure out how we are going to get money to the poorest of the poor in these countries; when I am asked how can we find a way to get alternative agriculture in so people can raise food to feed their families, how do we get in medical help and nutritional help so a poor, pregnant woman can go through her pregnancy and deliver a healthy baby; no matter how we try to answer these questions we have one dark cloud hanging over us. And that is in most of these countries the population is expanding so rapidly that it is expanding beyond the ability to even help the country. It outstrips the agricultural abilities of the country. It outstrips the housing ability. It outstrips the educational and medical abilities of these countries. They ought to at least have available to them the ability to control their own population size.

I said here yesterday that by the middle of the next century, only a little over 50 years away, at this rate the world's population will double. Think of that. Human beings have been on the face of the Earth for tens of thousands of years. It has taken us to this point to reach one level of population and we can double it in 50 years.

I am not suggesting a Malthusian paradigm here, by any means. But what I am saying is the countries where help is needed the most are the countries where the least efforts and abilities exist to control populations. Methods of birth control that most American families consider as a relatively minor part of their monthly bills are in many of these countries something that would wipe out virtually all disposable income that family might have.

Let us see if we can be realistic about this. The United States has clear prohibitions in our AID money against money going to use abortion as a method of birth control. We have been very straightforward and strong in our statements condemning China and other countries that have done that. We have made it very clear—many of us have and I have personally—to countries like Russia that their use of abortion as a method of birth control is abhorrent. It is abhorrent to me as a person. It also should be abhorrent to the women of that country to think that this is really what is available to them as a method of birth control. I suspect most women in these countries would want to have other methods of birth control available. This is not something where we are going to march out and say, "Abortion is your magic answer." Not by any means.

Each one of us will have to wrestle with our own conscience how we feel about abortion. Each of these countries, and the people within them, will wrestle with their own consciences how they feel about it. But allow the United States to at least join with other countries trying to figure out how to control population, how to raise the status of women, and how to make it possible to have healthy children that might live beyond their infancy. That is the issue.

The other suggestion made that we are going to be in there offending all these countries that come in, telling them what is going on—it is such arrogant disdain for these countries to even suggest it. This is a condescending statement of the first order. Madam President, do you think—does anybody think?—that these countries are sending a group of poorly educated, subservient people who will sit there saying, "Oh, yes, the United States wants to do this. We will do this. We will do this." Baloney. These are concerned men and women coming from each of these countries, well educated, who are looking for what is in the best interests of their countries. They are not coming in there to be suddenly mesmerized by some evil Svengali from the United States who is going to tell them what they have to do.

Everybody who comes there knows they are going to talk about birth control. They know they are going to talk about education. They know they are going to talk about health and nutrition. They know the subject of abortion, of course, will come up. They know the United States will follow the law on what it can and cannot talk about.

But they also know that they have a terrible population problem in a lot of these countries, a problem that is far outstripping their resources and their ability to feed their people; a problem that is making it impossible, many, many times, in many of these countries for the average child to live past a couple of years old. In fact, in a number of these countries the birth of the child is not even recorded until they are a year or 2 or 3 or 4 years old, because the deaths are so common.

Madam President, I cannot justify coming to the U.S. Senate and asking my colleagues in the Senate to vote for more foreign aid to countries where it is said we will kind of ignore the whole question of control of population, but we will send a little bit more money, a little bit more money. There is so much we can do in these countries if the question of population is at least addressed; not addressed by us telling them what they must do, but making choices available to them and letting them decide.

As chairman of the Senate Agriculture Committee, I am very proud of what we have developed, through our agricultural research in this country, insect resistant crops, crops that can grow in areas with little water or sunlight beyond anything that we are used to. All these things can help countries feed themselves. But you can only plant so many crops. You can only raise so many crops. And the population outstrips that. There is no genius in our Agriculture Extension Service or anywhere else in the USDA who can make a magic crop that, notwithstanding population expansion, notwithstanding whatever damage to the environment or soil is done by that, that this crop will somehow make it all better.

So, let our people go to Cairo and if——

Mr. NICKLES. Will the Senator yield?

Mr. LEAHY. I will yield for a question in a moment. Let me complete this thought.

If there are those who have differing views, let them also go to Cairo and express their views. I know a number of people who have been invited. There are still invitations open for those who want to go. I have declined an invitation to go because of my responsibility as chairman of this and being in another country during the same time. But if somebody disagrees with any administration official, go to Cairo and let them state their disagreements. Let them be heard.

I yield, Madam President, without losing my right to the floor.

Mr. NICKLES. Madam President, I ask my friend and colleague—I listened to a lot of his statement—was the chairman's comment if we adopt this amendment we could not attend the Cairo Conference?

Mr. LEAHY. In this effect, yes: That we end up spending a lot of money for a useless exercise because, as my friend from Oklahoma knows, the Cairo Conference is set up to set an ongoing procedure of meetings and discussions. Basically, we could get there, I am sure, and say, "But we are here under a gag rule for not only discussions at this, but certainly it would preclude us or make it a useless expenditure of money to go on for any of these discussions and meetings that might follow on from Cairo."

It would be questionable how we could justify expenditures of anybody going there, in effect, because they would be so blocked out of not only discussions in Cairo but, obviously, the discussions that would follow the meetings that would be set up from the Cairo Conference. That is my position.

Mr. NICKLES. Madam President, if I could just ask the chairman one additional question. Is it not correct that the Cairo Conference is in September and is covered under the 1994 appropriations bill? The bill we are working on right now that would have a prohibition—the Helms amendment would prohibit using U.S. funds to lobby other countries to change their laws—actually goes into effect October 1 and, therefore, would not affect the Cairo Conference that is scheduled in September?

Mr. LEAHY. That is not so at all. We are talking about legislation. This is not an appropriation. In fact, that is one of the problems we have with legislation on an appropriations bill. This legislation does not say it takes effect at the beginning of the next fiscal year. The way this legislation is written it would take effect upon the signing of the bill. Can you imagine——

Mr. NICKLES. Will the chairman——

Mr. LEAHY. If I could finish. Even if it could be argued that somehow it takes effect in the beginning of the next fiscal year, you have exactly the situation I just mentioned. What would be the sense of going to Cairo, talking about setting up the ongoing meetings, when you have this steel wall that goes in place at the very latest October 1, but in all likelihood would take place upon the signing of legislation?

Mr. NICKLES. If the chairman will yield for one final comment. I appreciate his indulgence. This language does say "none of the funds appropriated by this act," and this is an appropriations bill for 1995, which does not become effective until October 1 at the earliest. So I do not think it would prohibit the actual attendance.

I appreciate the chairman's remarks about it might have a stifling impact as far as the future but, basically, I think it—at least my editorial comment would be—I think it should have a stifling impact if our purpose in attending Cairo is to lobby other countries to change their laws. I think that is inappropriate, and I appreciate the chairman yielding.

Mr. LEAHY. We are dealing with legislation on an appropriations bill. We are not dealing with withholding specific funds in the 1995 bill. Whichever way, whichever interpretation is correct—the Senator from Oklahoma or the Senator from Vermont—the point is still the same: It has the obvious not only stifling effect for Cairo, but it really makes the attendance an exercise in futility, and that, I understand, is the intent of some of the backers of this resolution.

Just as I have led delegations in my capacity as chairman of the Agriculture Committee, in my capacity as chairman of the Foreign Operations Subcommittee or my capacity as chairman of the Technology and the Law Subcommittee, I led trips to various countries where I purposely invited Senators, both Republicans and Democrats—some of whom agree with me on some of the issues we are going to discuss but some of whom totally disagree with me—because I know that we are going to be meeting with heads of States, I know we are going to be meeting with foreign ministers, and others, and I want them to hear the kind of discussions that we have in a democratic Nation where people disagree with each other.

I led such a trip to parts of the former Soviet Union last year. We had—at least if our voting records on some of the issues that have come forward are any indicia—we had a number of Senators who have gone in numerous directions, certainly not all agreeing with me by any means. But we had the opportunity to sit down and have key figures in the countries we visited hear that kind of discussion.

Why not do the same thing in Cairo? If there are Senators who disagree with U.S. policy, well, they have a couple shots at this. One, of course, is on the floor as this amendment does. They might change our policy if their amendment is adopted. I hope it does not because I think what it does is say that the United States, the wealthiest Nation on Earth, the Nation with the largest economy on Earth, cannot talk about population with other countries, even though it is the population explosion in many of these countries that is the thing that drives most of their requests of us for foreign aid. I think that would be a ridiculous situation in which to put the United States.

But certainly if there are Senators who have a differing view, let them go to Cairo, let them express those views in the debates, let them tell the other countries, "Look, here is my idea of what is allowed birth control;" or maybe I feel no birth control is allowed. Let them say so. But that is not the policy of this country and this country is very specific. The policy is laid down.

Madam President, I encourage Senators to look at some of the requests, look at some of the things we face in the Foreign Operations Subcommittee. Since I have been chairman of this subcommittee, we have cut foreign aid by several billions of dollars. We have had some things that should have been cut out, because it is our desire to bring down the deficit, something we are finally doing now for the first time in years and years. The deficit is coming down, and this is doing its part. But when I look at our inability to make any real differences in countries we do try to help because we do not address the question of population, Madam President, that is not very sensible and that is not very realistic.

Madam President, how much time is there before the vote?

The PRESIDING OFFICER. All time has expired.

Mr. McCONNELL addressed the Chair.

Mr. LEAHY. Madam President, I ask unanimous consent that the Senator from Kentucky be allowed to continue.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Madam President, I ask unanimous consent that the following Senators be added as cosponsors to the Helms amendment: Senators PRESSLER, NICKLES, SMITH, and COATS.

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

Mr. COATS. Mr. President, I strongly support the effort by Senator HELMS to prevent the use of U.S. taxpayer dollars to influence changes in the abortion laws of foreign countries, or to support any resolution by a multilateral organization which seeks to change such laws.

For a number of years, the United States has prohibited Government money from going to organizations which administer or promote abortion as a method of family planning. Last year, this position changed when President Clinton reversed the so-called

Mexico City policy. He also released U.S. funds to support the United Nations Fund for Population Assistance [UNFPA] which has been involved in China's population control program of forced abortions and sterilization.

The Clinton administration has made population control a focal point of its foreign policy. In September, the United States will participate in the International Conference on Population and Development in Cairo. Over the last several months, as we approach this date, there have been international meetings to define the policy statement to be adopted at the Conference.

Since last year, I have been troubled by news accounts and statements by administration officials which show a disturbing pattern. In its efforts to promote policies to stabilize world population, the administration is advocating a position which encourages greater use of abortion abroad.

Although President Clinton said, when meeting with the Pope at the Vatican in early June, that he does not believe abortion should be a method of family planning, statements, and actions by administration officials indicate a policy of just the opposite.

Timothy Wirth, Counselor to the President, has become the point man on international population programs. In a speech in 1993, he revealed the ultimate objective of the administration at the Cairo meeting. "The U.S. Government believes the Cairo conference would be remiss if it did not develop recommendations and guidance with regard to abortion. Our position is to support reproductive choice, including access to safe abortion."

Earlier this year he stated "* * * A determined cooperative effort must be launched to make * * * reproductive health services universally available."

Administration Spokesperson Dee Dee Myers said that the Clinton administration regards abortion as "part of the overall approach to population control."

Likewise, Victor Marrero in a speech to the U.N. General Assembly in 1993 said "Family planning programs should be viewed as part of a broader reproductive health program which also addresses closely related programs such as * * * safe abortion * * *."

Brian Atwood, Director of the Agency for International Development, said in regard to the population control policy: "* * * This administration will continue to stand for the principle of reproductive choice, including access to safe, voluntary abortion."

This policy, as articulated by administration officials, directly contravenes the consensus statement reached at the 1984 Mexico City meeting. That is that "abortion in no way should be promoted as a method of family planning."

It also contradicts statements included in the U.N. Convention for the Rights of the Child supported by the Clinton administration. "The child, by reason of his physical and mental immaturity, needs special safeguards, and care, including appropriate legal protection, before as well as after birth."

What is most troubling about this stance is the administration's determined effort to export their abortion ideology to other nations.

A March cable from the State Department to our overseas diplomatic posts directed Government officials to advance U.S. population policy interests through "senior level diplomatic interventions." These interests include, according to the cable, "a comprehensive strategy * * * to ensure universal access to family planning and related reproductive health services, including access to safe abortion."

In addition it reads that "the United States believes it is important to improve both the quantity and quality of family planning and reproductive health services. We would like the Cairo document to emphasize the goal of universal access to such services."

Let there be no mistake in understanding, when such terms as "access to safe abortion, reproductive health, and reproductive choice" are used they are but thinly veiled attempts to disguise a policy meant to promote abortion as a method of family planning.

"However cleverly the Cairo document may be crafted, in fact it continues to advocate abortion as a way of controlling population growth * * *" wrote Washington Archbishop James Cardinal Hickey and six United States archbishops in a letter to the President on May 28.

The pursuit of such a policy abroad directly undermines the laws of approximately 100 countries which have abortion restrictions in place.

According to a 1990 study by the Alan Guttmacher Institute, the research arm of planned parenthood, "some 53 countries * * * containing 25 percent of the world's population, fall into the most restrictive category," where abortions are prohibited except when the woman's life would be endangered if the pregnancy were carried to term.

In another category, 42 countries, comprising 12 percent of the world's populations, have statutes authorizing abortion on broader medical grounds * * * but not for social indications alone or on request.

In most Muslim countries and in Latin America and Africa, few legal abortions are performed under the health exception. These laws cover approximately 37 percent of the world's population, over 2 billion people.

The emphasis which our Government places on abortion as a fundamental human right of all women will mean that in the future these countries' foreign aid could well be jeopardized if they refuse to succumb to U.S. pressure or adhere to the Cairo document. Placing such a demand on other nations is unconscionable. And yet it is clear that that is where we are headed.

In declaring further in the State Department cable that "The United States believes that access to safe, legal, and voluntary abortion is a fundamental right of all women * * *." We are telling nations that abortion is a human rights requirement.

The next obvious step is to penalize, perhaps by restricting foreign aid, these nations for failing to comply with our policy. Already a number of countries have expressed concern about where such language will lead. Humberto Belli, Nicaraguan Minister of Education, has said he feared that not only the United States but international agencies such as the World Bank and the International Monetary Fund would make adoption of policies that are in harmony with the Cairo document a condition for getting aid.

President Carlos Menem of Argentina has also objected to the language. In a letter he wrote to the Pope he said:

> Population and development objectives should be a matter of competency and of sovereignty of each country, according to the orientation and basis of its national policies, guided by respect for human dignity and the free and responsible choice of individuals * * * population policies should be conceived in consonance with the ethical and cultural values of each particular society * * * in no circumstance should abortion be promoted or considered as a method of family planning.

Mr. President, the Helms amendment is reasonable restraint on our Government. I hope this body joins in support of this approach. We need to send a clear signal that in no way should the United States participate in a policy which seeks to change the laws of other nations—laws founded upon deep cultural and religious beliefs.

Mr. SIMPSON. Mr. President, I would like to further discuss some points that were brought up in yesterday's debate on this amendment introduced by my fine friend from North Carolina. As I said yesterday, even though this amendment does not specifically mention the 1994 Cairo Conference—and I know that was not the Senator's intent—it is written broadly enough to prohibit the United States from participating in the coming Global Population Conference in Cairo.

But, more importantly this amendment would go even further and prohibit the United States from participating in any future resolution or multilateral activity which even remotely touches upon the subject of abortion. It would prohibit participation in any future international conferences, programs, research activities or reports that pertain to women's health, migration, refugees, and so on. For example, two future international conferences would be affected: the World Social Summit that will be held later this year and the Women's Conference in

Beijing, that will be held in 1995. This amendment would certainly have a chilling effect on all of the State Department's activities pertaining to international population.

The United States has played a significant role at all of the preparatory conferences leading up to the Cairo Conference and is expected to be, and should be, a leader at the conference and in future international population conferences.

Over the past decade, the United States has more recently had its hands tied in terms of acting on the challenge of increasing population growth, and its impact on the environment, the global economy, and international standards of living. I am gratified to see this administration's renewed interest in these issues.

This is an important point to make. Even if the funds in this bill are not appropriated until October 1—the beginning of the fiscal year, the policies contained in this amendment would set a dangerous precedent. The State Department would once again have its hands tied because any of its deliberations and activities leading to the Conference, during the conference and after the Conference would be affected. Any follow-up activities that are agreed to by all 110-member nations at the Conference could not be implemented by the State Department.

As I stated yesterday, I plan to be a part of the United States delegation when the United States travels to Cairo this September. And, I strongly believe the United States should be leading the international community in a unified effort to meet the severe challenges involved with the issues of global population, economic opportunity, and sustainable development.

This administration has articulated its view on abortion numerous times: abortion should be safe, legal, and rare. The United States will continue to articulate this position at the Cairo Conference.

The administration is not going over to Cairo to vigorously and continuously lobby other countries to change or alter their laws or policies concerning the circumstances under which abortion is permitted, regulated, or prohibited in these countries.

President Clinton reiterated this position in a recent speech on June 29 by stating:

> We do not support abortion as a method of family planning. We respect the diversity of national laws, except we do oppose coercion wherever it exists.
>
> In other countries, where abortion does exist, we believe safety is an important issue. We also believe that providing women with means to prevent unwanted pregnancy will do more than anything else to reduce abortion.

Most importantly, the U.S. position on population that will be articulated at the Cairo Conference is not about abortion policy. It is about ensuring access to high-quality family planning and related reproductive health services, increasing child survival programs, addressing migration and environmental degradation, strengthening families, and addressing the needs of adolescents.

It would be a real shame if the United States could not resume its leadership in global efforts to achieve responsible and sustainable population levels.

I earnestly feel that this amendment would prohibit the United States from playing a key role in this International Conference and in subsequent international population activities and conferences. It is not consistent with our leadership responsibilities regarding this critical global problem. I urge the defeat of the amendment.

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 2253.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 42, nays 58, as follows:

[Rollcall Vote No. 191 Leg.]

YEAS—42

Bennett	Durenberger	Kempthorne
Bond	Exon	Lott
Breaux	Faircloth	Lugar
Brown	Ford	Mack
Burns	Gorton	McCain
Coats	Gramm	McConnell
Cochran	Grassley	Murkowski
Coverdell	Gregg	Nickles
Craig	Hatch	Pressler
D'Amato	Hatfield	Roth
Danforth	Heflin	Smith
DeConcini	Helms	Thurmond
Dole	Hutchison	Wallop
Domenici	Johnston	Warner

NAYS—58

Akaka	Graham	Murray
Baucus	Harkin	Nunn
Biden	Hollings	Packwood
Bingaman	Inouye	Pell
Boren	Jeffords	Pryor
Boxer	Kassebaum	Reid
Bradley	Kennedy	Riegle
Bryan	Kerrey	Robb
Bumpers	Kerry	Rockefeller
Byrd	Kohl	Sarbanes
Campbell	Lautenberg	Sasser
Chafee	Leahy	Shelby
Cohen	Levin	Simon
Conrad	Lieberman	Simpson
Daschle	Mathews	Specter
Dodd	Metzenbaum	Stevens
Dorgan	Mikulski	Wellstone
Feingold	Mitchell	Wofford
Feinstein	Moseley-Braun	
Glenn	Moynihan	

So the amendment (No. 2253) was rejected.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2245

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, what is the parliamentary situation now?

The PRESIDING OFFICER. The question now before the Senate is amendment No. 2245, offered by the Republican leader, Mr. DOLE.

Mr. LEAHY. Mr. President, I do not know if they are ready to go to a vote on that. Yesterday, I discussed on the floor, as has Senator MCCONNELL and others, our concern about crime in the former Soviet Union. I mentioned discussions I had with Director Freeh prior to his trip over to Russia and other countries.

It was the intention of Senator MCCONNELL, Senator D'AMATO, and myself, to have an amendment that would earmark specific funds to be used as part of our aid package to Russia, in helping to fight crime there, something that would be done on my part because of the tremendous respect I have for Director Freeh and the way he has run the FBI, and the enormous need for help, and because I am convinced that Director Freeh and the FBI could help considerably in Russia, the former Soviet Union, to get ahold of the major crime problem they have.

So, Mr. President, I ask my friend, the Senator from Kentucky, if he could let us know, should we be prepared to go forward on the Dole amendment, or should we set that aside and go to this?

Mr. MCCONNELL. Mr. President, I say to my friend from Vermont that the Senator from New York is here with an amendment on crime in Russia, and I have one as well. Our plan had been to offer and discuss them in tandem and vote on both. So we are ready to go on those issues.

Mr. LEAHY. I also see the Senator from Florida, who was here earlier to speak on the pending amendment.

Mr. MCCONNELL. We would also be willing to have a short time agreement on this, and we can get a couple of votes out of the way. If our colleague from Florida could indulge us, that would be a good way to move this bill forward.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, I am shortly going to propound a unanimous-consent agreement. So that people understand what it is going to be, I am going to ask for a relatively short amount of time to deal with two amendments on crime that will require the setting aside of the pending amendment, but it would then be our intention that once those crime amendments are disposed of, we would then go back to the Dole-Warner Haiti amendment and will stay on that until it is disposed of.

UNANIMOUS-CONSENT AGREEMENT

Mr. LEAHY. Mr. President, I ask unanimous consent that the pending amendment, the Dole-Warner amendment, be temporarily set aside, that it then be in order for the Senator from Kentucky, the Senator from New York, and myself, to bring forward amendments on which there will be a time agreement of 40 minutes to be equally divided between the Senator from Kentucky and myself.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2263

Mr. MCCONNELL. Mr. President, I send an amendment to the desk on behalf of myself and Senator D'AMATO, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself and Mr. D'AMATO, proposes an amendment numbered 2263.

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

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

The amendment is as follows:

At the end of section entitled "Assistance to the New Independent States of the Former Soviet Union" add a new subsection:

Not less than $15,000,000 of the funds appropriated under this heading shall be made available to the International Criminal Investigative Training Assistance Program (ICITAP) to undertake a police development and training program to assist in institutional reforms and improve the professional capabilities of Russian police agencies: *Provided further*, That funds made available shall be used to support the following activities:

(1) develop and professionalize the criminal justice agencies;

(2) improve criminal investigative and forensic capabilities;

(3) establish institutional training capabilities based on democratic principles of policing, and respect for human rights and the rule of law;

(4) improve accountability of law enforcement agencies by introducing systems and procedures for investigating allegations of abuse or malfeasance;

AMENDMENT NO. 2264

(Purpose: To provide the Federal Bureau of Investigation with $15,000,000 to be earmarked for international law enforcement cooperation with the New Independent States of Eastern Europe)

Mr. D'AMATO. Mr. President, I send an amendment to the desk on behalf of myself, Mr. MCCONNELL, and Mr. LEAHY, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself, Mr. MCCONNELL, and Mr. LEAHY, proposes an amendment numbered 2264.

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

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

The amendment is as follows:

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

SEC. . Of the funds appropriated for the New Independent States of the former Soviet Union and Eastern Europe, not to exceed $15,000,000, shall be made available to the Federal Bureau of Investigation for transnational and international law enforcement cooperation with the New Independent States of the former Soviet Union and the emerging democracies of Eastern Europe to combat organized crime.

Mr. D'AMATO. Mr. President, presently, one of the greatest threats facing democracy in Russia, and indeed in Europe, is the rapid expansion of organized crime. The situation is so bad that organized crime literally threatens to undermine the very democracy that the United States and the West seek to protect through their assistance programs and, more so, by connection, our own security.

Let me read to you, if I might, a letter I received from the Director of the FBI, Louis Freeh, dated June 23, 1994. We had discussed this, and I think that the Director's trip to Russia amplifies his concern, in a very vivid way, that the problems of organized crime in Russia are so great that democracy is threatened. There are those who say: We are better off in the old ways. We at least had stability and did not have to worry about our safety. We were not being robbed and mugged or have financial institutions which are being threatened, which is the case today.

So it is with that in mind that he sent the letter to me in which he said:

DEAR SENATOR D'AMATO: Thank you for advising me of your efforts to earmark funding for law enforcement assistance and training for the Newly Independent States and emerging democracies in Eastern Europe.

It is critical that the FBI and other criminal justice agencies begin a long-term commitment to international law enforcement. Major problems which demand our immediate attention involve the possible theft of nuclear weapons or nuclear materials from the former Soviet Union, the emergence and spread of organized crime and drug trafficking groups from Russia and Eurasia and the growth of similar Neo-Nazi hate groups in the United States and Germany.

As you know, I am leading a Federal law enforcement delegation traveling to Europe on June 24th. Meetings with senior law enforcement officials of 11 European and Eurasian nations have been scheduled through July 6th. These important discussions will forge the framework for what I believe will be unprecedented levels of international law enforcement cooperation.

During my visit to Russia, I will open the FBI's new Legal Attache post in Moscow. This trip also provides a unique opportunity for me to see first-hand where additional FBI presence is needed in the Newly Independent States and Eastern Europe.

I am greatly encouraged by the support that these efforts to enhance international law enforcement have garnered and I look forward to keeping you and other Members of Congress abreast of our progress in these crucial areas.

Sincerely yours,

LOUIS J. FREEH,
Director.

Mr. President, let me say that it does not make much sense to invest billions of dollars in helping to stabilize the Eastern bloc and Russia in particular and have these efforts undermined by this kind of organized crime which is involved in everything from terrorism to drug trafficking to forgery, to contract killings, and indeed there are connections with these Russian gangs from Russia right here into this country.

Indeed, in New York, the organized Russian gangs in Brighton Beach have become very much involved in violence on a large scale. The local FBI and law enforcement officers indicate to us they are into all kinds of criminal activity, intimidation, blackmail, gasoline tax scams, insurance frauds, drug trafficking, forgery, and, as I mentioned before, even contract killings. They have their ties to and roots in Russia.

That is why we offer this amendment in a bipartisan manner to say that we can utilize the capacities of the FBI and their training abilities to help our Russian brethren, for otherwise the very stability of any kind of government and particularly one which is trying to nurture democracy, will be and is being undermined.

Bankers today are threatened if they are successful. They or their families are kidnapped, or worse, killed. Entrepreneurs in every area are regularly having to pay extortion money to organized crime in what used to be the Soviet Union, and they face the prospect of death to themselves or to their families if they fail to cooperate.

The fact is that the Russians do not have the kind of management in this area to deal with this. They have gone from an autocratic society to one now in which the instrumentalities of control, in many cases, have been totally lost and that vacuum has been filled by organized crime.

Let me conclude by saying about these funds, because some of our colleagues were concerned how these funds would be used. We have agreed with the appropriators, specifically the Commerce, State, Justice Subcommittee, as to the appropriate language. With these funds, the FBI will be able to initiate international cooperation on a level heretofore not seen in international law enforcement. The FBI will be able to provide training in organized crime and related investigative matters, forensic and other advanced investigative technological support, and continue the goodwill efforts begun with Director Freeh's visits to the region, because the countries of Eastern Europe are facing the Russian crime gangs first before they come here. This

type of cooperation is vitally necessary and unprecedented in the history of law enforcement.

Mr. President, this earmark is a good one and it is appropriate.

I thank both the managers, the chairman and the ranking member, of the bill, Senator LEAHY and Senator MCCONNELL, for their strong support and for their contribution to bringing us to this point.

Again, it makes little sense to be investing billions of dollars and not allocating some scarce resources to see to it that we can take on the organized crime efforts which are undermining the opportunity for democracy.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I thank the distinguished Senator from New York for his involvement and leadership in this most important issue, as well as my friend and colleague Chairman LEAHY.

Many of our colleagues may have seen an article in the Atlantic Monthly of June of this year entitled "The Wild East" by Seymour Hersh, and on the cover of the Atlantic Monthly it says, "Organized crime has strangled business in Russia and is now reaching for the nation's nuclear stockpile."

We are talking about a very, very serious problem here, as Senator D'AMATO has pointed out.

This is an extremely depressing article about the state of law and order in Russia. As the Senator from New York has pointed out, it has even reached into the United States. Russian organized crime here. Of course, it is obviously more rampant in Russia and the countries surrounding that area.

Each of us has spoken with the Director of the FBI. I did yesterday morning. He just got back from a trip to that part of the world. We are working with the Russians to try to help them. Obviously, it is an enormous problem. But the United States through the FBI is reaching out to try to help.

Both the amendments that we are discussing which we will vote on back to back at the end of this time agreement deal with the question of crime in Russia.

Mr. President, as we deal with the issue of how to encourage private investment in Russia and effectively administer United States aid to Russia, we need to take a clear-eyed look at the growing problem of crime that I have just outlined earlier.

Of course, nearly every country has some sort of crime problem. Certainly we do. It is the No. 1 issue in the United States. All the polls indicate that. We are trying to grapple with that problem here at home.

But there are many who are concerned that the crime problem in Russia has evolved to the point where it literally threatens to disrupt consistent private economic engagement with Russia, as well as the provision of foreign assistance that we are discussing in this bill.

Last summer, when Chairman LEAHY and I visited Moscow, issues of crime and law enforcement were already weighing heavily on the minds of people there. Businessmen told us stories of Mafia shakedowns, and told how they all traveled with heavily armed bodyguards.

I remember talking to one American businessman in Kiev who said he got a phone call, and he has gotten a number of them over the months, but this particular phone call he had remembered. He ignored the requests for $5,000. He just called him often and said, "I want $5,000." He essentially ignored the request that had gone on for a couple weeks. This final time he got a phone call the guy said: "I want $5,000. If you don't give it to me, I'm going to kill your secretary." He said, "It got my attention." That is how rampant this problem is.

The diplomatic community swapped horror stories of being stopped by local policemen. So it is a problem of the police as well. They are not paid very well there. They are obviously very subject to bribery and other activities.

Among the things that happened in our diplomatic community over there, Americans are stopped by local policemen and threatened with on-the-spot drunk driving blood tests, administered with a dirty needle, unless they are willing to pay the fine up front. That is the police.

It is a year later, and we are starting to hear more than just those individual horror stories.

FBI Director Freeh recently testified that the United States is threatened by a major international criminal community, operating out of Russia, which the Senator from New York was talking about, that is engaged in drug trafficking, money laundering and even smuggling nuclear weaponry. Let me repeat, Mr. President. We are talking about even smuggling nuclear weaponry. I mean, it could be argued this is the most serious crime problem in the world that potentially affects all of us.

CIA Director Woolsey testified that there may be as many as 5,700 organized crime groups operating in Russia—5,700 organized crime groups operating in Russia. Of those, Director Woolsey's words, "200 are large, sophisticated organizations engaged in criminal activity throughout the former Soviet Union and 29 other countries."

So this is not a mom and pop criminal operation, Mr. President. We are talking about sophisticated organized crime operating on an international basis.

And the problem is far broader than organized crime controlling illicit activities like drug trafficking and money laundering. The pervasive reach of these organized crime rings extends into otherwise legitimate business activities as well, corrupting the entire economic infrastructure.

I referred earlier to the article in the Atlantic Monthly. Seymour Hersh painted a brutal portrait of how crime has affected every single aspect of Russian life. Much of the information he detailed was corroborated in a report by the Russian Ministry of Internal Affairs and the DOE Threat Assessment conducted last November.

According to Seymour Hersh, roughly 40 percent of private businesses and 60 percent of state-owned enterprises are corrupted by organized crime. Half of all the Russian banks and up to 80 percent of the hotels, shops, warehouses, and service industries in Moscow are run by the Russian Mafia.

Let me repeat that, Mr. President. Half of all the Russian banks and up to 80 percent of the hotels, shops, warehouses, and service industries in Moscow are run by the Russian Mafia, according to Seymour Hersh. Just as troubling is the fact that 70 to 80 percent of the private enterprises are victims of extortion—70 to 80 percent of the emerging private enterprises are victims of extortion.

No wonder he picked the title for the article, "The Wild East." We had "The Wild West" here for awhile. This is a serious problem.

Criminal activity has also seeped in to the Russian police and military forces, adding another layer of harassment and danger for business.

In 1993, about 3,000 army officers were disciplined for "questionable business practices"—the army now—and 46 generals faced court-martial for corruption.

Sy Hersh goes on to point out:

> Russian armories are physically deteriorating and are guarded by soldiers whose indifference makes them vulnerable to criminal elements.

Why should this matter? Well, Hersh says:

> There is powerful evidence that organized crime in the former Soviet Union has been systematically seeking access to the nuclear stockpiles, with their potential for huge profits.

Now, bear in mind we are talking about organized crime trying to get ahold of nuclear stockpiles. Is there any, Mr. President, potentially scarier development in the world than that? I would argue not.

> There is strong evidence that the Russian Government is unable to account for all of its bombs and all of its weapons-grade uranium and plutonium.

Rising crime in the Soviet Union presents a direct threat to our security—our security, here. It also makes it virtually impossible for the private sector over there to invest and to grow.

As President Yeltsin noted in his State of the Union Address, crime and corruption must be tackled, and tackled soon. Failure to provide meaningful

and immediate relief will generate both an antimarket and antidemocracy backlash over there.

As we debate this bill, Judge Freeh has just returned from the region, as we have discussed, after opening a new FBI legal attaché office in Moscow. Prior to his departure, Senator D'AMATO and I sent a letter advising him we intended to earmark funds to support his important efforts to lay the groundwork for further law enforcement cooperation.

Chairman LEAHY has also been heavily involved in this and help shape our views.

I ask unanimous consent that the letter that Senator D'AMATO and I sent to Judge Freeh, and his response, be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, June 20, 1994.

Hon. LOUIS FREEH,
Director, Federal Bureau of Investigation, Washington, DC.

DEAR LOUIS: We understand that you are leaving for Russia at the end of this week for further discussions about joint efforts to combat crime in the former Soviet Union. We appreciate the fact that the Russians are eager to address this problem of compelling mutual concern. We thought it would be helpful if you knew of our intention to introduce two amendments during consideration of the Foreign Operations Appropriations bill when it comes to the Senate floor.

First, we intend to earmark $15 million for an International Crime Investigative Training Assistance Program (ICITAP). Recently released statistics illustrate why Russians consider crime one of the greatest problems they face; 5,600 criminal gangs have been identified and over 25,000 crimes were committed involving firearms. We believe an ICITAP program could make an important contribution both developing and professionalizing the criminal justice agencies. In particular, we would like to see the Bureau assist in training which would improve investigative and forensic capabilities as well as strengthening institutional accountability within agencies to prevent corruption.

Second, we intend to direct that $15 million in funds be provided to the Bureau to open Legal Attache offices in Eastern Europe and the republics of the New Independent States. Reports of the significant increase in transnational threats such as terrorism, narcotics trafficking, and smuggling of nuclear material and weapons suggests a vital role for the Bureau in the region to protect U.S. security and interests.

We would appreciate any thoughts you may have on these amendments and look forward to working with you in the coming months to assure the Bureau has the resources necessary to address these urgent priorities.

Sincerely,

MITCH MCCONNELL,
U.S. Senator, Ranking Member, Subcommittee on Foreign Operations.
ALFONSE D'AMATO,
U.S. Senator.

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, June 23, 1994.

Hon. MITCH MCCONNELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: Thank you for advising me of your efforts to earmark funding for law enforcement assistance and training for the Newly Independent States and emerging democracies in Eastern Europe.

It is critical that the FBI and other criminal justice agencies begin a long-term commitment to international law enforcement. Major problems which demand our immediate attention involve the possible theft of nuclear weapons or nuclear materials from the former Soviet Union, the emergence and spread of organized crime and drug trafficking groups from Russia and Eurasia and the growth of similar Neo-Nazi hate groups in the United States and Germany.

As you know, I am leading a Federal law enforcement delegation traveling to Europe on June 24th. Meetings with senior law enforcement officials of 11 European and Eurasian nations have been scheduled through July 6th. These important discussions will forge the framework for what I believe will be unprecedented levels of international law enforcement cooperation.

During my visit to Russia, I will open the FBI's new Legal Attache post in Moscow. This trip also provides an unique opportunity for me to see first-hand where additional FBI presence is needed in the Newly Independent States and Eastern Europe.

I am greatly encouraged by the support that these efforts to enhance international law enforcement have garnered and I look forward to keeping you and other Members of Congress abreast of our progress in these crucial areas.

Sincerely yours,

LOUIS J. FREEH,
Director.

Mr. MCCONNELL. As I indicated earlier, I spoke with Judge Freeh about his trip and asked him how serious the problem was. His response was somewhat surprising. He said:

> The problem is huge—in fact greater than we anticipated. Democracy is on the edge. The ultra-nationalists are exploiting the perception that democracy is failing because the government cannot protect the basic safety of its citizens.

The Russian Government cannot protect the basic safety of its citizens.

He went on to elaborate on the scope of the problem—there are no organized crime or racketeering laws, so even if you catch a crook—this is Judge Freeh talking about the Russian circumstance—even if you catch a crook, there is not a lot that can be done with him. Police officers are paid a few hundred dollars a month, which, as I indicated earlier, obviously makes them vulnerable to bribes and corruption. And the problem does not stop at the Russian border. At least 300 of the more than 5,000 criminal groups operating in Russia have established transnational ties; in other words, they are operating outside of Russia. Judge Freeh said every country he visited—from Poland to Ukraine to the Baltic Nations—every one is overwhelmed by the same problems—and a great deal of criminal activity can be traced right back to Russia.

Officials in every country he visited pleaded with him to open legal attache offices, establish joint law enforcement strategies, and provide access to our FBI Academy over here.

Mr. President, they understand the full dimensions of the problem they are up against and they are eager to have our help.

I believe Judge Freeh deserves our support in this effort—that it is in our direct national interest to assure the effective training of Russian law enforcement officers and to establish a professional criminal justice system from judges to juries. Unless we earmark the funds, he, the director of the FBI, will not have the resources necessary to combat crime and secure our interests.

For that reason, Senator D'AMATO and I have offered two amendments, which we are discussing, that I view as mutually reinforcing in tackling present issues of crime and corruption.

The first amendment, which Senator D'AMATO has joined in cosponsoring, will earmark $15 million for the International Criminal Investigative Training Assistance Program [ICITAP]. To date, nominal ICITAP resources have been dedicated to training programs in Russia to improve investigative, forensic and other basic professional police skills.

The second amendment, which the Senator from New York offered and will be voted on shortly, will transfer $15 million to the FBI to carry out joint law enforcement training and activities. Originally, Senator D'AMATO and I planned the funds to be dedicated to opening legal attache offices throughout the NIS and Eastern Europe. However, bureaucratic interagency infighting, combined with the urgency of the problems abroad, suggest we should be more flexible. It could take months and months of negotiations between State and the FBI before legal attache offices could be established abroad. As we work toward establishing permanent offices, it is a good idea for the FBI to be given the opportunity to move forward with the training and exchange programs to fill the enormous law enforcement gap.

Mr. President, the crime problem has a direct and devastating impact on the willingness of American companies to invest in the Russian economy—which, in turn, prevents job creation and economic growth, both of which are essential to the future of Russia.

Moreover, this is not just an isolated Russian problem. Judge Freeh concluded our conversation by saying the Russian problem is our problem—there is strong evidence that Russian groups have established ties with the Cali cartel and is exporting cocaine into the United States.

I think we all believe Judge Freeh is on the right track. The question to me

is whether the administration will support his efforts to solve the problems. These earmarks are a stopgap effort to assure some initiative is taken with the hope that a strategy will emerge and be implemented.

So, Mr. President, we offer these amendments, even though we expect they will be approved overwhelmingly, to bring the Senate, in effect, up to date on a most, most serious problem.

I particularly want to thank the chairman for his involvement and leadership in this issue, as well. This is an extremely, extremely serious problem.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, parliamentary inquiry. As I understand it, the first amendment that will be voted on is the one submitted by Mr. D'AMATO, Mr. MCCONNELL, Mr. DOMENICI, and myself, that would transfer $15 million to the FBI?

The PRESIDING OFFICER. The first amendment to be voted on is amendment No. 2264 by Senator D'AMATO—the Senator is correct.

Mr. LEAHY. I thank the Chair.

I have spoken already on the problem of crime in Russia. I have followed this with a great deal of interest, both in my trips there and in discussions I have had with Director Freeh and others. I am concerned at the degree of crime. I am concerned, of course, that AID money goes to the wrong places. I am also concerned, if you have an air of criminal activity as a part of the lifestyle, it makes it impossible to go forward in the way we should with efforts to improve democracy.

As a former prosecutor, I well realize the need for a judicial system that works. AID is working in this area. They have had training for judges, prosecutors and lawyers. They work on creating an independent judicial system, drafting new laws and procedures, working to reintroduce a trial by jury system, and drafting a new civil code. There are a lot of things that have to be done and there are a lot of things that are being done.

I discussed this with Director Freeh. I believe the FBI can bring its expertise, and that is why I support this amendment.

I told yesterday of the situation, as reported in our press, of a car driving up in front of an office and people stepping out of that car and firing automatic weapons into the ground-floor office until a secretary opens a drawer, pulls out a grenade, pulls the pin, and rolls it under the car.

Crime is becoming a bit too much of a way of life when you file grenades in your filing drawer. I do not know whether you do it under B for "boom" or G for "grenade" or what.

I know in our office we have file drawers with pens and papers and stamps, and this, that, and the other thing. Even in my days as a prosecutor, we never had a filing drawer with grenades.

If it comes to the point that, to get a job, they ask how fast do you take dictation and what kind of an arm do you have for throwing a grenade—this is kind of bad.

A lot can be done. A lot will be done. I am concerned about the rise of criminal activity. I think Russia was right to move forward as they have in privatization but, obviously, like everybody else, I am concerned about how fast crime has risen in this country. Those of us who have served in law enforcement, as well as those who have not, have to understand how the tentacles of crime destroy a judicial system, destroy a commercial code, destroy a free enterprise system, and destroy the trust people have in their government. Organized crime is moving into all areas, from law enforcement to the private enterprise system. There is probably nothing that can work more against democracy in Russia, more against the security of the people, more against the kind of economic basis they need than the spread of crime.

I will support this amendment. I am about to yield the remainder of my time so we can go to the vote. During the vote, I urge cosponsors of the second amendment, which is related, and which I also support, to see if it is possible to do that on a voice vote. If not, I hope we could have the rollcall as quickly as possible, just to make things easier.

Before I yield the remainder of my time, I yield whatever time the Senator from Kentucky wishes.

Mr. MCCONNELL. I say to my friend, the Senator from Vermont, my thought was we would have rollcalls back to back, one 15 minutes and one 10, and then move on. I think we need the yeas on both of the amendments.

Mr. LEAHY. Mr. President, we have one amendment now before us. I ask unanimous consent it be in order to order the yeas and nays en bloc on that amendment and on the second amendment.

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

Mr. LEAHY. Mr. President, I ask for the yeas and nays en bloc on both amendments.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. I ask unanimous consent that, upon the completion of the rollcall vote on the first amendment, we go immediately to a rollcall vote on the second amendment, and the second rollcall vote be a 10-minute rollcall vote.

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

Mr. LEAHY. I yield the remainder of my time.

Mr. MCCONNELL. I yield the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the amendment, No. 2264.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. DORGAN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 192 Leg.]

YEAS—100

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

So the amendment (No. 2264) was agreed to.

The PRESIDING OFFICER. Under the previous order, the question now is on agreeing to amendment No. 2263 offered by the Senator from Kentucky [Mr. MCCONNELL]. The yeas and nays have been ordered. The clerk will call the roll.

The Chair will advise that this is a 10-minute rollcall vote.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 193 Leg.]

YEAS—100

Akaka	Bumpers	Danforth
Baucus	Burns	Daschle
Bennett	Byrd	DeConcini
Biden	Campbell	Dodd
Bingaman	Chafee	Dole
Bond	Coats	Domenici
Boren	Cochran	Dorgan
Boxer	Cohen	Durenberger
Bradley	Conrad	Exon
Breaux	Coverdell	Faircloth
Brown	Craig	Feingold
Bryan	D'Amato	Feinstein

Ford	Kohl	Pressler
Glenn	Lautenberg	Pryor
Gorton	Leahy	Reid
Graham	Levin	Riegle
Gramm	Lieberman	Robb
Grassley	Lott	Rockefeller
Gregg	Lugar	Roth
Harkin	Mack	Sarbanes
Hatch	Mathews	Sasser
Hatfield	McCain	Shelby
Heflin	McConnell	Simon
Helms	Metzenbaum	Simpson
Hollings	Mikulski	Smith
Hutchison	Mitchell	Specter
Inouye	Moseley-Braun	Stevens
Jeffords	Moynihan	Thurmond
Johnston	Murkowski	Wallop
Kassebaum	Murray	Warner
Kempthorne	Nickles	Wellstone
Kennedy	Nunn	Wofford
Kerrey	Packwood	
Kerry	Pell	

So the amendment (No. 2263) was agreed to.

AMENDMENT NO. 2245

The PRESIDING OFFICER. The question now before the Senate is amendment No. 2245 offered by the Republican leader, Mr. DOLE.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the minority leader.

Mr. DOLE. Mr. President, I do not have much more to say on this amendment. It is a question of whether we want the facts or not. If you do not want the facts, vote against it. Or you can take 45 days to get the facts with a bipartisan factfinding commission.

I do not think it would do anything but help all of us who are very concerned about Haiti and very concerned about our policy there. There are no easy answers. I have listened to the distinguished Senator from Florida, Senator GRAHAM, on the floor, and on "Crossfire," and other programs. Certainly, he understands the problem there very well.

I want to clear up just one issue. I do not care what General Cedras or the other thugs running Haiti think about this or any other proposal. I do not check with Cedras or Aristide, or any other Haitians on my view of American national interests. I have never met with Aristide, and he has never asked to meet with me. I do not check with him or anybody else. That is what the Haiti policy is all about—our national interests.

Those who support invasion and nation building in Haiti have an obligation to say what interests are at stake. Is it because we are so close to Haiti? That is certainly not the reason. Are any Americans being threatened? None. There are a lot of rumors and stories, and maybe some distortions.

I agree completely with the chairman of the Armed Services Committee, Senator NUNN, who said this morning:

> If the mission is to alleviate the refugee problem, then I think we first ought to try adjusting the sanction policy * * * but if the mission is to restore democracy, that's a different mission. It is not primarily a military mission. It is a nation-building mission. And we need to think through that one very carefully.

We just went through a nation-building exercise in Somalia. Many of us supported President Clinton when he decided to withdraw, and he had wide support because we had deviated from the original course, from humanitarian aid to nation building. But that was done by the United Nations. Here, it seems to me, we are going to set it out as our own course.

We invaded Haiti once this century to reverse a military coup. After 100 American casualties and 19 years, America left Haiti. And Haiti returned to violence and anarchy. In my view, we ought to spend some time learning lessons from that intervention before beginning a new one.

Before we get engaged in nation-building in Haiti, we ought to listen to Haiti's democratic parliamentarians. We ought to look at Aristide's leadership in power and in exile. And we ought to look at why reconciliation has not worked in Haiti. That is exactly what a commission would do. If you oppose this commission, you are saying no to the facts and yes to writing a blank check for military invasion and nation building in Haiti.

The administration opposes the amendment, and I do not know why. Maybe they are afraid of an objective assessment. Maybe they do not want to know the facts and they like it the way it is. There is a lot of rhetoric, and every night on television Mr. Gray, or somebody else, says that an invasion is not imminent—whatever imminent means. Maybe they have decided what they want to do, and maybe they want to wait until Congress is in recess, or some other time, before taking final action. Maybe it is a setup to make invasion the only option after creating a refugee crisis. Certainly, this was created by the administration's policy. They have had a number of policies in Haiti.

Quoting from the New York Times of 1 week ago—and I do not quote from them frequently—it reads:

> After months of vacillating from one policy to another, America faces the troubling prospect that Mr. Clinton is drifting into using troops in Haiti because he wants to compensate for policy embarrassments and does not have a better idea.

That is exactly what the New York Times said, and they are not exactly a Republican mouthpiece in this country. That is their conclusion. This article has been put in the RECORD so I will not ask that it be printed again.

There is always a possibility that this commission might lead to some better ideas. It might lead to a resolution, as a commission appointed by President Reagan did in 1984, dealing with some of the Central American problems. It made a number of recommendations; it was bipartisan, and many things that they recommended were later adopted by Congress.

I do not know why a 45-day delay would bother the administration—unless they want to invade between now and then. Forty-five days is not very long. We are going to be here, and Congress will be back, if there is a recess. Nothing in this amendment ties the President's hands—it does not even mention the President.

In fact, we do not even need the resolution. If the majority leader would agree, I would certainly agree that we could name some of our colleagues today. Start today. We will not wait until this bill goes through conference and all that. Start today with the factfinding commission if time is a problem. We can do that on our own. We have that right. Some Members have gone to Haiti. Our colleague from Florida, Senator GRAHAM, has been to Haiti. Others of my colleagues—I think one of my House colleagues is going to be in Haiti this week, Congressman RICHARDSON from New Mexico. A number of them have gone there. Certainly, we have that right if we want to exercise it. I assume that people go there to get the facts. This would be a bipartisan effort, with no politics in it. It seems to me that the President would welcome it.

I think it is probably time to vote on this simple idea to get the facts and an objective assessment. As I said, let us not shoot first and ask questions later. But I am afraid the gun is already loaded and pointed in that direction. We have a lot of warships down there, and they are not all there to rescue Americans, none of whom, as far as I know, are under any personal threat of any kind.

Mr. President, this amendment is offered in the same spirit that I suggested it probably 2 or 3 months ago. It is not offered in any way to frustrate the President's plan or in any way to frustrate what other ideas other Members may have. They may be better than this one. It seems to me that if we are really concerned, and if we want the facts, what is wrong with having a factfinding commission for 45 days, who would report back to the U.S. Senate and the Congress? Then we might be able to find some way to do what most people want, which is to try to restore democracy to Haiti—though it was a pretty fragile democracy even when they had it.

For all the reasons stated today and yesterday, I hope that this amendment will be accepted. And if not accepted, I hope it will be adopted with an overwhelming vote.

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

Mr. GRAHAM. Mr. President, it is clear what the purpose of this resolution to establish a joint congressional committee to study the issue in Haiti is, and the purpose is to restrict the President's range of options for an indefinite period of time, especially his option to use force.

The Senator from Kansas, the distinguished minority leader, has stated that he did not consult with General Cedras before drafting this proposal. However, it is not without significance that General Cedras, upon becoming aware of this proposal, has adopted it.

It is clear that this degree of gridlock in the United States foreign policy as it relates to Haiti would serve the primary purpose of emboldening the thugs who have stolen the sovereignty of the people of Haiti.

Mr. President, I want to discuss some of the consequences should this Senate, in a fit of ill wisdom, adopt this proposal. But before I do that, I would like to turn to the proposal itself and just a few areas in which it is factually erroneous.

The premise of this amendment is that Congress has been insufficiently consulted on Haiti, that there is some mystery, some attempt to disguise and keep from Congress the facts of what is occurring in Haiti.

Mr. President, up until just a few days ago when commercial aviation service was cut off to Haiti—and even today, as the Senator indicated, the delegation will go to Haiti through the Dominican Republic this weekend—Haiti was a country in which Americans could visit, travel, talk to people, and gather information and form their own opinions. This is not a country which is thousands of miles away and, until recently, difficult to gain access to.

This is also a country on which this administration, since January of last year, has had almost 30 briefings or presentations before appropriate congressional committees on Haiti.

So people who wanted to get information about Haiti had the opportunity to do so. We do not have to defer to this Commission and place our policy in limbo for 45 days after the enactment of this bill, which could be well into September or October, in order to learn about what is happening in Haiti.

So the basic premise, a premise of ignorance—and even more than ignorance, a premise that there has been some conscious effort to deny to the American people and to its representatives in Congress information as to what is occurring in Haiti—is fundamentally erroneous.

Second, reading the proposition itself, on page 2, lines 1 through 4, it states under the category of "Congressional Findings":

> Haiti's elected President who is in exile and the de facto ruling junta in Haiti have reached an impasse in their negotiations for the reinstitution of civilian government.

That is blatantly false. First, there was a good-faith effort to negotiate a restoration of democracy in Haiti, an effort which was frustrated in October of last year by the military regime which reneged on its commitments. The most dramatic example of that occurred in Port au Prince Harbor when the United States and the Canadians, pursuant to a provision in the Governors Island accords, the agreement which structured the return of democracy in Haiti, under that agreement, the United States and Canada had committed troops to come to Haiti not as warriors, but as workers and educators, to work as Seabees and Corps of Engineers personnel to help in the rebuilding of the country, and at the same time to educate elements of the Haitian military as to how they could perform those functions for the benefit of the people of Haiti.

The Haitian military regime had committed to the international community that ship would be allowed to dock and that those men and women would be protected while they were carrying out their international responsibilities.

What in fact occurred, as we all know, is first the Haitian Government arranged for a ship to be tied up at the only dock in the harbor of Port au Prince, which was large enough to accommodate the Harlan County, our ship, which contained those United States and Canadian troops; and, second, then brought to the dock a group of hoodlums who demonstrated against the United States and Canadian troops being disembarked. As a result of that gross breach of their commitment, the military of Haiti caused the United States and the Canadian troops to withdraw.

It was not an "impasse in negotiations" which caused the process leading toward the restoration of democracy to break down. It was an arrogant, purposeful abrogation of obligations by the Haitian military which caused the negotiations to break down.

In paragraph 3, it states:

> The extensive economic sanctions imposed by the United Nations and United States against the de facto rules are causing grave harm to innocent Haitians.

That is erroneous, Mr. President. The sanctions are not a means of inflicting pain on the mass of the citizens of Haiti. The sanctions are a means of attempting to bring pressure towards the end of a voluntary transfer of power from those who seized it illegally at the point of a gun, ousted a democratically elected President, and have taken over the sovereignty of the state.

What is causing the grave harm to Haitians is 30 years of despotic rule, and what is causing it today is that that long, dark period of the history of Haiti has reached a new low as to the level of human rights abuses, the level of violence directed against the people, a record of almost 100 political murders per month since the 1st of February, and a government which has driven the economy of the poorest country in the Western Hemisphere even further into disarray, resulting in more than 50 percent of the people of Haiti being unemployed.

Those are the factors that have caused grave harm to innocent Haitians. Sanctions were intended to be a means of giving relief to the masses of the Haitian citizens by causing this illegitimate government to give way to the democratically elected President.

In paragraph 5, Mr. President, it is stated:

> An armed invasion of Haiti by forces of the United States, the United Nations, and the Organization of American States would endanger the lives of troops sent to Haiti, as well as thousands of Haitians, especially civilians.

I agree with the thrust of that paragraph. But what it fails to say is what of the dangers to democracy in this hemisphere and to the citizens of Haiti by a continuation of our current policies or by the policy which so many on the other side of the aisle are advocating, which is essentially a policy of surrender? Let us recognize the illegitimate regime. Let us stop a policy which commenced with President George Bush, and that is to commit our Nation and the international community to a restoration of President Aristide. Let us forget that commitment. Let us lift the embargo. And let us let this reign of terror continue unabated.

Those, Mr. President, are the factual inaccuracies contained within this resolution.

Mr. President, a great American theologian, Harvey Cox, once observed that not to decide is to decide. There are consequences from indecision.

I consider this resolution to be a statement of indecision. We are traumatized by all of the unpleasant choices that are before us. We are traumatized by what we see daily of the events from Haiti. We are traumatized by the thousands of people who are fleeing Haiti.

Thus, our answer is let us not decide. Let us set up an ambiguous commission with an indeterminant reporting date, with a very vague charter. And let us let that substitute for making tough choices.

But there are going to be tough choices, even if we were to adopt this resolution, Mr. President.

What are some of the consequences of adopting this resolution? One of the consequences is that any prospect of achieving the result of a voluntary transfer of power by the current military regime to democratically elected President Aristide will be smashed. The only hope for a voluntary transfer of power, as bleak as I believe that hope to be, is if the United States and the international community present a clear, sustained, consolidated position demanding that there be such a transfer back to the legitimate government in Haiti.

Every time we send a signal that there is fracture and division and discord in this country, we make it even

less likely that there will be a diplomatic resolution of this issue. We make it more likely that we will be faced with either abject surrender or the use of military force.

The second likely consequence of the adoption of this resolution, Mr. President, is to unleash a reign of terror in that country that even pales that which is occurring today.

We have seen this week that the illegitimate regime told to the 100 United Nations and Organization of American States observers: "Out. 48 hours. Pack your bags and leave."

I personally think that the international community made a very serious error in accepting that order to leave. The policy of the international community had been not to recognize orders of this illegitimate regime. The policy of the international community had been to provide a presence inside Haiti to give some degree of protection to the people of Haiti. At least these acts of violence would have a capacity to be reported from a credible source and the world community informed as to what is happening in Haiti. As a result of the international community's acceptance of this demand to leave, we have lost that capability.

Now, if we were to pass this resolution and send a signal that there is division within this country and that we are going to be incapacitated to act for an indeterminate period, I believe that we would have blood on our hands, as we would be a coconspirator in a plot to butcher the people of Haiti.

Third, Mr. President, I believe a consequence of this action would be to undercut our leadership in the international community. We have had many debates on this floor in recent months on the issue of Bosnia. One of the recurring themes in those debates has been that Bosnia should be the special responsibility for leadership of the European community. Bosnia is a European state. Europeans are going to be particularly affected by the consequences of what occurs in Bosnia. Europeans have been the ones who have been willing to step forward and place some of their troops on the ground in Bosnia.

I believe that that is an appropriate assignment, a primary, regional, continental responsibility.

In that same light, Mr. President, I believe that the United States has a special role in the Western Hemisphere. Throughout our history, we have taken an interest and a leadership position in terms of shaping policies for the Western Hemisphere. Many of those past actions are now legitimately subject to criticism. Maybe they were overreaching and overbearing and created the concept of the ugly American in Latin America.

But today, Mr. President, we hope that we are embarked on a new course and that the fundamental premise of our policy in the Western Hemisphere is to support the development of functioning democratic governments which respect the rights of their people and provide a basis in which there is some hope for a prosperous future for their and future generations of our fellow occupants of this New World.

If we were to adopt this resolution, Mr. President, in the face of our commitment to the United Nations and the Organization of American States, I think that we would be essentially abdicating, certainly raising serious questions about, the credibility of U.S. leadership and influence in this region of the world.

Mr. President, I believe there are serious adverse consequences to adopting this resolution. This is not a free vote.

Mr. President, in conclusion, let me raise what I consider to be the most serious implication of this debate and this issue which is before us, and that is as another example of the shattering of the concept of bipartisanship in foreign policy.

We have been joined by my good friend from Arizona. I know we disagree on this issue, but I respect Senator MCCAIN, and we have spent more time together than maybe he would have preferred. But I know that he is deeply committed to the belief that, when the United States speaks to the world, it should speak with a single voice.

Yes, we are going to have debates like this in arriving at what that voice will be, but, once the issue is joined, that we are all Americans.

I believe that there is the basis of this position in some previous statements that have been made by Senator DOLE. You will recall in the fall of 1989, there was an attempt to overthrow then General Noriega from his despotic position in Panama. The effort at that overthrow failed and there was considerable criticism directed at President Bush for the failure of the United States to support those who were involved in the coup.

According to an article that appeared in the Congressional Quarterly in December of 1989:

> Senate Minority Leader Bob Dole spoke for many Republicans—

And I am now quoting from the article—

> Who lamented the administration's hesitancy to get directly involved in the anti-Noriega insurgency, but who blamed a decade and a half of congressional effort to restrict the use of military or paramilitary force overseas.

And now quoting Senator DOLE:

> A good part of what went wrong * * * did not happen last weekend. It started happening many years ago when Congress first decided to start telling the President how he ought to manage a crisis.

I think there is some wisdom in that statement; that we have to put aside whether we are Republicans or Democrats and recognize that we are Americans with a responsibility for this Nation's position of leadership and the special role that the United States has played throughout its over 200-year history as the prime example of a Government of, by, and for the people.

I think we ought to have a debate about American national interests. Is there a sufficient United States national interest in Haiti for us to be involved at all? Should we have our role in the economic sanctions and as a political isolation, which are our current policies? Should we be prepared to go beyond those current policies? What is our interest in Haiti?

I would like to briefly suggest, Mr. President—and I hope this would become the basis of further debate as we form our opinions on Haiti and as we use this as a basis of forming opinions as to what our interests are in this post-cold-war era—that the United States has a number of critical interests at stake in Haiti. Let me suggest a few of those interests.

Just a few years ago, you could have counted on the fingers of your hand, with several fingers left over, the number of democracies in the Western Hemisphere. This was a very unstable and violent place.

We can all recall the pictures from countries like Chile and Argentina, where depravation of basic human rights and flagrant homicides were a regular part of government action to intimidate its people.

Today, Mr. President, every country in the Western Hemisphere is democratic except for Cuba and Haiti. I believe that it is very much in the interest of the United States of America to maintain this movement towards democratic governments in the Western Hemisphere. It is those democratic governments with which we can have peaceful, productive, relationships, political, cultural, and economic. It is that stability within this region which will limit the instances in which we will have to have a debate such as we are engaged in today.

The reality is that because so many democracies in the Western Hemisphere are both new and fragile, that they are also vulnerable. All over this hemisphere there are the sons and the grandsons of former military dictators who are waiting in the barracks, waiting for a signal that it is permissible to institute an old-style military coup. And their eyes have turned to Haiti as an example of whether the international community is in fact prepared to be faithful to its commitments to support democratic governments.

I suggest if we fail this test that what we have already seen in countries such as Venezuela, which has had two military coup attempts since the deposing of President Aristide from Haiti, in Guatemala, which almost had another, that we would see those as

just the beginning of a chain reaction of assaults against fragile democracies within this hemisphere.

You talk about the danger that is involved in dealing with this current crisis in Haiti, and the danger that may befall some civilians within Haiti. I suggest the greater danger is to allow the signal that it is acceptable in 1994 to continue to have a military regime which acquired power not through the legitimacy of the ballot box but through the force of the machinegun.

Second, we do have an interest in human rights. We just passed the Fourth of July where many of us participated in patriotic observances. The Declaration of Independence was widely read around the smallest villages to the biggest cities of our country. That statement of basic beliefs in the rights of mankind was not written by Thomas Jefferson to only refer to the relatively small number of colonialists who lived along the Atlantic seaboard. It is a statement of universal principles. It is a statement which has guided U.S. foreign policy throughout our Nation's history. In my opinion it has guided our foreign policy when we were acting to our greatest national benefit.

We have within our own neighborhood—not thousands of miles away in Somalia but in our neighborhood—an example of horrendous human rights abuses. Every principle that Thomas Jefferson asked this Nation to stand for is being violated on a daily basis in Haiti. I believe that ought to be of concern to us.

I believe that a sense of compassion is an appropriate quality in a great Nation's foreign policy. When bad things happen in Haiti we are not going to be immune from the consequences of those evil deeds. We see it most dramatically in the thousands of Haitians who are leaving that country. Some 50,000 have left the country since the coup in September of 1991. The numbers have accelerated in recent weeks as the conditions inside the country have collapsed.

We are going to pay a heavy price for those refugees. We are going to pay a heavy price, whether we decide to provide safe havens or admit them into the United States.

Haiti has also become a significant transshipment point for drugs. Drugs that used to flow through other places in the Caribbean are now coming through Haiti into the United States, showing up on the streets of Milwaukee as well as Miami.

We are paying a price for what has happened in Haiti. We are not immune to the adverse consequences.

I believe we do have interests in this country which warrant the firm resolve that our President is now proclaiming. I believe we have interests that warrant us not adopting a resolution that will clearly be seen as a signal of a lack of that resolve; of a withdrawal of any hand of hope and friendship to the mass of people of Haiti.

I hope we will use this debate as a serious effort to begin to restore the principle of bipartisanship in foreign policy. There are serious issues here, issues that affect the future of our Nation and the world; issues which affect the lives of individuals who have been caught in the hell that today is Haiti.

I hope the Senate, in its wisdom, will defeat this resolution. I hope by maintaining a constancy of position, that we might be able to achieve our goal of restoration of democracy in Haiti without the resort to force. I hope, should we find that desire is not possible of achievement, that we would abstain from the temptation to accept surrender and abdication to this group of international criminals who have taken over the sovereignty of Haiti; that we in the international community would be prepared to stand for the values of human dignity and respect and the democratic process as the surest means of protecting those human values.

That is what I believe is at stake in this issue. We would take a serious step away from those important commitments by adopting this resolution. I urge my colleagues to vote no.

Mr. WARNER. Will the Senator yield for a question?

Mr. GRAHAM. I will yield for a question.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Virginia.

Mr. WARNER. The Senator from Florida and I attended a briefing yesterday given by the Secretaries of State and Defense, our distinguished Ambassador to the United Nations, Madeleine Albright, and Tony Lake, the National Security Adviser; a briefing that took place for almost 2 hours.

The distinguished Senator from Arizona was present. I know the distinguished Senator from Connecticut and the Senator from Vermont, who are here on the floor today, were also present.

But as I left, having listened very carefully to a free and open dialog between some 20-odd Senators and these key administration officials, I asked myself, was there a clear expression of the justification for the United States to invade Haiti?

Candidly, Senator, I did not find it in that briefing.

The matter is classified so we cannot go into specifics. But I did not leave with a clear understanding. I would like to ask the Senator if he left with a clear understanding of the justifications that the administration would allege for any decision to invade Haiti?

There was a discussion about preserving democracy in this hemisphere. If we look at the U.N. Charter, there is no clear mandate for the nations of the world, and particularly the nations that are part of the Security Council, to send forth their forces in support of the cause of democracy. I could show where there are 60-odd places on the globe today where conflict is taking place, human rights being violated, casualties, human suffering of enormous proportion—60 today, compared with a mere 30 such places 6 years ago—demonstrating how all over the globe the world is becoming a more unstable place.

But I ask the Senator, what was the clear justification that the Senator from Florida may have received that the Senator from Virginia did not receive, as to the basis for the United States intervening militarily in that nation?

Mr. GRAHAM. Senator, I must not have been even as vaguely articulate as I tried to be in my earlier statement. Because in part I was attempting to restate what the President has said publicly, and what we have heard in other forums as to the basis of the United States interest. This is not an issue which is a question that you can convert to numerical certitude.

It is an issue that finally comes to one of values and judgment. Is it in the United States vital interest that the principle of democracy in the Western Hemisphere be preserved? You can debate that issue.

I might point out to my friend from Virginia that on June 5, 1991, during the administration of President George Bush, the United States supported and voted for a resolution called the Santiago accord, which was adopted by the Organization of American States which stated in its preamble that the charter of the Organization of American States establishes that representative democracy is an indispensable condition for the stability, peace, and development of the region. And under the provisions of the charter, one of the basic purposes of the OAS is to promote and consolidate representative democracy.

Mr. President, I believe that the United States, in many forums, has taken a position that democracy in this hemisphere is a matter of vital national interest. I also state that the eloquent words of your fellow Virginian, Thomas Jefferson, I believe, established that one of the principles—the way in which the United States acts in a world, a principle we have acted upon on many occasions—is to protect those inalienable rights which he declared to be universal.

I also believe that protecting the United States from the adverse consequences of the deterioration in Haiti, whether it be drugs or refugees, is in the interest of the people of the United States of America.

Mr. WARNER. If you wish to quote Thomas Jefferson——

Mr. McCAIN. Regular order, Mr. President. I ask for the regular order.

Mr. WARNER. If I can have 1 minute, I will sit down, Mr. President.

Mr. McCAIN. The Senator has not yielded the floor. Otherwise, I ask for the regular order. Some of us have been waiting to talk for some period of time.

Mr. WARNER. I apologize to my colleague. If the Senator will yield for one question. He quotes Thomas Jefferson. I would like to quote Senator NUNN, chairman of the Armed Services Committee, appearing on national network this morning. I quote him:

When I think about whether to invade Haiti, I think we have to carefully think about what our mission is going to be. If the mission is to alleviate the refugee problem, then I think we first ought to try adjusting the sanction policy. If the mission is to protect American lives right now, they're not under threat.

And the Senator and I know from the intelligence briefing this is a correct fact.

If they come under threat, we have to be prepared to move rapidly. But if the mission is to restore democracy, that's a different mission. It's not primarily a military mission. It's a nation-building mission, and we need to think through that one very carefully.

And, I say to the Senator from Florida, that is the purpose of the commission recommended by the distinguished Senator from Kansas [Mr. DOLE].

Mr. LEAHY. Will the Senator yield for a question?

Mr. GRAHAM. Could I answer the question, if there was a question? It is not my position that the Haitian issue is resolved when the military, illegitimate regime is deposed and the democratically elected President restored. That is a necessary prerequisite for what must follow, not the last chapter. Some of those things that need to follow after that were laid out in the Governors Island accord. We need to have an international presence in Haiti in order to create a passive environment in which democracy and its institutions can begin to function again.

I might say that it is going to make it more difficult to create that international peacekeeping course if we adopt a resolution such as this.

Second, it is going to be necessary to have a very effective political reform, starting with the separation of the police from the military, and economic reform, starting with creating the stimulus for the private sector to commence activities again in Haiti, if the benefits of democracy are going to be realized.

So I agree that the military use, which is a use that nobody wants to have, is not an attractive option. It just happens to be, in my judgment, the only option we are going to have other than surrender, and it is not a substitute for those steps economically and politically that will have to follow. It is a necessary prerequisite to those steps.

Mr. LEAHY. Will the Senator yield for a question?

Mr. GRAHAM. Yes.

Mr. LEAHY. Especially while the Senator from Virginia is also on the floor. The Senator from Virginia asked a question whether the meeting yesterday was justification for an invasion.

Was it not clearly stated at that meeting, in answer to a specific question that was clearly stated by the Secretary of State on behalf of the administration, that they oppose the amendment now pending before us?

Mr. WARNER. Mr. President, if the question is directed to me——

Mr. LEAHY. It is directed to Senator GRAHAM because he had the floor.

Mr. GRAHAM. I was not present when that question was asked, but I know from subsequent inquiry that, in fact, the administration opposes this proposal for basically the reasons which I attempted to articulate.

Mr. LEAHY. I wonder if the Senator from Florida had an opportunity to hear part of the discussion this morning when I laid out that by the normal time it would take to get through this bill, conference and so on, that this study would actually come back, in all likelihood, after we have recessed for the November elections, and if that is the case, would the Senator agree with me that we really would not even be debating this issue probably until some time in February or March of next year?

Mr. GRAHAM. I agree with the Senator, and I will state again what our distinguished colleague, the minority leader, stated in reference to the Panama crisis, that a contributing cause to that crisis was "when Congress first decided to start telling the President how he ought to manage a crisis."

I believe the best chance of our getting through this crisis without having to use force is if we speak with a single, firm voice to the military leadership in Haiti and they, in fact, believe that we are serious about the necessity of their removal.

Mr. LEAHY. And moving to my final question—I ask this as manager of the bill—while every Senator will make up his or her mind based on what he or she feels, and not what anybody else tells them to do, is it not a fact that the military ruler of Haiti, General Cedras, has stated his support of this amendment while the President of the United States has stated his opposition to it?

Mr. GRAHAM. On national television last night on NBC, General Cedras endorsed the principle of this resolution, which comes as no surprise. It is very consistent with his own self-interest.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, to pick up on that, President Aristide has come out in opposition to any U.S. invasion. So if we are bound by the views of foreign leaders, then I suggest that we then would not invade Haiti since the elected President Aristide has come out against it.

Before the Senator from Florida leaves the floor, I would like to, again, voice my respect for his knowledge, his articulate and impassioned arguments for his side. I have found it a very educational experience debating him on many occasions in the past few weeks. I do believe that we share the same goal, and that is the restoration of freedom and democracy, not only in Haiti but throughout our hemisphere. I want to repeat my respect for his ample and articulate expression of his point of view.

But I would also like to pick up with a little different view of something that the Senator from Florida was just discussing, and that is bipartisanship. I regret to tell the Senator from Florida and my colleagues that one of the reasons why I am in strong support of the Dole amendment appointing the commission is because there has been virtually no bipartisanship in addressing this issue.

I just asked the Republican leader if he has been consulted in any way, asked his views of the Haiti situation, asked his recommendations as to what should be done in Haiti, and his answer was no.

Speaking for myself, which probably is not too important, nor have I, nor has any Republican Senator, that I know of, been consulted in any way.

I point out to my colleague from Florida, and my colleagues on the other side of the aisle, that did not characterize the previous administration's response to crises.

Now, we all have a problem with the fact that the War Powers Act, which is a law that this body passed and overcame the veto of the President of the United States, has been routinely disregarded. I think it will be disregarded again in the case of an invasion of Haiti. But on this issue, and Bosnia and Korea, there has been no bipartisan consultation, and it is time that the White House woke up and started, if not consulting with the Senator from Arizona, which I do not expect, certainly they could consult with the Senator from Kentucky, the Senator from Kansas, and other leadership of the Republican Party. I suggest they do that soon, and if they had done that, they might not be facing what in all candor, Mr. President, is a very difficult vote not for those of us on this side of the aisle, but for those on the other side of the aisle.

So I urge my colleagues to tell their leadership in the executive branch, let us sit down together and discuss these issues.

Mr. LEAHY. Will the Senator yield for a question?

Mr. McCAIN. I will be glad to yield to the Senator from Vermont.

Mr. LEAHY. Was not the Republican leader invited to the consultation that the distinguished Senator from Virginia [Mr. WARNER], and others, were discussing that was held yesterday?

Mr. McCAIN. I would be more than pleased to answer that question because I was there, I tell my friend from Vermont. Frankly——

Mr. LEAHY. We sat beside each other.

Mr. McCAIN. I am astounded he would ask. There was no consultation. It was a briefing, in fact. As the Senator from Vermont knows and I do, too, it was a briefing which could easily be seen on any of the major networks or read in any newspaper or magazine in America. I learned zero, zero, in additional information that was conveyed there. And there was no request by any of the individuals there for any advice or input or counsel from the Members who were in attendance. I think my friend from Virginia will agree with that.

So, yes, questions were asked. Questions were asked. No advice or counsel was requested nor, frankly, did the environment lend itself to that.

I say to my friend from Vermont, he knows as well as I do, the way to consult with people on this issue is to call them down to the White House, sit around a table or, as the Senator from Vermont told me he did in a previous administration, go up to private quarters, sit there, and have a free exchange of ideas and views. That is the way that we can consult in a bipartisan fashion.

Mr. LEAHY. Will the Senator yield for a further question?

Mr. McCAIN. I will be glad to yield.

Mr. LEAHY. The Senator knows, first off, that I feel this is an issue that should have significant consultation, to be sure, as I have said both on the floor and privately. And I wish the administration would make a stronger effort at consultation with Members of both sides.

But does the Senator also not agree with a suggestion made by me in response to a speech by the Senator from Pennsylvania this morning that maybe a better way to do this would be to have, not as an amendment to this appropriations bill, a freestanding resolution under a specific period of time, a couple days or whatever it would take, where we debate whether the Congress would grant the President authority to invade or not to invade, somewhat similar to what we did prior to the Persian Gulf war?

Would the Senator agree with me that a better procedure—I am not asking him to back off from his support of this resolution—but a better procedure would be that both bodies might debate something similar to what we did in the Persian Gulf war and debate whether we in the Congress, with our duties and responsibilities of warmaking, debate whether yea or nay, the President can do it if within his judgment as Commander in Chief he thinks he should or, no matter what his judgment is, the Congress would not allow him to do it?

Mr. McCAIN. Mr. President, in response to my friend from Vermont, first of all, let me say that in my dealings with the Senator from Vermont, he has always been bipartisan on these issues. We may have disagreed on numerous occasions, but there has been consultation and discussion. I was speaking, obviously, of the executive branch.

But the problem with the proposal of the Senator from Vermont is that that would have to be triggered by a request from the White House for authorization. Otherwise, I think we would be acting in an unconstitutional manner.

I voted against the amendment that was offered by my colleague from New Hampshire that prevented the President of the United States from going into Haiti militarily not because I want the President to go in militarily—and there are other Members in the Chamber in agreement with me—but because it violated constitutional principle.

So if we somehow got to debate here—let me just finish my answer to my friend from Vermont. If we debated whether we should authorize the President to invade Haiti or not without the executive branch requesting that, then I think we would be turning the process on its head.

Mr. LEAHY. I am sorry, I say to my friend from Arizona; I did not state my question as well as I should. I am presupposing such a request from the administration.

Mr. McCAIN. From the White House.

Mr. LEAHY. In other words, I am saying—and I realize this is not the situation before us—would not the best situation be that we do it similar to the Persian Gulf: There be a request; we have a debate in both bodies within a compressed period of time, something realistic, a couple days or so, and then vote either for it or against it?

Mr. McCAIN. I say to my friend from Vermont that would be an ideal situation. My understanding is that the administration says it is not contemplating an invasion at this time, so therefore it would put the administration, obviously, in a very awkward situation.

I agree with the Senator from Vermont; the best of all worlds would be if the executive branch came—after I answer the Senator from Vermont, I would like to respond to the Senator from Connecticut—if the executive branch came and said we want authorization to use whatever force is necessary in Haiti to protect American lives, restore democracy, stop the flow of refugees. I think that would be the best of all worlds, I say to my friend from Vermont.

Mr. DODD. Will my colleague yield?

Mr. McCAIN. I yield to the Senator from Kentucky. Then I will yield to my friend from Connecticut. He was waiting first.

Mr. McCONNELL. I thank the Senator from Arizona.

The Senator from Vermont expresses a view that I mentioned to him privately a few moments ago. If we had been in fact consulted, as the Senator from Arizona asserts—and he is correct; we have not been consulted—the advice I would have given, I gather from listening to him, the chairman of the subcommittee would have given, and I am rather confident the advice the Senator from Arizona would have given is come up here and ask us for the authority. Come up here and ask us for the authority.

My guess is that the authority would be granted. I might even vote for it. And then the administration would have that option, just as President Bush had that option, which they might or might not choose to use. It would be there. But that way we would have a sense of leadership from the administration, which I gather is exactly what the Senator from Arizona is saying.

I am going to vote for the Dole amendment. I think it is a good amendment. But had I been consulted, I would have said to the President: Send up a resolution; let us have a good Persian Gulf-type debate; make your best case that you would like to have the military option; and my guess is Congress will give it to you.

I thank my friend.

Mr. McCAIN. I will briefly respond to the Senator from Kentucky and, before yielding to the Senator from Connecticut, make two quick points. There is a lesson from this debate that I hope the executive branch receives. That is, let us sit down and consult together. Some may not believe it, but most of us are not comfortable in leveling criticism at the administration on the conduct of foreign policy because we still believe in the old adage of partisanship being left at the water's edge. But we also have the overriding national interest which causes us to speak up.

My second point is, especially given the presence on the floor of the Senator from Connecticut, as well as the Senator from Rhode Island, that we need to sit down in a bipartisan group and work out this issue of the War Powers Act. We have violated the War Powers Act. We are telling the American people we pass laws that we are supposed to abide by and we do not; and we pass laws that they are supposed to abide by and when they do not, they are punished.

And so I would urge, especially with a lot of the collective knowledge we have in this body, that we try again to modify the War Powers Act so that it is a workable document rather than a law which is passed and fundamentally ignored, which I think erodes people's confidence in Congress.

I would like to yield, without losing the floor, to my friend from Connecticut.

Mr. DODD. I thank my colleague from Arizona. I did not want to disrupt his thought. I knew he wanted to point out the issue of consultation. And again, I do not know if anyone objects here, but I think for purposes of the RECORD, it is noteworthy to point out since January 1993, on the subject of Haiti, we have had 27 hearings and briefings in the Congress.

I held two of them. One was an all-day hearing on Haiti just a few weeks ago; in fact, twice in just the last several months.

I point out to my colleagues again—and I know people are busy—other than the ranking minority member, Senator COVERDELL of Georgia, no one showed up; nor did I have any requests other than from the Senator from Florida to testify before the hearing. The hearing is not a consultation per se. But clearly the administration was there testifying at great length about it. That is an opportunity granted, a public forum, but, nonetheless, an opportunity to ask questions, to raise issues about various policies.

Twenty-seven hearings and briefings are not insignificant. I point out again, knowing there are busy schedules, when you have an all-day hearing inviting people from all different points of view to come and you get one colleague to show up, it certainly does not bode well when you get the issue about consultation and concern about the matter. So I really make that point because it is, I think, worthwhile to note.

I apologize to my colleague.

Mr. McCAIN. Mr. President, I say to my friend from Connecticut that he makes a very valid point. This issue has been ventilated through congressional hearings and by the Senator from Connecticut, who has a very important position on the Foreign Relations Committee. It has been certainly well ventilated in the media.

But hearings and briefings, I know that my friend from Connecticut knows, are different from bipartisan consultation where people sit down and solicit the views of one another and try to have a consensus. We never achieve consensus in a hearing. We achieve consensus by sitting down with the same goal in mind that opponents as well as proponents of this amendment share and trying to work out something that we can go and stand in front of the American people with and say we agree on this course of action. We have been able to do it in the past. I hope we can do it in the future.

Mr. President, by the way, the Senator from Connecticut is as well versed on this hemisphere's issues as any Member of this body. I think he has played an important and vital role in informing the American people through his chairmanship of the subcommittee with jurisdiction on this issue.

Mr. President, I want to mention several reasons why I believe it is important to pass the Dole amendment.

Fundamentally, the overriding reason is that I believe we are lurching towards an invasion of Haiti. We are lurching towards that debacle without the full consultation and approval of the American people, without proper consultation with Congress and, in my view, without proper examination of what is at stake and what the consequences of an invasion of Haiti are.

Mr. President, I do not say those words lightly. I think that the Senator from Florida—and I know the Senator from Connecticut and others—can make a compelling argument of the terrible tragedies that are unfolding on a daily basis, hourly basis in Haiti; the human rights abuses, the refugee problem, et cetera.

But several questions must be asked, and among them are:

Have we a consistent policy towards Haiti?

Is it really a solution to continue to support Aristide, who, although democratically elected, has certainly conducted himself in office in a way which would give one grave and serious concerns about his return to power?

What should our policy be?

And, finally, as the Senator from Florida said, is it in the United States' vital national security interests?

I would like to address those briefly.

As far as the consistency in policy is concerned, we have reversed several policies regarding the situation in Haiti. They have changed very dramatically. They have served, in my view, to confuse our allies and to encourage our adversaries. As we all know, the first policy was that of candidate Clinton who said: "I am appalled by the decision of the Bush administration to pick up fleeing Haitians on the high seas and forcibly return them to Haiti."

The second policy was after President Clinton became President and he basically, after becoming aware of the hundreds of boats that were being built all over Haiti to bring refugees from Haiti to Florida on Inauguration Day, basically announced a policy identical to the Bush policy.

The third policy, and frankly the most disturbing one to me, Mr. President, is policy by hunger strike. After a hunger strike by an individual and pressures from the Congressional Black Caucus, the new policy proposed to process refugees on ships off the coast and in third countries. The new policy took effect on June 16, 1994, and then began a new flood of refugees, exactly what we sought to avoid.

Between June 16, when the policy changed, and July 7, roughly 14,000 Haitians were picked up at sea. That is a massive number, and, of course, one that would not be sustainable. We just could not at that level of refugees continue to find sufficient safe havens in order to accommodate them.

The fourth policy came this last Tuesday. This was a policy once again designed to stem the flow of refugees. And the policy was that refugees would be taken to out-of-country processing centers. If they were found to have a legitimate claim of persecution, they would be allowed to stay in the refugee camp. If not, they would be returned to Haiti.

This was backed up by statements from the administration such as the special envoy on this issue, Mr. William Gray, who said: "Those who take to the boats will not have resettlement possibilities in the United States."

One day later, apparently under pressure from the Congressional Black Caucus and others, a tougher policy designed to stem the flow was overturned for what could only be viewed as political reasons. Refugees would not have to prove a fear of persecution to stay in the third country refugee camps.

Mr. President, hopefully, a bipartisan commission could come up with a consistent policy as regards Haiti. You cannot conduct foreign policy lurching from one press conference to another. You cannot conduct foreign policy by making off-the-cuff remarks on one day intimating that military action in Haiti is imminent and on the next day saying it is not an option that is seriously considered. You cannot do it, Mr. President, without ending in the kind of debacle that we have today. These policy flip-flops are painting us in a corner for which the only exit is an invasion of Haiti.

Mr. President, I want to talk just a minute about Mr. Aristide because this policy has been consistent in one respect, and that is its insistence on the return of Aristide to power.

The State Department in a 1991 human rights report said that, under Aristide, "The government proved to be unwilling or unable to restrain popular justice through mob violence."

In January 1991, according to Msgr. William Murphy, of the Catholic Church:

A group of thugs, supporters of newly-elected President Aristide, went on a rampage. They destroyed the old Cathedral, gutted the archbishop's house, and then went on to the nunciature, home of the Pope's representative, where they completely destroyed the building, attacked the nuncio and his press secretary, broke both legs of the press secretary, and roughed up and stripped the nuncio, which was saved only by the intervention of a neighbor.

Did President Aristide do or say anything to oppose this action, and is there any evidence that his supporters carried it out?

In August 1991, the democratically elected Parliament of Haiti met to question President Aristide's Prime Minister Preval to consider voting no confidence in him.

According to a report by Donald Shultz and Gabriel Marcella of the Strategic Institute of the U.S. Army War College:

During these sessions, pro-Aristide demonstrators filled the public galleries. Some openly threatened to lynch the opposition. On August 6, the deputy was assaulted and beaten. The following day the crowd stoned a home of another. On August 13, a mob of some 2,000 people surrounded the Parliament screaming threats of "Pere Lebrun," which means necklacing, if the legislators voted to censor the Prime Minister. Two deputies were attacked. One of them was badly hurt. A mob torched the headquarters of the Autonomous Federation of Haitian Workers, and then went on to loot the offices of the Confederation of the Democratic Unity, burning barricades which were set up in various parts of the city. Public transportation was halted. Businesses came to a standstill. Parliament adjourned without issuing a vote on Preval.

The report goes on to say:

The government eventually moved to halt the government violence and restore order, but the message had been understood.

To oppose Aristide was to court mob retaliation. In the weeks that followed, political party members attempting to hold meetings were threatened with necklacing, effectively bringing party operations to a near halt. Mr. President, if this account is true, how does it square with the statement that restoring President Aristide is to restore democracy?

On July 26, 1991, a Captain Neptune, commander of the antigang unit of the police, arrested 5 Haitian youths in a supermarket parking lot in Port-au-Prince. According to reports, Neptune summoned an assistant second lieutenant, Richard Salomon, deputy chief of the antigang unit, who was the duty officer that evening. Salomon arrested the youths and, with three of his men, took them to the antigang office at Port-au-Prince headquarters, where they were severely beaten and shot at point-blank range with several weapons. They were executed in a sugar plantation near police headquarters. Despite pressure from Cedras for an investigation, Aristide publicly praised Salomon on September 11 and blocked the investigation. This terrible abuse of human rights is mentioned in the State Department's 1991 human rights report.

Is this report true? Did President Aristide publicly cover up the torture and murder of 5 Haitian youths? The same report claims that the Aristide government made no effort to investigate the death of an American citizen, Richard Andre Emmanuel, who was killed by mob violence in late February. Is this true? And has the Aristide government made any effort to identify the killers of this American citizen? Did President Aristide urge the use of necklacing in an address to students on Saturday, August 3, 1991? Did President Aristide, in an address to his followers on September 27, 1991, urge his followers, "If you want to shoot, go ahead"?

In this speech, did he urge his followers who were brandishing tires and machetes that they use necklacing as a weapon against their enemies? Did a pro-Aristide mob in Les Cayes necklace the Reverend Sylvio Claude, the head of Haiti's Christian Democratic Party, 2 days after this speech?

As you know, the Reverend Claude had been a prisoner under Duvalier and was one of the country's foremost defenders of human rights.

What evidence does the United States have in its possession that President Aristide ordered the September 1991 murder of Roger LaFontant in his prison cell? Are there transcripts of interviews of two of the participants in this murder, including the results of a lie detector test of one, which provide direct testimony that Aristide personally ordered this murder?

These are not idle questions, Mr. President. The American people may risk American lives to restore President Aristide to office. I suggest that a bipartisan commission should and would investigate these allegations, which are of the most serious nature, and perhaps force a change of administration policy, which I strongly favor, and that we do not insist on the return of Aristide to power. Instead, we call for a free and fair election.

I have a couple more quotes from the U.S. Department of State's Country Reports on Human Rights.

"President Aristide failed to condemn categorically all reports of popular justice through mob violence." "The Haitian Government repeatedly attempted to interfere with the judicial process or usurp it through mob justice." "On August 13, Parliament, as well as the officers of the number of Aristide Government critics, were attacked by mobs, who many observers believed were inspired by those close to the administration." "The most serious 1991 violation of freedom of travel occurred shortly after Aristide took office when hundreds of former officials of previous governments were subjected to a constitutionally questionable ban on foreign travel." "After his election victory, President Aristide and his supporters often excluded or intimidated their political opponents, or those perceived as such."

I believe that a bipartisan commission would look very carefully into those charges.

Mr. President, we need to ask ourselves two more questions: What is the effect of the present policy? The effect of the present policy in Haiti is to ratchet down conditions on poor, hungry, starving Haitians, who are faced basically with two choices—starving to death, or getting on boats and going to sea in hopes of finding someplace where they can find food and a place to live decently. It is these sanctions which inconvenience the Haitian leadership and prevent them from flying to Miami and shopping that are causing the death and starvation of innocent women and children in Haiti.

Mr. President, it is hard to justify that in exchange for the return of Mr. Aristide to power. So let us remember what the effect of this policy is: One, the sanctions are causing the starvation and death of innocent Haitians. The rich people in Haiti are not starving. In fact, the ability of essential supplies to come in to feed many of these people has been dramatically impaired.

The second effect of this policy is to drive us to a situation where one of several things happens. First, an American citizen is attacked somewhere in Haiti. Therefore, the United States, with its Marines, is ready to invade in order to "protect the lives of American citizens." Second, that because conditions are so bad, and the refugee problem so large, that we must find it incumbent—since we have no other place to cut the continued flow of refugees—to go overthrow the government and put President Aristide back in power.

Mr. President, the question must be asked not whether we can overthrow the Haitian Government. We can do that in 6 hours or less. The U.S. marines could overthrow that Government in a New York minute. But once we are in power, how does the United States then run that country? How does the United States of America restore democratic institutions where there have never been democratic institutions? How does the United States of America react when the first mob forms and begins throwing rocks at the U.S. Marines? How does the United States react the first time a bomb goes off in a cafe or a hotel where American troops are quartered? I think our previous experiences in Beirut and Somalia indicate what the answer to that is.

Advocates of the administration policy will say: Oh, well, bring in a multinational group, and they will take over within a short period of time, and they will be able to run the country. That presupposes that there will be democratic institutions that can be run. That presupposes that all the animosity generated by an invasion by a foreign country will have dissipated. That presupposes that all of those Haitians that are presently in the Haitian military, who will simply have taken off their uniforms and melted into the local population, will no longer resist an American occupation. We have also learned, sadly, in Somalia and in other countries, that there is really only one military unit, one military organization that is capable of exercising the kind of discipline and military capability to keep things under control and even then not without casualties.

So, Mr. President, if we invade Haiti, we should not only think of the initial effect, which I predict would be a rallying around the President on the part of the American people, it would be a long, drawn-out experience, not unlike that which we underwent between 1915

and 1934. I have heard it said on this floor that it is not the same as it was between 1915 and 1934. Mr. President, it is not the same, but there is an enormous chilling number of similarities between Port-au-Prince today and Port-au-Prince in 1915. There were no democratic institutions. There was violence in the streets. There was a condition of anarchy which made Woodrow Wilson feel as some in the administration feel today, that the way to take care of all of these problems was to have the United States invade. Frankly, I think that that would be a very serious mistake today, as it was then.

Finally, Mr. President, and I know there are others who are waiting to speak, we have to ask ourselves again, is it in the United States' vital national security interests?

I certainly understand the arguments of the Senator from Florida concerning refugees. I certainly understand the arguments other Senators are making here that we want to have democratic governments in countries in our hemisphere.

With all due respect, I would say to my friend from Connecticut there was a very different view about restoration of democracy in Nicaragua and restoration and maintenance of democracy in El Salvador by those who are interested in having an invasion of Haiti in order to restore democracy there.

There were those of us, and I was heavily involved in this debate for many years, who thought that support with arms and ammunition and supplies for the freedom fighters in Nicaragua was an appropriate method as opposed to invasion.

I never supported the United States invasion of Nicaragua. There were those of us who felt that aiding El Salvador, in assisting them against an insurgency which was at least to some degree orchestrated and assisted from Cuba, did not require a United States invasion.

Now we find ourselves in a curious situation where there is a country that does not have democratic institutions, where there are human rights abuses, and people are calling for an invasion. It is a curious reversal of priorities in my view, Mr. President.

So are the United States' vital national interests at stake here? They could be, I guess, if things got bad enough, if there were enough people starving to death, if there were enough people being killed, if American citizens were being killed because of the desperate straits of the Haitian people, possibly. But if we adopt different policies and if we do not invade that country, I think our chances of achieving our goals are greatly enhanced.

I was in a debate with a Member on the other side of the aisle some time ago, and I said we must respect the lessons of history in Haiti. He said, well, that was history. That was a long time ago.

Mr. President, our only guide to the future is things that happened in the past. We must examine our future plans in light of our experiences, as well as our knowledge of the present. Otherwise, we have no way of knowing what future actions to take.

Finally, again, I would like to reiterate my strong recommendation that domestic politics not drive foreign policy and national security policy ever again. No matter who goes on a hunger strike, no matter who feels one way or another, our policy should be driven only by what the U.S. national security interests are.

Let us address this issue in a bipartisan fashion. I know that I speak for every Member on this side that we want to consult, we want to advise and consent, which is the role of this body and the Members of this body, and hopefully we can stop this sharp division which is afflicting our country, as well as this body, over our Nation's policy toward Haiti.

The PRESIDING OFFICER (Mr. PELL). The Senator from Connecticut.

Mr. DODD. Mr. President, let me just take a couple minutes, if I can here, to focus on the matter before us, and that is the wisdom of a commission.

We have had ample opportunity, and will I presume over the coming weeks and months, to debate policies in Haiti. Let me just say to my colleagues that I, for one, have not been an advocate for the use of military force in Haiti and have said publicly from the very beginning what my hopes would be. In fact, I felt very strongly that a well-designed sanctions effort ought to be able to produce the desired results. If it cannot work successfully in Haiti, we ought to scrap sanctions as a policy everywhere in the world. If it cannot work in this country under these circumstances, given the dependency of this little nation on Europe, the United States, and Canada, then sanctions as a foreign policy instrument ought to be forever relegated to the junk heap.

But I believe sanctions can work. I do not think that the military invasion of Haiti is warranted. That may change. I would not remove the military option as a potential policy option. I would not take it off the table. I never did during the 1980's in Central America. I never believed you ought to ever say what you would never do.

But in the particular case of Haiti, it seems to me we ought to be at least rallying around the sanctions policy, particularly when the military option is not one with which any of us agree. I have not heard anyone say they are for using the military option at this time.

If that is the case, then what can we do to try to change the situation in Haiti? We can rally international support, which this President has done. He has succeeded in garnering United States support for a resolution at the United Nations condemning the actions of the present holders of power in Haiti for throwing out the freely elected government. Similar support has also been forthcoming from the OAS.

Why is it, in this institution, we find it so difficult to rally around at least some points on which we agree? The imposition of sanctions ought not to create this kind of debate.

The future use of military force is obviously left for future debate.

I was informed at 2 o'clock in the morning by then Secretary of State James Baker when the Bush administration sent troops into Panama. At the time of the call they had already landed. That is all the notice I got in the previous administration. Is that the kind of consultation to which my colleague refers? I went to the national media and supported President Bush's decision. I supported the use of force in Panama in that instance.

And I supported President Reagan's decision to use force in Grenada.

There were no commissions formed in either instance. We all knew what was happening in Panama. This did not happen overnight. There was great concern about Noriega, about the safety of American citizens, about the security of the Panama Canal, and about the security of United States military forces there.

But I did not hear anybody in the body get up and offer to set up a commission on Panama. We all knew the deterioration in Grenada, the likely problems there. I did not hear anybody calling for a commission in either case.

Can anyone tell me as to any crisis where this body went around and formed a commission ahead of time? The only one I know of is the so called Kissinger Commission, and that was set up pursuant to an executive order by President Reagan. It was a Presidentially established commission to look at Central America and included not just Members of Congress, but representation from organized labor, the academic community, and recognized experts in the field.

So the notion of the commission as envisioned by this amendment is unprecedented. My colleague on the other side got up last week and properly pointed out that the amendment being offered by the Senator from New Hampshire to require prior congressional approval before any military action could be taken in Haiti was unprecedented and dangerous.

I would not suggest that this particular amendment offered by the Senator from Kansas, the minority leader, falls into that category. It is not a dangerous amendment. But it is not an amendment that we ought to be adopting because it will come back to haunt us. I guarantee you, at some point in the future, on some other crisis, someone on this side will get up and offer a commission for some future President. We need to think here.

My colleague just talked about history. We create history every day in this body. If you are going to suggest that we pay attention to history as we formulate our policies for the future, then you also have to be conscious of what you do as you write history.

If this amendment is adopted today, we are writing history for future Presidents and future Congresses, and it is an unwise step.

If you disagree with President Clinton on Haiti, fine. We will debate it and discuss it. But do not go around creating the precedent of establishing congressional commissions every time we do not like a foreign policy decision by the President.

Why not a commission on North Korea? Why not one on Bosnia? Why not one on Somalia? Why not one on Rwanda? Why not go to all 60 crises around the world and form congressional commissions? How ridiculous is that? How ridiculous is that, and at what cost to the American taxpayers?

Putting aside the issue of Haiti for the moment, and the merits or demerits of sanctions and future military action, the notion of establishing a congressional commission is a foolish idea and it ought to be, just on its merits, rejected summarily. We should move on and debate and discuss the issue of Haiti and other foreign policy issues as this forum provides us the opportunity to do so, and has historically.

So I hope that on a bipartisan basis, thinking about history, thinking about the future, thinking about future Presidents, that we will reject this amendment. Whether it is on Haiti, North Korea, Bosnia, or about any other place in the world, for an ad hoc congressional commission to all of a sudden become the forum of resolving the particular crisis of the moment is not a sound idea.

When it comes to the issue of Haiti itself, we ought to be able to develop a consensus around what policy makes sense. President Bush set the precedent in the Persian Gulf. He set the precedent of building an international response to the crisis in Iraq and Kuwait.

I think he did an incredibly fine job of not just acting unilaterally, which he would have been justified in doing, in my view, but he built an international response within the world community.

That took a lot of courage, a lot of hard work. It was tremendously painstaking to go through that process. His efforts set a new framework by which we would respond or try to respond to future crises.

In the case of Haiti, President Clinton has done much the same by going to the United Nations, by going to the OAS, by building the necessary international consensus.

I would think at least on the issue of sanctions, we all should be singing from the same hymn book. We should at least be trying to make that work. If my colleagues are so concerned about the use of military force in Haiti, then the one way I know to avoid that possibility is by strengthening the sanctions implementation, not by calling the very policy into question. We all know the problems with it—the Dominican Republic, the Haiti elite who seek to circumvent it. All the efforts made to thwart the effects of the embargo.

But you cannot, on the one hand, denounce the sanctions and say that it is a terrible thing that is going on in Haiti and also exclude the use of any kind of military force unilaterally or multilaterally down the road to deal with the problem.

What are the options at that point? Do we merely sit in the bleachers and watch one crisis after another unfold around the world and because of the cold war we do nothing; we absolutely do nothing? Is that the role of a great leader in the world? Do we lack the imagination and creativity to try and come up with some answers to these problems? That is the challenge of this body, to debate and discuss how you move forward.

I know of no significant debate over the conditions that exist in Haiti today. They are deplorable. I know of no one who argues of the importance of a deteriorating situation in a country that is 95 miles from our shore. We ought to be able to rally at least on those points.

I, for one, as I said earlier, am not enthusiastic at all about a military option here, for all the reasons that have been cited by people who are much more knowledgeable than I about the complications associated with military intervention.

But, again, I do not know of anyone who would disagree with me that we ought to absolutely eliminate that option from our potential options in terms of responding to this situation.

So, Mr. President, I will not spend a great deal of time on this.

I merely point out, by the way, that I do not know of anyone here who thinks that General Cedras and his bullies down there deserve any comfort and support from this institution. And yet, anyone who has read—and I will put it in the RECORD, Mr. President—the comments of General Cedras in response to the Dole amendment, his response was that he strongly supports it.

Now, my lord, that ought to be enough to cause concern here. Can you imagine?

Mr. WARNER. Will the Senator yield for a question?

Mr. DODD. I will in a second. Let me finish these thoughts and I will be glad to yield.

But those remarks ought to concern every single Member of this body, whatever else.

To provide some sort of cocoon of protection for the next 45 or 50 days here, that is just what this guy wants. That is what that crowd wants. If we are all in agreement that these fellows ought to go, that there ought to be a new chance in Haiti, then, on a practical level, having an amendment like this adopted would, in my view, even make it that much more difficult to achieve the desired results.

Mr. LEAHY. Will the Senator yield on that point?

Mr. DODD. Mr. President, I will yield to the Senator, if I could just finish this.

Mr. WARNER. The Senator agreed to yield to me.

Mr. DODD. I will yield to both.

I come back, again, Mr. President, to the point of—putting aside the issue of Haiti—establishing congressional commissions on each foreign policy issue before us would be taking an unprecedented step, in my view. It would be a grave mistake. Second, on the issue of Haiti, at least as to where we are today, this body ought to be speaking far more closely with one voice. I do not expect unanimity. I know that is impossible. But we ought to at least say that this is a deplorable, dreadful situation. Sanctions at least are an option which could avoid the use of military force and they may just produce the desired results.

On those notes, we ought to be able to strike some agreement.

With that, I am happy to yield to my colleague from Vermont, without losing my right to the floor.

I am still holding the floor.

Mr. LEAHY. Mr. President, I want to propound a unanimous-consent request, if I might.

Mr. President, I ask unanimous consent—and I understand this has been cleared on both sides—that the vote on or in relation to the pending amendment occur at 4 p.m. today, and that no second-degree amendment be in order.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have been here well over an hour waiting to speak. I do not object to when we set the vote. I would only ask that those of us outside the Foreign Relations Committee have the opportunity to speak when this colloquy is finished, with the list of questions apparently of the Senator from Connecticut, that others of us be allowed to speak. And if there is time for that, I will not object.

Mr. LEAHY. I just made the request.

Mr. KERRY. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. If we are going to have a fixed time certain, there are still people who want to speak. I am in the

same situation as the Senator from North Dakota. I would like to get a unanimous consent that at least embraces those that are here.

The PRESIDING OFFICER. What is the specific request?

Mr. KERRY. Mr. President, I ask the distinguished manager of the bill whether or not his request would embrace the Senator from North Dakota and the Senator from Massachusetts?

Mr. LEAHY. How much time do they want? I will make it that way.

Mr. DORGAN. Ten minutes.

Mr. KERRY. Ten minutes.

Mr. LEAHY. Mr. President, I ask unanimous consent that we vote 1 hour from now—that we vote at 4:05 p.m. this afternoon—on or in relation to this amendment, with no second-degree amendment being in order; that the Senator from North Dakota be recognized during that hour for 10 minutes; the Senator from Massachusetts [Mr. KERRY], be recognized during that hour for 10 minutes; and the Senator from Rhode Island, [Mr. PELL], be recognized for 5 minutes.

Mr. WARNER. Reserving the right to object.

Mr. DODD. Mr. President, parliamentary inquiry. Who has the floor?

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. WARNER. Reserving the right to object to the UC, Mr. President, I would like to be included in that, such that I could have no more than 5 minutes to entertain brief questions and a colloquy with the Senator from Connecticut.

Mr. LEAHY. Mr. President, and that the Senator from Virginia be recognized for 5 minutes.

Mr. WARNER. For the purpose of the colloquy with the Senator from Connecticut.

Mr. LEAHY. For whatever purposes.

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

Mr. DODD. Mr. President, I yield to my colleague from Virginia, if he has a question.

Mr. WARNER. I thank the distinguished Senator from Connecticut.

Mr. President, I would like to engage in a brief colloquy for the purpose of a question with the chairman of the subcommittee of the Foreign Relations Committee which embraces this hemisphere.

The question essentially arose out of a briefing we had yesterday. I have made reference to it before. I failed to indicate that the Chairman of the Joint Chiefs of Staff was also present at that time. It relates to the U.N. Charter.

Time and time again, there was an assertion that the situation in Haiti threatens democracy, threatens stability in this hemisphere. But, as I examine the charter, the chief purpose of the United Nations was to maintain international peace and security, to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace; in other words, to confront aggression.

Restoring democracy, in my judgment, was not one of the principles established in the U.N. Charter.

Now, if the United States invades Haiti and American lives there presently are not threatened—and there were no facts given to us in the Intelligence Committee or indeed in yesterday's briefing which, in the judgment of the Senator from Virginia, imply imminent danger to any Americans—and if other vital national interests are not at stake, there is a real question about the international legal justification for military intervention.

I do not see the instability in region resulting from the problems in Haiti. Truly, I am compassionate regarding the Senator from Florida and the problems of his State, as occasioned by the refugees, and such other nations and parts of the United States that have received an influx of the refugees. I am truly disturbed about the human rights violations. I am disturbed about many, many things, but it is not tantamount to the need for a U.S. invasion force to restore democracy.

The nation right next door, the Dominican Republic, conducted a democratic election for president in May of this year, May 16 to be exact. Now to my question: Did the disturbances and violations that were then occurring in Haiti in any way affect that election so as to destabilize it, prevent it from happening?

I say to the Senator from Connecticut, it did not happen. And, indeed, the normal orderly process of elections and governments in other nations in the hemisphere seem to be going forward.

Mr. President, I ask that of the distinguished chairman.

Mr. DODD. Mr. President, if I may reclaim the time, with regard to the elections in the Dominican Republic, the jury is still out. There continues to be great controversy over the conduct of that election. There may need to be additional elections in some areas of the country. As to whether the situation had a destabilizing effect on the Dominican elections, I do not think so, although the subject of Haiti was an issue during the campaign.

But by engaging even in a response to the question, I am not agreeing with the premise of the question of the Senator from Virginia, and that is that there is absolutely no justification on the grounds of potential instability or restoring democracy as a legitimate rationale for U.S. involvement.

Our colleague from Arizona recently raised the issue of the great concern expressed in this body during the 1980's about the $5 billion that was spent in El Salvador, along the deployment of a significant number of military advisers; and in Honduras where we had significant military presence as a result of our policy in opposition to the Government of Nicaragua. One might argue that these situations constituted a kind of intervention. It did not amount to a battalion marching into the country, but nonetheless it was not benign. The arguments made at that time for justifying the expenditure of funds and for deploying military advisers was primarily to help restore democracy in those countries and to protect them from having democracy denied them.

So I think we have to be careful about deciding here that these narrow concerns, only a canal or an oilfield, somehow, are the grounds under which we can exercise the option of the use of military force.

Let me quickly point out, and I want to emphasize—and I do not think we ought to go into the details of the briefing yesterday, but this Senator certainly left that briefing without any impression that this administration is on the brink of a military invasion in Haiti. In fact, they very much want the sanctions to work. They are not enthusiastic about sending military personnel into Haiti. I know honest people can attend the same meeting and leave with different impressions.

I have been in close contact with the administration. I have expressed to them my views as I have here on the floor. I do not think we need to use force to resolve this problem. At some point we may need to, but we do not today. So I think the more legitimate question is how do we make these sanctions work. How can we rally together here to express with one voice to the military leaders in Haiti that they should leave, and allow the legitimate government to return? We could provide invaluable assistance in that effort, instead of acting here as though we are divided over the issue of Haiti, which I do not think we are. I think we all would like democracy to come back. We would like to see the legitimate government restored in that country. We would like to see human rights abuses eliminated.

Why can we not speak about what we agree upon and send the message to Gen. Raoul Cedras and his cohorts in Haiti that this body, this United States Senate, is united in its determination to stand up for a freely elected government and a people living in a country that is being deprived of that basic freedom? That would be a great asset. Instead, we are debating something that is not even remotely close to occurring. That is not a great service in the conduct of foreign policy.

So, with all due respect, coming to the question of military force and justifications for it, I think, as other Presidents have done, you can find rationales. My colleague from Virginia

and I have seen that in the past—Grenada, Panama, the Dominican Republic—in the use of advisers, whether it is Vietnam, Honduras, or El Salvador, Panama, we have found justifications when it has been necessary to do so. But at this point, how about trying to figure out a way that this body can play a constructive and supportive role and bring about the desired changes we all seek in Haiti? That would be a far more constructive debate, in my view.

Mr. WARNER. I thank the Senator for his response to my question. As I listened to him clarify his remarks, the Senator is in support of the goals sought by the distinguished Republican leader in his amendment. Call it something other than a commission, it is consultation here in the Congress to answer the very question the Senator raises.

Mr. DODD. Mr. President, reclaiming my time if I can, I would just merely say to my colleague from Virginia, this is an unprecedented action, to form a commission. We did not form commissions on other crises. This is a subterfuge. This is designed to divert and to draw attention in a different direction here. We do not need a commission. We have had 27 hearings in the last year and a half in this Congress. I have held two of them. One of them all day long.

I say to my good friend from Virginia, I had only one or two Members on the Republican side show up during those hearings where there was extensive debate and discussion of all views. Where was the great interest in Haiti on those days?

All of a sudden there is a great interest in commissions and meetings and consultations. But the fact of the matter is when we do our work here and we bring together the experts, the knowledgeable people representing a wide array of ideas and perceptions and views, no one shows. All of a sudden it gets to be a minicrisis here and everybody has a great interest.

Mr. LEAHY. Mr. President, if I might, I am going to be very brief on this. We debated this yesterday. We debated it for hours this morning.

Let us not lose sight of what we are talking about. This is not a debate on whether we invade or do not invade. This is basically a way of giving an opening until next spring to Raoul Cedras. What this amendment does—let us not make any mistake about it—because of the congressional schedule, the amount of time it will take to pass this bill, go through conference, get the conference passed, get it signed into law, this commission would not report back until we have adjourned for the year and we would debate on it in February or March of next year. And that is why Raoul Cedras likes this amendment. That is why General Cedras is in support of this amendment. It is why President Clinton opposes this amendment. Because it gives a blank check to the rulers of Haiti; it removes all pressure from them until sometime next spring. They know it. Senators know it. The American people know it. That is why this amendment ought to be rejected.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I would like to use my 10 minutes under the unanimous-consent request.

I oppose the amendment offered by the Republican leader, Senator DOLE, for the reasons I think were well articulated by my friends from Connecticut and Vermont and by others. However, I would like to talk about the sanctions against Haiti for a moment, and about an amendment of mine on that subject.

Although I have sat here awhile and listened to this debate, I may be one of the few Senators who does not claim to know what we should do in Haiti. But I understand what we should not do in Haiti. We should not, in Haiti, add to the burdens of those who are hungry and those who are sick.

I support the international economic embargo. I understand the reason for the embargo. We are trying to bring pressure on a government that came to power by force and replaced someone who was elected at the ballot box.

I respect that embargo and support it. But I also understand a little about Haiti and conditions in which the Haitian people live.

I should say I do not claim to be an expert on Haiti. Many people here have traveled many times to Haiti. I have been to Haiti, but I am not a frequent visitor. The last time I saw Haiti was through an airplane window looking back as we took off.

You could tell Haiti from the Dominican Republic. The Dominican Republic half of that island was green, and Haiti was brown, because in Haiti these desperately poor people have cut down most of the vegetation for fuel. In places that used to be rain forests there are now deserts.

This is a country where there is the most gripping, wrenching, awful, desperate poverty I have ever seen in my life. These are people who are hurting badly.

And while I support this embargo, I understand the committee will accept an amendment I am offering that says:

> It is the sense of the Senate that the Secretary of State, the Secretary of the Treasury, and the Administrator of the Agency for International Development should expedite approval of valid applications for emergency medical evacuation flights out of Haiti and for humanitarian aid flights to Haiti, where such aid consists of food, medicine, or medical supplies, or spare parts or equipment for the transportation or distribution of humanitarian aid by nongovernmental or private voluntary organizations.

What does this amendment say? It says we want it to be within the power of our officials to expedite flights in and out of Haiti that are emergency flights, that evacuate people out or that bring desperately needed food and medicine in.

Why do I offer this amendment?

Let me quote from a newspaper piece.

You do not believe everything you read in the newspaper. I fully understand that. Let me at least give a description.

The headline reads, "Haiti's Tiny Victims. As Embargo Tightens, Hospital in Slum is Crowded with Malnourished Babies."

I have leaned over the cribs in this hospital. It is St. Catherine's Hospital. It is in Cite Soleil where people live in open garbage dumps and sewer pits. I have had a dying child lifted up to put her arms around my neck. She did not want me to leave. I was the only thing she had, and I was only going to be there 5 minutes.

The fact is, people in Haiti are suffering desperately for lack of food and lack of medicine.

> The children in the pediatric ward of St. Catherine's Hospital lay in tiny cribs, many with intravenous needles providing vital nourishment sticking in their legs because the veins in their arms had collapsed. Those who could, cried. Most lay silent and listless.

That is exactly what it is in that hospital. This hospital is not bad. I toured hospitals in Haiti that did not have doors. There are not enough hospitals, and in the hospitals, there is not enough medicine and not enough anesthetic.

My point is, yes, let us tighten the embargo against Cedras and the people who took power by force in Haiti. But let us make sure in every instance that humanitarian flights carrying medicine and food for Haiti get in and get out, and that we have people in our Government who will approve that with and through the United Nations.

Two organizations that fly supply missions to Haiti have flown one flight each since early May. They used to fly several times a week. Twenty medical teams who have been planning the work in Haiti have had to cancel their plans because they knew flights had been shut down. This is a country where 51 percent of the children are malnourished; 51 percent of their children are malnourished.

Let me talk about how aid gets in by air—if it does.

Under Resolution 917, the members of the Security Council have 48 hours in which to object to a proposed waiver for a humanitarian flight to Haiti, a flight that would evacuate somebody who is desperately ill or get some desperately needed medicine in.

However, the private aid organizations tell me that the waiver process is taking more than 2 weeks. Why does it take so long? Let me give an example.

Say a private aid group wants to fly a humanitarian mission to Haiti with desperately needed medicine. The

Agency of International Development gets the application. They forward it to the Treasury Department and the State Department. At Treasury, the Office of Foreign Assets Control looks over the application. Then at State, the Office of Sanctions Policy checks it out.

If the application is OK'd at this level, then it goes to the International Organizations Bureau at State, which forwards it to our U.N. mission in New York, which gives the application to the U.N. Secretariat, which distributes the application to the 15 Security Council members and tells them the 48-hour clock has begun to run. All of this while some people are probably dying because they do not have medicine; all of this while kids are malnourished or starving because they do not have food.

I hope, Mr. President, that this sense-of-the-Senate amendment—even as we retain the embargo, which is good policy—will send a signal to the poor people of Haiti, the people today who are hungry, who are suffering, who are sick, that we will not stand in the way of humanitarian flights, and that we will do everything we can to expedite the movement of food and the movement of medicine to the suffering people of Haiti.

This is a desperate situation. These are our neighbors. This is a country nearly as close to Washington, DC, as the capital city of my home State, Bismarck, ND, is. You get on a plane and fly to Haiti, which is part of our neighborhood, and you will find some of the worst poverty in the entire world. We need to care about that.

As I said when I started, I do not know what the answer is. When I was in Haiti, I thought what would I do if I had the opportunity to do anything there to fix it. The challenges Haiti has are so numerous and intractable and complex and deeply rooted that one barely knows where to begin.

It is a difficult, difficult thing, but I know what we should not do. We should not, with this embargo, in any way prevent the flights of humanitarian aid to people who are suffering and who need international aid. So I ask that we, with the chairman and the ranking member's blessing, include this sense-of-the-Senate resolution. We can all agree on this message, notwithstanding our disagreements on other aspects of our Haiti policy. The Senate should say to a kid that is lying in a crib in that hospital today that we care about you, and if you need medicine, we are going to try to help people, help organizations, help governments get you that medicine. If you are hungry we are going to try to help people get you that food.

That ought to be a truly bipartisan message that we can send today by approving this amendment.

Mr. President, I ask unanimous consent that the Post article I read from, as well as two letters from private relief groups that support this amendment, be inserted into the RECORD following the conclusion of my remarks.

Mr. President, I thank the chairman and the Senator from Kentucky, and I yield the floor.

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

[From the Washington Post, June 30, 1994]

HAITI'S TINY VICTIMS

(By Douglas Farah)

PORT-AU-PRINCE, HAITI.—The children in the pediatric ward of St. Catherine's Hospital lay in tiny cribs, many with intravenous needles providing vital nourishment sticking in their legs because the veins in their arms had collapsed. Those who could, cried. Most lay silent and listless.

One of the silent ones was 3-month-old Johanne Dessosiers, who weighed less than seven pounds and breathed with difficulty. Her mother sat nearby, looking lost. A needle delivering dextrose for rehydration was taped to Johanne's left ankle, and her oversized head had only a few tufts of discolored hair, indicating severe malnutrition.

"Most do not even come here because they are malnourished; they come for other problems, because almost all of them are malnourished," said Magid Cobdy, director of the hospital in the heart of Cite Soleil, the capital's biggest slum. "Then they stay until they are healthy enough to leave."

Those who have made it to St. Catherine's are the fortunate few. This is the only hospital in the sweltering slum, where about 200,000 people live crammed into three square miles. In Cite Soleil, life always has been bad. Children play in the open sewers that cut through the rough streets lined with crowded tin shacks.

"But things have gotten worse in the past 18 months," Cobdy said, "Many parents have no money to fee their children at all, so they leave them here even after they are treated. The embargo has made things dramatically worse. I would say that 90 percent of the children here [in the hospital] are malnourished."

In an effort to force Haiti's military regime to relinquish power and allow the return of ousted president Jean-Bertrand Aristide, the United Nations, led by the United States, has placed Haiti under an almost complete commercial embargo. The international community says the military is responsible for the embargo and can prompt its lifting by stepping aside.

But, while inconveniencing the rich, the embargo has thrown hundreds of thousands of people out of work and caused the price of food and medicine to soar. As more and more people have lost jobs and basic food prices have doubled since December, people's small reserves of cash or livestock have disappeared, leaving no safety net at all. The decline in economic well-being has led to a sharp drop in sanitary conditions, with garbage piling up and the area's few clean water sources becoming fouled.

Food and medicine are exempt from the embargo. But getting the necessary U.N. waivers is time-consuming, and the lack of fuel has forced prices up anyway.

"They say you can bring in medicines, but the truth is there is no transport," said a businesswoman who imports pharmaceuticals. "Practically, we are not able to bring in anything. These are sanctions without thinking about the logistics."

The main problem, according to health care professionals, is that many medicines must be kept within certain temperature ranges and have to be flown into the county. All commercial flights to the United States have been cut off, and charters require special U.N. approval.

Private organizations are scrambling to find carriers and are trying to put together loads large enough to make chartering economically feasible.

Cobdy said even dextrose and basic medicines are no longer available on the open market and must be imported. He said the hospital had two containers of medicine sitting in Miami, waiting for clearance through the embargo.

A U.S. official acknowledged medicine shipments are "episodic, a day-to-day operation" but said the United States felt it was "critical" to keep health programs going. The official, as others have, called sanctions a "blunt instrument" and said that "in and of themselves, they do not represent a policy."

"We recognize this falls fairly indiscriminately on people," the official said. "We want sanctions that achieve their goal without hurting people who are not responsible, but sanctions really do not work so neatly as to do that."

Evidence of just how blunt an instrument the embargo is can be seen in the rising malnutrition.

In Port-au-Prince, according to a monitoring report released in April by the U.S. Agency for International Development, 57 percent of the children 5 and under were malnourished, up from 42 percent in 1992. About 28 percent are considered severely malnourished, against 20 percent two years ago.

Across the country, 51 percent of Haiti's children were malnourished, according to the April report, and about 17 percent severely so.

Karine Chassagne, a spokeswoman for the Centers for Development and Health, the private foundation that runs St. Catherine's, said the hospital has had to turn away a growing number of cases because its 42-bed pediatric ward is constantly full. The patients are referred to other hospitals that have virtually no medicine either. Children who are left at St. Catherine's are turned over to the state welfare agency after their treatment.

"Some of them refuse to go, even if it means dying," Chassagne said. "That is how bad the other facilities are now."

In addition to malnutrition, diarrhea and other common ailments, Cobdy said, about 11 percent of the children are HIV positive and will likely develop AIDS. Because AIDS breaks down the body's immune system, its symptoms are often those of the diseases it brings on.

AIDS prevention programs have all but disappeared as the economic crisis has worsened, health care professionals said, losing most of the ground gained in the 1980s through education and the distribution of condoms.

In the pediatrics ward, the mother of Merystil Leickensia, a wispy 5-month-old who weighs about eight pounds, gently stroked her daughter's gaunt arms.

The treatment for severe malnutrition takes 20 days, and the hospital charges only a total of $3. "I have 10 other children," said the mother, Lesnier.

"She has a bad heart, but now they told me she was sick from other things. I don't know what to do. She has to stay here but what am I supposed to do now?"

A nurse standing nearby said:

"We don't know what to tell them. It is a very difficult moment."

WORLD HUNGER YEAR,
New York, NY, July 7, 1994.

Hon. BYRON L. DORGAN,
U.S. Senate,
Washington, DC.

DEAR BYRON: I want to commend you for your efforts to ensure that the people of Haiti receive needed humanitarian assistance and to speed the delivery of that support.

As you know, World Hunger Year has been concerned about hunger and poverty in Haiti for several years. Past issues of our quarterly, Why magazine, have addressed the challenges facing that nation and the need for international assistance.

Since the 1991 military coup ousting President Aristide, the situation is Haiti has dramatically worsened. Nearly a million Haitians each day rely on private voluntary organizations to provide them with food for survival. Millions of others are affected by the critical shortage of medicine, anesthetics, and other necessities for basic health care. This crisis has caused tens of thousands of Haitians to flee their country, resulting in the drowning of thousands at sea.

We at World Hunger Year understand that the political and diplomatic situation in Haiti is a difficult one, but we strongly believe that the international community should not sit idly by while millions of innocent Haitian men, women, and children are caught in the crossfire. We support your efforts to speed the delivery of humanitarian assistance to this desperate people, and we thank you for your continuing commitment to the poor and hungry who share our planet.

Peace,

BILL AYRES,
Executive Director.

CATHOLIC RELIEF SERVICES,
Baltimore, MD, July 13, 1994.

Hon. BYRON DORGAN,
Hart Building, Washington, DC.

DEAR SENATOR DORGAN: Thank you very much for your concern regarding assistance to Private Voluntary Organizations (PVOs) to enable us to continue our humanitarian assistance programs in Haiti. CRS is in agreement with the draft amendment to H.R. 4426, stating that approval of applications for medical evacuation and aid flights should be expedited.

The immediate initiation of regular chartered flights into Port-au-Prince is essential to the continued functioning of our programs in Haiti and to our current efforts to increase outreach and beneficiary levels to in response to increasingly difficult conditions in Haiti. Office supplies and equipment, including computers, spare parts, vehicles, etc. are urgently required.

Moreover, the safety of our staff members living and working in Haiti is fundamental. In this regard, we have been working with International SOS Assistance, the Agency for International Development and the Department of State to assure that waivers are obtained for medical evacuation flights within one hour of the request. We are deeply concerned that the procedures currently laid out recently required six hours for approval. This is unacceptable, and we would like to see this situation resolved without delay.

Thank you again for your interest and support of humanitarian programs.

Sincerely,

MICHAEL R. WRIST,
(For Kenneth Hackett, Executive Director).

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER (Mr. REID). The Senator from Oklahoma.

AMENDMENT NO. 2245

Mr. NICKLES. Mr. President, first, I ask unanimous consent to be added as a cosponsor to the Dole-Warner-Helms-McCain amendment.

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

Mr. NICKLES. Mr. President, I also wish to compliment Senators DOLE, MCCONNELL, and MCCAIN for their speeches in favor of this resolution. I had the pleasure of witnessing and listening to Senator MCCAIN who spoke at length about this administration's policy and really I must say, a failure of policy in regard to Haiti.

I also would like to echo his desire to have a bipartisan foreign policy. But I am very concerned about the direction that this administration is taking toward Haiti and what they might do in the upcoming weeks or months. They are certainly laying the groundwork, if not the greater probability, for an invasion. I think the risk to the lives of American men and women to reinstate Mr. Aristide would be a serious, serious mistake, one that probably will have some fatal consequences. I do not think it is worth the life of one U.S. military person to reinstate Mr. Aristide.

Senator MCCAIN talked about his questionable past as a leader. I have attended some of the briefings that talked about some of his involvement in encouraging necklacing. I just cannot imagine that we would risk the lives of U.S. men and women to reinstate somebody with such a questionable record in the past.

I also am critical of the administration's policy concerning Haiti. They have made a lot of changes. It was mentioned before that candidate Bill Clinton had a policy of: Well, we are going to reverse the Bush policy. But even before candidate Clinton was sworn into office, he changed that and he was right to change his policy. His policy as a candidate was irresponsible because it would encourage countless refugees coming to the United States. So he changed his policy even before he was sworn in as President of the United States, and he was right in doing so.

Then he made a major change, actually announced it on May 8 and it became effective on June 16. I think Senator MCCAIN referred to it as the "hunger strike policy" because of the hunger strike and also the pressure put on by the congressional Black Caucus to change policy.

I noticed today's New York Times talks about: "With Persuasion and Muscle, Black Caucus Reshapes Haiti Policy." I will read the first paragraph:

In March, the 39 Members of the congressional Black Caucus in the House introduced a bill to tighten the economic embargo against Haiti, sever its commercial air links to the United States, halt the summary repatriation of Haitian refugees picked up at sea and block financial assets held in America by Haitian nationals.

The measure has not yet come up for a vote in Congress. But now it hardly matters. Virtually all of its provisions have been adopted as President Clinton's policy toward Haiti.

"It was a blueprint for what was done in the coming months," said a congressional staffer who closely follows Haiti. "This is what they rallied around and pushed for. And they got almost everything."

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

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

WITH PERSUASION AND MUSCLE, BLACK CAUCUS RESHAPES HAITI POLICY

(By Steven A. Holmes)

WASHINGTON, July 13—In March, the 39 members of the Congressional Black Caucus in the House introduced a bill to tighten the economic embargo against Haiti, sever its commercial air links to the United States, halt the summary repatriation of Haitian refugees picked up at sea and block financial assets held in America by Haitian nationals.

The measure has not yet come up for a vote in Congress. But now it hardly matters. Virtually all its provisions have been adopted as President Clinton's policy toward Haiti.

"It was a blueprint for what was done in the coming months," said a Congressional staffer who closely follows Haiti. "This is what they rallied around and pushed for. And they got almost everything."

GROWTH OF BLACK CAUCUS

The Administration's adoption of the group's ideas is indicative of the political influence of the black caucus, whose numbers in Congress rose to 40 from 26 after the 1992 election. But in pushing the Administration to take more robust action on behalf of the ousted Haitian President, the Rev. Jean-Bertrand Aristide, the caucus, in the eyes of some in Congress and the State Department, is leading the United States inexorably toward military intervention—an issue that has divided the caucus itself.

From the dismissal in May of Lawrence A. Pezzullo as the Administration's special adviser on Haiti and his replacement by William H. Gray 3d, a former member of the caucus, to the warmer embrace of Father Aristide and the new-found reluctance of his detractors in the Administration to make their private doubts public, the caucus has played a key role in steering Haiti policy in the Administration.

Members of the caucus tend to describe its contribution to the Administration's Haiti policy in modest terms and to stress that others have also played a role.

A ROLE IN POLICY CHANGE

"We've made legislative suggestions in a number of areas and have had limited success in a number of areas," said Representative Donald M. Payne, a New Jersey Democrat and the highest-ranking black lawmaker on the House Foreign Affairs Committee. "I think we certainly have played a role in the changing of the policy."

But others say the influence of the caucus is more profound.

"The basic components of the black caucus approach—the military is the problem, Aristide is the solution; we shouldn't move away from him even two inches; we should

do nothing that smacks of any kind of alternative to Aristide, like work with a prime minister—all that has been adopted," said a State Department official who requested anonymity.

One lawmaker who follows Haiti grumbled that Administration officials consult more with key members of the black caucus about the crisis than they do with the chairmen and ranking members of House and Senate committees with jurisdiction over foreign policy or Caribbean affairs.

But the solicitation of the views of the caucus and the appointment of Mr. Gray have failed to silence criticism of the Administration's policy by some caucus members. Last week representative Kweisi Mfume, Democrat of Maryland, the caucus chairman, termed the Administration's efforts "a policy of anarchy, one that changes by the moments."

Representative Robert Torricelli, a New Jersey Democrat, suggested that the black caucus having gotten much of what it wanted, is simply keeping the heat on. "It has been a spiral of influence," he said. "The President has listened and the voices have been raised. the President has responded and the voices have been raised further."

HUNGER STRIKE BY ROBINSON

To be sure, the group cannot take credit alone for having altered Administration policy. It was a 27-day hunger strike by Randall Robinson, the director of the TransAfrica lobbying organization, that galvanized the public and the black caucus to place more pressure on Mr. Clinton to change his Haiti policy. Florida lawmakers and groups advocating the rights of refugees also played a role.

Still the caucus's interest in the issue kept it alive when many of the caucus members' colleagues in Congress and some in the Administration might have let it die. Its accusations of racism in the treatment of Haitian refugees got the attention of a Democratic President.

The caucus's 40 votes—39 in the House and one in the Senate—are an unspoken part of the calculation. While there has been no explicit quid pro quo, some in Congress and the Administration are counting on the caucus to provide critical support for domestic initiatives like health care, welfare reform and the crime bill.

But while the caucus has helped push Mr. Clinton into a more confrontational stance against the military rulers who overthrew Father Aristide, the black lawmakers have yet to agree among themselves on the most critical question when it comes to Haiti: Whether military force should be used to restore democracy.

Some, such as Representatives Major Owens of New York and Maxine Waters of California, have advocated armed intervention to restore Father Aristide. Others, like representative Ron Dellums of California, the chairman of the Armed Services Committee, have voiced strong reservations on the use of military force.

"We have not been, generally speaking, a group that supported gun-barrel diplomacy." said Mr. Payne. "But we are seeing a changing world. I don't think any of the members of the caucus initially supported military intervention and there are still some who oppose it. But I do think the majority of the members are slowly moving toward the point where it might be the only solution at the present time."

Mr. NICKLES. Mr. President, this is a vacillating policy, one, I might mention, set up and announced on May 8, almost identical to that which was pushed by the Black Caucus, and I guess Mr. Robertson, that has had a disastrous result. It has tightened up the economic leverage; it has tightened up the leverage on Haitians; it increased the poverty, the misery, the problems in Haiti; and it has greatly increased the number of refugees coming to the United States.

I will read a couple things:

The upsurge in the number of intercepted Haitians coincided with a more generous assessment of whether they were genuine political refugees eligible for resettlement in the United States. For example, of the 1,705 Haitians interviewed offshore at Kingston, Jamaica, some 515, about one-third, were judged to be fleeing a "well-founded fear of persecution," the necessary legal standard for refugee or asylum status. This compares to a rate of about 5 percent judged to be political refugees at interview centers inside Haiti.

The simple message to Haitians: If you want to improve your chances of being judged a political refugee rather than an economic migrant, get in a boat.

Mr. President, the net result was an upsurge of Haitians, thousands of Haitians, fleeing in boats. The policy of this administration, this change of policy, has cost in all likelihood hundreds of lives—we do not know how many lives—hundreds of lives, where individuals would take their families and risk everything getting in an old, rickety boat, thinking they might have an increased chance of coming to the United States because of this change in administration policy.

They have modified this policy recently, and I think they have improved it, to discourage emigration. They said we are going to have "safe havens" in other areas, so we are not going to have emigration automatically to the United States. They said we are going to have greater repatriation back to Haiti. So that has discouraged some refugees. That is some improvement.

But this administration's policy of tightening the sanctions has basically encouraged an exodus from Haiti, greatly increased the pain and suffering of poor people, and I doubt it has really put that much pressure on the people they are trying to get the attention of, the military junta that is now running Haiti. I do not exonerate them from wrong or evil, but I think the administration, through its efforts, has been largely unsuccessful, and has greatly increased the pain and suffering among a lot of innocent individuals.

The resolution that we have sponsored by Senator DOLE and Senator WARNER, Senator MCCAIN, and others, I think is very positive. It does say let us look at having a bipartisan commission. There is a wealth of information in this body and in Congress and elsewhere, people I think would be willing to work together in a bipartisan manner to try to find some positive solutions.

I do not think that Mr. Aristide is one of those solutions, and I do not think he should be the linchpin or the focal point or the foundation of United States efforts in Haiti. I think if we restore Mr. Aristide with the military intervention, sure, it could be done. But we are going to be making a long-term commitment of U.S. troops, risking lives, probably costing lives, to reinstate somebody who, as I mentioned earlier, has more than questionable credentials and background in human and civil rights. Anyone who would encourage necklacing, which is probably one of the most inhumane methods of killing and torture known—I question whether our Government should be backing such an individual.

I happen to have a little difference of opinion with our colleague from North Dakota. I do not think we should be tightening the sanctions. My guess is we should be loosening them. I do not think this policy has done anything but increase the number of refugees fleeing to the United States.

And I also really question whether or not the U.S. military should be in the business of nation building, and I think if we have a military invasion to reinstate Mr. Aristide, we are going to be in the nation building business for a long time, maybe 15 years, 10 years. Who knows?

Mr. MCCONNELL. Will the Senator yield?

Mr. NICKLES. I will be happy to yield.

Mr. MCCONNELL. We just had an experience with nation building within the last 2 years, I say to my friend from Oklahoma, we lost 18 servicemen who were out of the 101st from Fort Campbell, KY, as the mission in Somalia slid from feeding people into nation building.

So I want to commend the Senator from Oklahoma for his observation. We do not have to go back to 1915 and study the last time we were in Haiti to remember an experience that we have had where we used our military in nation building. We have had it within the last 2 years with an important lesson. We got out of there.

I thank the Senator from Oklahoma for raising that point.

Mr. NICKLES. I compliment my colleague, because I think he is exactly right. I do not believe we should forget the lessons in Somalia. And if one thinks, well, that could not happen in Haiti, it is closer to home, I would just totally disagree. If we go in and try to restore Mr. Aristide with bayonets, there are a lot of people who will not be eliminated in the first day or so who will be hiding in the hills, who will be not only against Mr. Aristide but now they will be against the United States. And so we will have some enemies.

Can we occupy Haiti successfully? Sure. But at what expense? And what happens when we leave? My guess is

probably quite comparable to when we left Somalia: You are going to see a return to chaos. And I am afraid that is what you are going to see in Haiti. In other words, we restore Mr. Aristide and he is going to either eliminate all of his opposition, probably murder or jail them, or whatever, and they are going to try to eliminate him. And so there is going to be significant opposition, probably for a long, long time, and we would be involved with United States military, which is not their role. They have not been trained for nation building; they have been trained to win wars. They were not trained as domestic police officers.

I think this resolution is a step in the right direction. I compliment the sponsors of it. I hope we will be successful in passing it later this afternoon.

Mr. President, I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The manager of the bill, the Senator from Vermont.

Mr. LEAHY. Mr. President, we can debate whether we should be involved in nation building or not. I feel as a general rule we should not. We can debate whether we should invade Haiti or not. As I have stated before, there is no great desire in my State, nor do I suspect throughout the country, to invade Haiti. I am certainly not someone who is standing here suggesting we invade Haiti.

But that is not the issue. That is not the issue with this amendment. This amendment, whether intended or not, will have the effect of giving a blank check to the military dictatorship in Haiti until sometime next spring. What this amendment says, in effect—let us not make any mistake about it—is that neither the President of the United States nor the United States acting as part of the United Nations body or anything else can make any threat with any teeth in it until sometime next spring because basically it says that a congressional commission, study commission—boy, and that is going to thrill the American people, to know there will be another congressional study commission—that this congressional study commission will go out and report back sometime after we have recessed for the year so that we can debate next January or February or March about what we might do.

That makes no sense at all. What it says is that while the Congress of the United States is gone for at least several months, the President cannot say or do anything with any force regarding Haiti.

Now, I am not encouraging us to invade. I am not encouraging the United States to get into the exercise of nation building. But I do think that the President of the United States, as our chief foreign policy spokesperson, ought to have the ability to reflect the full power of our great and powerful Nation.

This will do just the opposite. We cannot have a situation where we pretend that the Congress does not know what is going on. Anybody can pick up the newspaper and read it. Anybody can turn on television and watch it. It is very easy to tell what is going on down there in Haiti.

They are talking about not having consultation. Well, we had consultation yesterday. There has been a whole list already put in the RECORD of the types of consultations we have had. It is said that the distinguished Republican leader was not consulted yesterday, but he was invited to the meeting, as were a number of the rest of us. Some went, some did not. But it was a very extensive discussion and consultation.

The fact is, this says that the Congress, sometime after we have recessed for the year, can go out and study the matter. Whoop-de-do. That is going to start the ruling dictatorship in Haiti quaking in their boots. That is going to make them mend their ways. They will certainly stop the killing knowing that during our election campaigns, during the recess, during Christmastime, a group of Members of Congress will study this issue.

Come on. Let us be serious. If we want to have a debate on whether we should or should not invade, let us do that. And we have had some debate on that issue. It was defeated in the Senate. If we want to have another one, let us have a freestanding resolution and do just that. But let us not pretend on an appropriations bill that an amendment designed to put this subject off and to tie the hands of the President until sometime next spring is good foreign policy. It is not. But it is why General Cedras supports this amendment and why President Clinton opposes it, and I daresay any President, Republican or Democrat, would oppose it. But any dictator in the position General Cedras is in would be all for it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Under the parliamentary procedure, the Senator from Massachusetts is guaranteed 10 minutes, and the chairman of the Foreign Relations Committee 5 minutes, so as long as everyone understands that.

Mr. McCONNELL. That would leave 10 minutes remaining. I ask unanimous consent that the Senator from Georgia have at least 5 minutes of those 10 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. PELL. Mr. President, just 3 days ago the military leaders of Haiti issued a direct challenge to the international community by expelling the United Nations and the Organization of American States human rights observers. France has announced that it will end all commercial flights to Haiti and other countries are likely to take additional steps to increase pressure on the regime in response to the coup leaders' actions.

If we adopt this amendment before us, the message we send to the coup leaders will be that instead of taking action, the United States is going to study, review, and analyze the situation. This amendment says that 45 days after this bill is enacted into law, the United States will issue a report and recommend policy options. I do not believe this is the correct course of action for the United States, which has taken a leadership role on resolving a crisis only a few hundred miles from our border.

As the commission reviews the situation and issues its report, the coup leaders will continue to murder, rape, and terrorize its opponents. Haiti's rogue leaders will come to the conclusion that the United States is not serious about its commitment to the restoration of democracy in Haiti, as will other military leaders and potential dictators in the hemisphere. Clearly the coup leaders in Haiti support the concept of forming a bipartisan commission as General Cedras made clear several months ago, since it buys them time, and diminishes the pressure exerted by the international community.

This amendment is not about whether you agree with the current policy against Haiti; it is about limiting the power of the President. Congress has ample opportunity to express its opinion on United States policy toward Haiti and there is no lack of information on the situation in Haiti. Administration officials have appeared at 26 hearings, briefings, and consultations on Haiti since January 1993 and Members and cleared staff have access to intelligence information on a daily basis.

I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 10 minutes.

Mr. KERRY. Mr. President, I wish that this was really a serious debate as the time that has been consumed in the last hours might indicate. But this Senator at least cannot help but feel that there is a brazen, political element to this particular amendment that defies any of the assertions put forward to try to justify it and certainly that defies any of the so-called merits that have been asserted on its behalf.

We have heard talk about the Kissinger Commission as a precedent. But the Kissinger Commission was not imposed by a minority of the U.S. Senate that opposes almost anything a President does. It was set up by the President of the United States himself, Ronald Reagan, in an effort to try to enhance an already troubled policy in Central

America, Latin America. So the President sought the Kissinger Commission as a means of enhancing his policy. It was not something congressionally mandated.

Second, the Kissinger Commission involved people from outside the U.S. Congress. This amendment is such a patent charade it defies the imagination. There is not a Member who is on this amendment who cannot accomplish through their committee or their current responsibilities what this amendment seeks to do. Every single member of this so-called commission which the minority leader seeks to establish is already a Member of Congress, already has responsibilities of oversight, and already should have done every single thing that this amendment calls on them to do.

It is almost insulting that days into our policy in Haiti, years into it with respect to refugees, because it was after all President Bush who began the policy with respect to the refugees, that they now call upon on the Congress to assess the humanitarian, political, and diplomatic conditions in Haiti. I mean, that is almost an admission of dereliction of duty, that now they are coming to us and saying, "Oh, by the way, there is a problem in Haiti, and we ought to take 45 days to figure out what it is."

You can laugh at that, if that is what this is about. But that is not what this is about. This is about the scorched Earth policy similar to that on health care, where we try to deny the President any victory, deny the President any rights to exercise his responsibility, deny him certainly what Presidents Reagan and Bush were granted by every Member of the majority here.

This Senator learned about the invasion about 1 o'clock or midnight, I think it was, when we got a telephone call telling us the airplanes were in the air and the troops were being dropped. This Senator woke up in the morning to find pictures on national television of our Navy Seals landing in Somalia. There was not one 45-day commission. There was not one consultation about it. It just happened.

Do you know, Democrats did not run to the floor, and, say "Stop the policy, let us have 45 days to figure out whether it makes sense." We supported the President of the United States in both instances; most of us. And we suggested that, yes, the President has the right to conduct that foreign policy, though we might disagree with it ultimately. In these cases we thought it was appropriate.

Why did we go into Somalia? We went into Somalia to feed people and to try to create some order out of chaos. I did not hear a lot of Republicans down on the floor questioning the vital national interest. There was no hue and cry about defining national security. What a brave President to put our troops in there in the interest of feeding human beings who are dying.

They are dying in Haiti.

Here is the minority leader. He wants to come to the floor and figure out what is happening in Haiti. He wants to determine what is happening in Haiti and suggests that Haitians may be put at risk if somehow the American military has not become involved.

Haitians are at risk today in Haiti. They are taking the rickety boats, they are being eaten by sharks, and they are drowning because they are at risk today because a couple of thugs have taken over the government. What has happened to our friends on the other side of the aisle who used to rail against dictators and totalitarianism? Totalitarianism is what exists in Haiti today, brutal, repressive, oppressive totalitarianism. Twelve young Haitians turned up in shallow graves yesterday. And they want 45 days to figure out what is happening in Haiti.

This resolution is an admission of dereliction of responsibility to know what is happening in Haiti. What is the policy of those who say we are on the wrong track? They say lift the embargo; in effect, capitulate, grant a victory to the thugs who took over the government; tell them there is no price to pay, the international community is impotent, the United States of America is impotent, and everybody is impotent in the face of those thugs who want to take over a government. And, by the way, if at the same time you want to involve yourself in drug schemes with thugs in Colombia and sell the drugs in America, go right ahead because the United States is not going to do anything about it.

Is that the policy? I mean, think, maybe we ought to negotiate. Well, folks, we did negotiate. Cedras went to New York. There was a great discussion. They signed an agreement: Come on in, we are going to get out, here is the agreement. President Aristide, in fact, has bent over in a number of different ways to include people who are totally inamicable to his political view. But he built a coalition. He turned over power to a Prime Minister who was acceptable to parties, and they still reneged. They still went back on their word. And now we have the very thug that was in charge of this operation applauding the Republicans for this particular amendment. They should be ashamed.

General Cedras says this is a good amendment. General Cedras says by all means pass this. If ever there was a message to Members of the Senate, "Don't vote for this," it ought to be the support of General Cedras for this effort.

Mr. President, the Members of the Senate voted 65 to 34 a few days ago to respect Presidential power. I was at that briefing yesterday. There is no imminent military effort. It has been made very clear that there are a number of different interests at stake here, but they have not ripened to a point where that should be considered. We do not have Americans in jeopardy today. We do not face a situation where there is chaos in the streets. We do not have the same numbers of refugees pouring out of the country. I read nothing in that, except that the military option is still very much on the table, and well it ought to be very much on the table.

What President of the United States in his right mind, in an effort to try to leverage the United States in the diplomatic arena, is going to take away one of the most important tools we have? I have never heard one Republican come to the floor and suggest that in Grenada, Panama, Somalia, or elsewhere, we ought to have a commission made up of only Congressmen who have the power to do what the commission is asking them to do, and they have not done it anyway.

We have had 27 different briefings and consultations between the House and Senate. We have had eight different hearings in the Senate alone. So what is this? What is going on here? Is this an effort to tie the Senate up in a debate so that we are sending a message to the country that there is somehow great uncertainty about this President's foreign policy? Is that the message? Is the message that somehow we have to question, at every step, what this President is doing and weaken him in the effort of simply questioning and therefore create a self-fulfilling prophecy? Whatever happened to bipartisan foreign policy where we worked together to advance the interests of the United States of America rather than the interests of one party in returning to the White House?

I have no illusions, because I know that the American people are not watching every nuance of a debate like this, and they are not even going to read some of the central stories about it. It is not engaged in the American public yet. But that is what this Senator believes is going on. It is sad for this country. We agree that these thugs ought to go. We agree that democracy ought to be advanced. And we owe it to this President to have the opportunity to see if this policy could work and to speak in one voice about that.

The administration made it very clear in the briefing yesterday that they intend to return, they intend to consult, they intend to talk to the leadership and follow the rules.

So I respectfully hope that colleagues will summon the same sense of responsibility that they exercise in protecting the constitutional rights of the President, 65–34, and indicate again their willingness to stand up for the Constitution and for the prerogatives, and not to wind up in a situation where day-after-day and week-after-week we display such a split message that we in

fact enhance the ability of these thugs to continue to do what they are doing today.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I rise in support of the amendment, and lest there be any confusion about the reason for it, it is because I believe that it, in essence, is an expression of concern against invasion. We remove all the explanations about why something is done or is not done. This resolution expresses a desire to go slow on the utilization of military intervention.

I do take some exception with the analogy utilized by the Senator from Massachusetts. I am rather surprised that he would match Somalia with Haiti. The match is not a good one. It is true that we sent military forces to Somalia for the purpose of a humane distribution of food to nearly one-half million people who were destined to starve. No one took exception with that mission. But this administration decided to change that mission and make it one of military intervention in the outcome of a domestic crisis, which I might add, goes on yet today. And when that mission changed to one of being an interloper in a domestic dispute, to change who would lead the country, the United States and United Nations fell into disrepair and ultimately had to leave.

This resolution argues that we should not do that again in Haiti. We have a severe—everybody admits—domestic crisis there. There is no moral standing for the leadership. But it is a domestic crisis, and we do not want to set the doctrine that the United States, through the use of its military, will intervene in every domestic crisis in this hemisphere or around the world to resolve it.

Mr. President, I would like to remind my colleagues that in the last few years, there have been 10—I repeat, 10—overthrows of democratic governments by dictators or the military in such countries as Ecuador, Honduras, Chile, Uruguay, and Argentina. Are we saying, as we come to the new century, that if there is a domestic turmoil, the doctrine of the United States will be to send in the marines and settle it; that we will flex our muscle and come into a domestic crisis and pick who will sit in power?

I do not believe that ought to be the doctrine of this country as we come on the new century. Yes, we should exert international pressure and work for international cooperation; and, yes, we should try to be a good neighbor, but not a policeman and not a military hammer to settle every domestic crisis in our hemisphere. This resolution moves toward that expression. I might say again to the Senator from Massachusetts, this amendment—forgetting General Cedras—speaks to the will of the American people today who are telling this President, this administration, and this Congress that this is not where American blood should spill. And they are right.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair reminds the Senators that there are 7 minutes left in the debate.

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

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

TELECOMMUNICATIONS IN EGYPT

Mr. GRAMM. Mr. President, I would seek to address a question to the ranking member of the Foreign Operations Subcommittee. As the Senator knows, priority is given in this bill, as has been the case for several years, to our relations with Egypt. One of the projects that we have supported with our financial assistance to Egypt has been the development of telecommunications in that country. Telecommunications are an essential element of the modern economic infrastructure of a nation and are of course vital to the economic growth of any country. The question that I would address to my colleague is whether he agrees with me on the importance of telecommunications in fostering the growth of the economy, and especially the private sector, in Egypt? I would also ask if he would concur with me in concluding that this type of infrastructure, and the economic growth that it promotes, will enhance political stability as well?

Mr. MCCONNELL. Mr. President, I would agree with the Senator, that the development of modern telecommunications plays a fundamental role in the economic and political development of Egypt. In fact, I have raised this issue on a number of occasions with the Administrator of AID and our Mission Director in Cairo. I have been somewhat frustrated by their approach to American commercial interests.

Mr. GRAMM. Then the Senator also agrees with me that, in the process of procurement in connection with this assistance to Egypt, AID should follow procedures that do not disadvantage United States producers of telecommunications equipment and services, that we would expect AID to give United States producers, world leaders in this industry, full and fair opportunities in the procurement connected with this United States-funded project?

Mr. MCCONNELL. Absolutely. I would say to my colleague that it is misguided and inappropriate for the procurement process for a U.S. AID project to disadvantage in any unfair manner any U.S. producer from providing goods or services for this project.

Mr. GRAMM. I thank the Senator.

AMENDMENT NO. 2245

Mr. PELL. Mr. President, what is the present business?

The PRESIDING OFFICER. The pending business is amendment No. 2245.

Mr. PELL. Mr. President, I move to table the Dole amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on the motion of the Senator from Rhode Island to lay on the table amendment No. 2245. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "nay."

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

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 194 Leg.]

YEAS—57

Akaka	Ford	Metzenbaum
Baucus	Glenn	Mikulski
Biden	Graham	Mitchell
Bingaman	Harkin	Moseley-Braun
Boren	Heflin	Moynihan
Boxer	Hollings	Murray
Bradley	Inouye	Nunn
Breaux	Jeffords	Pell
Bryan	Johnston	Pryor
Bumpers	Kennedy	Reid
Byrd	Kerrey	Riegle
Campbell	Kerry	Robb
Conrad	Kohl	Rockefeller
Daschle	Lautenberg	Sarbanes
DeConcini	Leahy	Sasser
Dodd	Levin	Shelby
Dorgan	Lieberman	Simon
Feingold	Mack	Wellstone
Feinstein	Mathews	Wofford

NAYS—42

Bennett	Durenberger	Lugar
Bond	Exon	McCain
Brown	Faircloth	McConnell
Burns	Gorton	Murkowski
Chafee	Gramm	Nickles
Coats	Grassley	Packwood
Cochran	Gregg	Pressler
Cohen	Hatch	Roth
Coverdell	Hatfield	Simpson
Craig	Helms	Smith
D'Amato	Hutchison	Specter
Danforth	Kassebaum	Stevens
Dole	Kempthorne	Thurmond
Domenici	Lott	Warner

NOT VOTING—1

Wallop

So the motion to lay on the table the amendment (No. 2245) was agreed to.

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

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

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

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

Mr. LEAHY. Mr. President, if we could have order, please?

The PRESIDING OFFICER. The Senate will come to order.

Mr. LEAHY. Mr. President, we have now had 2 or 3 days of debate on this bill regarding Haiti. Obviously, between now and 6 o'clock, if there is anything else submitted on Haiti we will be able to vote on it. I would hope we will not have more. I hope we would feel there has been strong enough statements on this issue.

I appreciate those Senators who voted with the position that I had taken as manager of the bill; with the position of the distinguished chairman of the Foreign Relations Committee in moving to table this.

Mr. President, I would note that I did not question the concern of Senators, of all Senators, on Haitian policy. It is a difficult question. I would suggest that it is not a question that can be settled on amendments to this appropriations bill. It is something that is going to be difficult enough for the President and his Cabinet to grapple with. I urge the President and his Cabinet to continue real consultation with both Republicans and Democrats alike, the leadership of the House and the Senate, on this issue. I urge the President to seek a consensus among us.

That consensus does not mean that the President is necessarily going to take a position that is a popular one. Quite often, in such major foreign policy issues, the decision cannot be made by public opinion polls or by what might be popular at the moment. But usually, if these decisions are to work, they require bipartisan cooperation and bipartisan support. I suspect that that is available.

I hope, though, we would not have amendments to this bill that are designed more, as happens on occasion, to raise polarizing opinions than the consensus necessary. But in this case, the Senate did absolutely the right thing. Had this amendment been agreed to, it would have given a time of isolation for General Cedras which would extended well into next spring, a time isolating him from the pressures of the United States, of the United Nations, and others. It would have given a green light at least well into the spring for any actions to be taken by the dictatorship in Haiti.

So I am glad that we did not give them that green light. I am glad the President now has the ability to continue at least to seek the support of our allies, but also, if he is to make threats or to take steps necessary to carry out U.S. policy, that they will be credible threats, it will be credible policy.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky, Senator MCCONNELL.

Mr. MCCONNELL. Mr. President, I say to my friend, I am not aware of any more amendments on Haiti.

Mr. President, I ask unanimous consent that the pending amendments and the committee amendments be laid aside in order to offer a series of amendments for my colleagues.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, and I shall not, I understand this is so as to comply with the standing unanimous-consent agreement.

Mr. MCCONNELL. That is right.

Mr. BUMPERS. Further reserving the right to object, what is the procedure?

Mr. MCCONNELL. If I can respond to the Senator from Arkansas, under the unanimous-consent agreement, amendments have to be in before 6 o'clock. I am simply complying with the unanimous-consent agreement.

Mr. BUMPERS. Would the Senator be willing to offer one for me while he is doing it?

Mr. MCCONNELL. I will be happy to.

Mr. BUMPERS. If he prefers, I will ask the distinguished floor manager on this side.

Mr. GRAHAM addressed the Chair.

Mr. MCCONNELL. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator making the request has the floor. Is there any objection to the request?

Mr. GRAHAM. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Am I correct that if we submit amendments to the manager of the bill, that the manager of the bill will offer them and they will be considered to be in compliance with the 6 p.m. deadline?

The PRESIDING OFFICER. That is correct.

Mr. GRAHAM. I have no further objection.

Mr. MCCONNELL.. Mr. President, I further ask unanimous consent that it be in order for me to offer the following amendments to the desk en bloc; that they be considered as having been offered under the terms of the consent agreement; and that they be laid aside for further consideration at a later time.

The amendments are as follows:

Six McConnell amendments, one relevant, one on the Middle East, one on AID, congressional presentation, documents reform, NIS; a Helms-Murkowski amendment; a Dole-Murkowski amendment; a Murkowski Japan Commission amendment; a Nickles amendment; a Pressler U.N. amendment; a Helms-Roth U.N. amendment; a McCain Cambodia amendment; a McCain IESC amendment; a McCain NATO amendment; a Helms Colombia amendment; a Helms Israel amendment; a Cohen Germany amendment; and two Domenici relevant amendments.

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

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I ask unanimous consent that following the standing unanimous consent agreement, it be in order for me, under that unanimous consent agreement, to send to the desk amendments on behalf of Senator WELLSTONE regarding Indonesia; Senator LAUTENBERG regarding an extradition matter; myself regarding Indonesia; Senator BUMPERS regarding the People's Republic of China; Mr. GRAHAM regarding Colombia and Bolivia; Mr. GRAHAM regarding Peru; and Mr. DORGAN regarding Haiti.

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

Mr. MCCAIN addressed the Chair.

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

Mr. MCCAIN. If I am correct in the parliamentary situation, I ask the pending amendment be laid aside in order that my amendment be considered at this time.

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

AMENDMENT NO. 2265 TO THE COMMITTEE AMENDMENT ON PAGE 2

Mr. MCCAIN. Mr. President, this amendment is agreed to on both sides. It is to eliminate an earmark in the bill which directs funds to certain organizations which promote democratic institution building in China.

I believe we all agree on the need to support such democracy programming to further our Nation's interests and the democratic aspirations for the people of China.

I believe, however, that funding selections for democracy building, as with all Federal grants, should be subject to merit-based competition.

The amendment will delete the earmark and clarify that the funds should be allocated based solely on competition.

I would like to note that one of the organizations which is identified to receive the earmark is an organization on which I serve as chairman of the board of directors. I am honored the committee thinks highly enough of the organization to select it for this program.

It is not an earmark, but we request the funds should be subject to competition. Yet, I want to be clear that I oppose congressional earmarks. Funds should be competitively allocated for

democracy building in China, just as they should be in any other area of Federal grantmaking.

I believe the amendment will accomplish this goal. I want to thank the managers of the bill for accepting this amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 2265.

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

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

The amendment is as follows:

At the end of the pending committee amendment add the following:

"Provided further, That of the funds appropriated under Title II, not less than $600,000 shall be available to support democracy programs in the People's Republic of China: Provide further that the Agency for International Development shall make these funds available for the activities described in the previous proviso on a grant basis to U.S. non government organizations, on a competitive selection basis, notwithstanding any other provision of law."

Provided further that the following section of the bill is null and void. "Provided further that of the funds appropriated under this heading, not less than $600,000, shall be available to support parliamentary training and democracy programs in the People's Republic of China: Provided further That the Agency of International Development shall make funds available for the activities described in the previous proviso on a grant basis to the International Republican Institute and the National Democratic Institute, notwithstanding any other provision of law."

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, I am certainly ready to accept the amendment of the Senator from Arizona.

The PRESIDING OFFICER. Is there any further debate on the McCain amendment? If not, the question is on agreeing to the amendment.

So the amendment (No. 2265) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2266

(Purpose: To require a report on NATO eligibility criteria)

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky [Mr. McCONNELL].

Mr. McCONNELL. Mr. President, I am about to call up an amendment that is at the desk under the UC agreement. I am trying to ascertain what its number is. I will report to the Chair momentarily.

Mr. LEAHY. Mr. President, I wonder if the Senator wants to describe what it is while they locate the number?

Mr. McCONNELL. I call up amendment No. 2266, which is already at the desk under the UC agreement. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 2266.

Mr. McCONNELL. Assuming the amendment might have been about to be read, let me ask unanimous consent the reading be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. .

(a) Within 60 days of enactment of this Act, the President shall submit a report to the Committee on Appropriations defining specific military, economic and political standards required to gain admission to NATO; Provided further, that such report is not limited to the principles enunciated in the Partnership for Peace; Provided further, such report shall include an assessment of measures which would be necessary to guarantee the armed services of Poland, Hungary, the Czech Republic, Slovakia, Lithuania, Latvia and Estonia are capable of military interoperability with NATO and fulfilling other member responsibilities.

(b) Notwithstanding any other provision of law, 120 days after enactment of this Act, excess defense articles made available under sections 516 and section 519 of the Foreign Assistance Act of 1961 shall be provided to carry out the measures identified in subsection (a) with regard to military interoperability.

The PRESIDING OFFICER. Is there any debate on the amendment?

Mr. McCONNELL. Mr. President, for nearly half a century, NATO has advanced U.S. interests in peace and in security in Europe. With the end of the cold war, it seemed appropriate to reassess NATO's future role in the region.

Because of its success, because its role has been so central to Europe's stability, many of us felt it would be prudent to expand its influence east and draw in former members of the Warsaw Pact. A number of Senators have had a great interest in NATO expansion: Senator BROWN, Senator SIMON, and others, and there may be other amendments on this subject yet on this bill.

Unfortunately, the administration has opted to take a wait and see approach which they called the Partnership for Peace.

Now, Mr. President, from my perspective, the administration missed a historic opportunity to turn adversaries into permanent allies to advance our global interests in peace. Instead of defining our interests, we deferred to Russian sensitivities. The administration claimed they did not want to draw any new lines. My view, Mr. President, is that they did not want to make any tough choices.

At the time of the NATO summit, the administration offered a number of nations eager to join NATO the assurance that participating in the Partnership was a first step in that direction.

So 21 nations, including Russia, endorsed the principles in the Partnership calling for expanded regional cooperation. Then they waited and wondered what the whole arrangement really meant.

I questioned Secretary Christopher and Deputy Secretary Talbott about the Partnership, asking them what could these nations expect from participation in the PFP. They assured me each nation would work out terms of participation which reflected their own capabilities. I kept hearing that the goal was to strengthen cooperation. To what end, I asked. And I must say to date it is still rather murky.

Now, Mr. President, several nations have now advanced detailed plans outlining their interests in integrating specific defense capabilities as a steppingstone toward NATO admission. Those plans are still under consideration and no doubt will be carefully considered right through the end of this century.

My frustration and the frustration of the Polish leadership, the Lithuanians, the Hungarians, and others stems from a sense of futility over this Partnership for Peace exercise. This is really a peculiar shell game which has been difficult to argue against and even more difficult to defeat.

The administration maintains that many of these nations interested in becoming members of NATO do not meet the appropriate standards for admission which, of course, raises the obvious question: What are the standards? What are the standards to get into NATO, Mr. President?

In a hearing before the Foreign Operations Subcommittee, Secretary Christopher told me he meant the standards in the NATO Charter. So I picked up the charter, and pointed out that the only standard appears to be a commitment to support the alliance and its goals of regional peace and security. So there are not any clearly defined standards for admission into NATO, and in effect admission into NATO is if members of NATO want to allow you in. There are no standards.

The next argument is whatever the standards, the partnership is the appropriate stepping stone, the PFP. Yet, here again no common requirements for participation are spelled out in the PFP either. Each country endorses

principles and then negotiates integrated agreements for joint military activities.

Mr. President, this is bound to produce distrust, competition, and disappointment. Believing an annual joint exercise will trigger admission, a participant may eventually learn that their neighbor integrated air defenses, and conducted joint air exercises, giving them an advantage.

My amendment is an effort to define just what a nation must do to be eligible for admission into NATO. It is quite simple. To define just what a nation might do to be eligible for admission to NATO, the amendment essentially has three parts.

First, it asks for the administration to report on the military, political, and economic standards and obligations which must be fulfilled to secure admission into NATO. In other words, we are asking the administration to really think through that which has never been thought through, certainly not in the post-cold-war period. What are the standards for admission to NATO?

Second, it asks the administration to assess what measures must be taken to meet those standards by seven specific nations: Poland, Hungary, the Czech Republic, Slovakia, Lithuania, Latvia, and Estonia.

So we have said in No. 1, what are the standards. In No. 2, these are the countries.

Finally, the amendment would make available excess defense articles from our NATO inventories to improve the capabilities of those nations in order to meet the standards which this amendment calls upon the administration to set. We are not writing the standards. We are simply asking the administration to write the standards. I think that is a reasonable approach. For 6 months these nations have been told they do not qualify for NATO admission. Yet no one can define with any precision what test they have failed to meet.

Let us go over that again. Imagine desiring to enter an organization like NATO. It is sort of like getting into a club, I guess. What do I have to do to get in? And you are told by the members of the club, "We cannot reveal to you the requirements for membership." It is an incredibly frustrating experience for the nations of Eastern Europe that have had so much frustration over the last 50 years under the domination of the old Soviet regime.

So we are saying here we are calling on the administration, not writing it for them, not telling them what the standards ought to be, but to come up with some standards so that those who seek to get in will know what they have to do to get in.

The frustration that I am referring to was evident again last week during the President's trip to Europe. As reported in the New York Times, the President's major address in Poland was characterized as "more an exhortation than a plan of action." His vagueness on when Poland would be welcomed into NATO provoked the Foreign Minister of Poland to comment, "Our expectations were not completely fulfilled. I would have liked our dialog on NATO to have gone much further than it did."

Imagine the foreign minister saying that publicly, presumably while the President was just there or had just left.

This disappointment was echoed by the chairman of the parliament's foreign affairs committee, the Polish foreign affairs committee, who said President Clinton's speech "Did little to satisfy our security expectations. To us this represents a lack of momentum." This is the Polish chairman of the foreign affairs committee.

Clearly, when you look at this, you would have to agree. It seems past time to move beyond exhortation and develop a clear plan of action.

There has been a lot of discussion here today on other amendments, and yesterday on other amendments about the Congress is trying to tell the President what to do. We are not writing the standards for him under this amendment. We are asking him to come up with clear standards.

It seems to me, Mr. President, this will be a good exercise for all of NATO to try to discover for the first time, other than opposition to communism, what the criteria for admission to the most effective treaty alliance in the world ought to be.

I do not want to see NATO's strength compromised nor its capabilities degraded. That is why I would like to hear what the administration has to say about the standards it expects should be upheld to safeguard NATO's effectiveness and its future.

Without a sense that they can and will be offered a real opportunity to participate in the most important treaty which has shaped European history, many may seek alternatives. I think we need to think that through. In the absence of a real opportunity to get into NATO, what alternatives might be sought by those countries, bearing in mind the last 50 years and there fear of renewed Russian national ambitions? This holding pattern may encourage Central and Eastern Europeans to form an alliance with a nuclear nation such as Ukraine or resurrect old ties.

My view is that this is a dangerous and unnecessary risk, and there is a sensible alternative. There really is a sensible alternative. Spell out the expectations, and offer these new and struggling democracies the guidance, and the means to fulfill the goals. Tell them what the standards are, and help them meet those standards so that they can be admitted into NATO.

We can work toward a common purpose, or we can abandon these nations to regional and ethnic and religious rivalries protected only by the uncertainties of the Partnership for Peace.

I hope my colleagues will support this amendment as an affirmation of NATO's important role, both now and in the future.

Mr. President, this is an issue unlike a lot of foreign policy issues we deal with with an American constituency. I have, for example, earlier this year on similar amendments received letters from the Polish-American Congress, also from the Slovakian Ambassador, and the Polish Foreign Minister, and many of us have gotten similar letters—I am certain I am not the only one who has—expressing in slightly different ways the very same frustration.

I ask unanimous consent that those letters appear in the RECORD at this point.

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

POLISH-AMERICAN CONGRESS,
Annandale, VA, February 28, 1994.

Hon. MITCH MCCONNELL,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCONNELL: In view of your greatly valued support for our concerns over the security of Poland and other nations of East Central Europe, I felt you may be interested in seeing my recent memorandum on the subject to the National Security Council.

As you know, there have been a number of important developments since President Clinton visited Brussels, Prague, and Moscow. They further strengthen the case for your Amendment and the Senate Resolution that Poland, Hungary and the Czech and Slovak republics be accepted without delay as members of NATO.

Time is not on our side, and the extension of the Alliance may be much more risky when the worst (and unfortunately the most likely) scenario becomes a reality.

With deep appreciation for your understanding of this problem, I remain.

Yours sincerely,

JAN NOWAK,
National Director.

POLISH-AMERICAN CONGRESS,
Annandale, VA, February 25, 1994.

Hon. RICHARD SCHIFTER,
Special Assistant to President and Counselor, National Security Council, Old Executive Building, Washington, DC.

DEAR MR. SCHIFTER: Thank you very much for offering me the opportunity to share with you our concerns. Let me summarize briefly my main talking points.

The Partnership for Peace (PFP) does not fully satisfy the security needs of East Central Europe, but it is perceived by us as a first step in that direction.

We welcome the continuation of the Administration's dialogue with our ethnic communities initiated in Milwaukee by Vice President Gore and Deputy Director Berger, and we are looking forward to our meeting in the White House on March 2. It is greatly appreciated that the Administration listens to our views and takes them into consideration. I particularly have in mind inclusion in the drafting of the PFP framework document of international rules of conduct, as proposed by us in Milwaukee. It is our understanding

that these rules would exclude from future membership in NATO any state guilty of using coercion or intimidation in dealing with other countries. Making respect for sovereignty and territorial integrity a condition of PFP partnership provides a certain protection against great power expansionism.

We also welcome public assurances by the President, Vice President, Chairman of the Joint Chiefs of Staff and the United States Ambassador to the United Nations that any threat to East European countries subscribing to the PFP would be considered a threat to the United States. While such pronouncements do not provide guarantees of security in any formal sense, they will remain on the record.

There are still four remaining sources of our concern:

(1) The imperialistic rhetoric emanating from policymakers in Moscow has not, so far, met with any unequivocal rejection or opposition from the United States.

(2) United States attention and support remain focused on Russia, to the exclusion of other CIS states.

(3) Developments in Russia are likely to make the future extension of NATO to the east more difficult and risky than today.

(4) The high cost of PFP membership may prove incompatible with the policy of economic austerity and balanced budgets required by international financial institutions.

Enclosed please find a few relevant quotations from statements by Russian policymakers in the past few weeks. There is a visible escalation in the claims to domination over other countries of the former Soviet bloc. It appears that the lack of any response from the United States and its allies may be creating a dangerous perception in Moscow that the West will not attempt to oppose the reintegration of the Soviet Union under the banner of Russian nationalism.

Any attempt to achieve this goal by force, blackmail or economic pressure will create a threat to the former Warsaw Pact countries. It is therefore in the interest of the peace and security of Europe and the United States that warning signals should be given to Moscow at this early stage, when Russian foreign policy is still in its formative stage.

The failure of economic reforms in Russia and even partial return to the old economic system would unleash hyperinflation. The further deterioration of economic conditions will favor extremist and authoritarian elements on both wings of the political spectrum. Under such circumstances, the extension of NATO would pose greater risk of confrontation with Russia in the future. Time may not be on our side. This is why, in our opinion, the United States should not postpone the issue until the worst scenario becomes a reality.

We take the position that East Central Europe should be integrated as soon as possible in the Atlantic and European community. The old lines of division were created in the Cold War. They should not be allowed to separate the Western democracies from countries which are struggling to consolidate their independence, democratic systems and a free market economy. Petrification of the old lines dividing the continent is detrimental to the enlargement of democracy and should be ended as soon as possible.

Sincerely,

JAN NOWAK,
National Director.

QUOTATIONS

Andrei Kozyrev, at his press conference in Beijing:

Talk about neo-imperialism diverts attention from the real problems associated with the specific role of Russia in maintaining stability in the Confederation of Independent State, which is in the vital interest of the vast region of Central Asia.—Siegodnia, No. 19, 2/1/94.

Andrei Kozyrev, at the meeting with heads of the North Caucasus region:

Voices are raised in the West about Russian imperial ambitions. They are teaching us the rules of good behavior. We do not need any lessons about the rules of the UN or the CSCE. What we need is practical assistance in the implementation of those rules in the Caucasus and the entire post-Soviet area.—Siegodnia, No. 22, 2/4/94.

Viktor Komplektov, Minister for Special Assignments, at the round table discussion on Russian foreign policy:

We repeat continuously that foreign policy should have some priority list. Reactivation of the Soviet Union is now put forward as the first priority. Does this reflect the frame of mind of our people? In my view it does. Russia is now being called an empire, not in the socialist but in the old Russian sense of the word. * * * We should conduct an active policy to the near abroad in accord with this old tradition.—Niezawisimaje Gazietta, No. 20, Feb. 1994.

Pavel Grachev, Minister of Defense, in an interview with Interfax, February 2, 1994:

We cannot support PFP if it becomes a vehicle for the gradual extension of NATO to the countries of the former Warsaw Pact and Baltic states without consultation and the consent of Russia.

EMBASSY OF THE
SLOVAK REPUBLIC,
February 2, 1994.

Hon. MITCH MCCONNELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: I wish to express our sincere gratitude and admiration for your initiative and efforts to speed up the process of admitting the new democracies of the Central Europe to NATO.

Your amendment No. 1279 to the State Department Authorization Bill expressing the sense of the Senate regarding the participation of new democratic nations of Central Europe in The North Atlantic Treaty Organization is a great contribution to the vital discussion about NATO's future.

We support the idea that it is in the interests of the Western Countries to enlarge the space of stability and security in Europe and to offer the new democracies, which have demonstrated both the capability and willingness to join NATO, an unambiguous chance to become part of this most reliable security structure in Europe in the nearest future.

Central European countries on their unpaved roads of transition have to face a number of difficulties and challenges including the lack of security guarantees.

I am convinced that the NATO security umbrella would enable the Central European countries to concentrate on a quick economic and political transformation. The existing security vacuum and possible destabilizing effects generated by a negative development in the close proximity may have negative influence on the process of the advanced stabilization in Central Europe.

The Slovak Republic like other countries of the Visegrad Group have passed a vital political decision to strive for its integration into European and Transatlantic political, economic and security structures. Therefore it also has launched numerous diplomatic activities aiming to demonstrate its desire and preparedness for incorporation into NATO without needless delay.

Slovakia by sharing the same democratic principles and values like NATO countries is ready to be an active participant in projects and missions within the framework of the "Partnership for Peace". At the same time we will continue our diplomatic efforts for convincing Russia that our participation in NATO is not posing a threat to its security.

I would be glad to inform you on our approach and activities connected with Slovakia's goal to reach a full NATO membership. In this connection enclosed find the Memorandum of the Government of the Slovak Republic on joining Partnership for Peace by the Slovak Republic.

I wish to thank you once again for the attention you pay to the problems and concerns of new democracies of Central and Eastern Europe.

Sincerely

PETER BURIAN,
Charge d'Affaires a.i.

REPUBLIC OF POLAND,
MINISTER OF FOREIGN AFFAIRS,
Warsaw, February 2, 1994.

Senator MITCH MCCONNELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: I would like to thank you for your interest in and support for the Amendment No. 1280, concerning the extension of NATO membership. In my opinion, the Amendment is an important step in the right direction: the issue of NATO membership is of great significance to Poland and we are grateful for your opinions.

The Amendment will, I believe, influence the process of admitting new democratic nations of Central and Eastern Europe to NATO and will serve the important objective of deepening the trust between our countries and the United States.

Yours sincerely,

ANDRZEJ OLECHOWSKI.

Mr. MCCONNELL. Mr. President, clearly, not only what these countries in Eastern Europe are saying, but the Americans who came from those countries who live in many of our States can give us some criteria that can be met. It is so murky now. And vague promises that someplace sometime down the road admission into NATO might be possible is not enough.

I commend the President for moving in that direction with the Partnership for Peace. But it is obviously that the PFP has not satisfied the concerns that those countries have, and that the American constituents of all of us who came from those countries have, that we are unwilling to provide clear guidance as to how a country could aspire to be a member of NATO.

We are not writing the guidelines for the President under this amendment. We are saying simply, Mr. President, it is high time maybe, after 50 years and after communism died, if NATO continues to have admission—and we all believe, I think, that it does—and if we believe there might be some circumstances under which it ought to expand—and I think we all believe those circumstances are there—what are the criteria? What are the criteria?

So this amendment calls upon the administration to come to grips with the issues of establishing the criteria for admission into NATO, and once those criteria are determined it suggests that there are seven countries that are clearly first line candidates for admission, and that we ought to through foreign assistance and military cooperation to provide them help in meeting the guidelines.

And to our friends, the Russians, I say there is nothing to be threatened about here—nothing to be threatened about. But you can understand—we can all understand—the nervousness of those countries that were under the Soviet boot for all of these years, particularly when they hear utterances from people like Zhirinovsky, and when they hear these expressions from Russian leaders, you can imagine their concern.

So I hope this is something the Senate might adopt. I do not think it is in any way threatening to the administration. We are not substituting our judgment for their judgment. We are simply suggesting to them that they decide what NATO is all about. What is the mission in the post-cold-war period?

Madam President, I want to, at this point, ask for the yeas and nays on my amendment.

The PRESIDING OFFICER (Mrs. MURRAY). Is there a sufficient second?

There is not a sufficient second.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Madam 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. BROWN. Madam President, I ask unanimous consent that my name be added as a cosponsor to the McConnell amendment.

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

Mr. BROWN. Madam President, I might observe for the body that this simply gives the administration an ability to lay out in a report the kind of cooperation they feel is appropriate and needed. It is not, at least in my view, binding on the administration in terms of forcing them to do something they wish not to do. It simply makes it clear that the Senate has an interest in doing the appropriate things in cooperation with these countries.

I strongly support the McConnell amendment. I think it is a plus to this bill. I support it because I think it has implications beyond simply the requested report. I support it because I think it is terribly important that this Nation do all it can to make sure that the dark wall of domination not fall over these countries again.

This amendment does not commit us, but it certainly sends a message that we have an interest in the freedom of these nations; that we care about their opportunity to determine their own destiny; that we believe the family of mankind should be concerned about their independence and their opportunities to control their own world and their own future.

This is a small step, but it is an important step. It sends a signal that this Nation still cares about freedom and democracy, and that the slowness that has developed in Europe with regard to extending the umbrella of NATO is one that we are concerned about. This, I think, sends a message that we intend to move forward in that process and, as such, I commend the Senator from Kentucky. I think he is one that still holds that torch of liberty aloft for others in the world to see and appreciate. I think his effort here is particularly important.

I might observe that his measure includes some countries other than the ones we spelled out in the Brown-Simon amendment, which at the appropriate time we will offer. But with regard to the Slovak Republic, let me mention that I, this day, talked to the Ambassador of Slovakia, and he indicated in strong terms that Slovakia is interested in entering NATO and cooperating with NATO in working toward peace and freedom within the NATO framework. So the fact that Slovakia is not included in my amendment in no way indicates a reluctance or failure or unwillingness of the Slovak Government to enter NATO. I must say that I am delighted that Slovakia is included in the McConnell amendment.

I yield the floor.

Mr. MCCONNELL. Madam President, I commend the Senator from Colorado. He and the Senator from Illinois have been very involved in these NATO issues. We have had discussions at various times about different approaches to it. I am glad that he and Senator SIMON are going to offer their amendment as well, which I intend to support.

There are some nuances or slight differences between these approaches on these NATO amendments, but I think the message is clear. If I may speak for myself—and I think I am also speaking in similar language to Senator BROWN—the message is clear that there has to be some criteria for admission to NATO, or just tell them no. If it is never going to happen, the best thing the President could do would be to look them in the eye and say: NATO is never going to expand, and it is never going to develop a post-cold-war mission, and we do not know, quite frankly, what is going to happen to NATO.

It seems to me that if NATO is going to be a vibrant, living organization, it must change like all organizations do with changed conditions. We have an enormous number of recently freed Eastern Europeans, who are looking to us for some clear guidelines to getting into an organization that they view is central to the defeat of the old Soviet Union.

So I commend the Senator from Colorado for his excellent work in this area. This is an area in which I expect all of us to continue to work in the coming months, until we get a better result from the administration than we have gotten to date.

Mr. BROWN. If the Senator will yield, I cannot help but reflect—and I know every Senator has strong feelings in this area—I cannot help but reflect on how terribly important this issue is that the Senator has brought to the floor. Every Senator, I believe, has read of the tragedy of 1939, of the failure of the free world to respond when Poland sought to maintain its freedom and independence. I cannot imagine anyone that does not pray, when they reflect upon the failure of the free world to come to the defense of Poland.

Everyone knows that the failure to maintain Polish freedom added to the challenge and burden of maintaining American freedom as the years of World War II advanced. Everybody knows if we had stood up at that time, that the loss of life in World War II would have been a small fraction of what it eventually turned out to be.

I suspect that every Senator is well aware of the tragedy that occurred when our Government—the Government of the United States—urged the freedom fighters in Poland, the resistance leaders, to surrender to Soviet authorities, and what I believe is a true conviction that they would be negotiated with and be involved in developing the leadership and control of Poland after the war. I think every Senator is aware of the fact that the Soviet authorities then turned around, rather than negotiate with those leaders, arrested them, imprisoned them, tried them and executed them.

Everyone's heart breaks who thought the second time we failed to guarantee or failed to cooperate or failed to aid in securing the peace and independence and freedom of the Polish people.

I know of no one who looks at the Yalta agreements, that saw Poland fall behind the Iron Curtain, who does not regret—and I do not mean to suggest that everyone agrees that the compromises that were made there were bad; obviously there are differing opinions on that—but I know of no one who would not, if they had their preference, have insisted that Poland be guaranteed its freedom and independence.

I cannot help but reflect on the fact that we are now at a crossroads where history could repeat itself, where the question of whether Poland remains free and independent and able to determine their own destiny is very much on their table. And the question is whether or not we make a clear statement that we believe Poland ought to be free and Poland ought to be the master of their own destiny, or whether we send a message that the freedom and independence of Poland and other countries in Central Europe is in play.

My own belief is that if we are ambiguous at this time in history, if we fail to step forward, if we fail to make our convictions clear, if we fail to stand up for the freedom of the Polish people, the Czech people, and the Hungarian people, that we send an invitation that it is all right for other countries to reassert control over Central Europe, that it is all right for others to seek to dominate them once again.

That is not a message that it is in our interest to send, nor is it a message in the interest of the people of those countries to send, nor do I believe it is in the interest of any free people around the world.

So I once again commend the Senator. I think by acting here today, we send a very strong message, one that has enormous potential in years ahead.

Mr. McCONNELL. Madam President, I thank my friend from Colorado.

It seems to me that reasonable people would conclude that the Soviet Union, the Russians, should not be offended by this. After all, they are supposed to be our allies now. They are professing not to have nationalist ambitions anymore.

That certainly has not been the policy of the Yeltsin government.

So what is the problem here? I mean, who are we worried about offending—an ally? I do not think the Russians should view NATO anymore as an enemy. We are supposedly all developing a friendship here.

But what we are talking about here with this amendment and what Senator BROWN and others have talked about on amendments that they have offered on other bills is reassuring countries in Eastern Europe, who have had a recent—they have actually had this experience before, but they certainly had it in the last 50 years—a horrible experience with occupation.

Now, our assumption is the Russians have changed, but just in case that may not be true, just in case that may not continue—who is to say what could happen if the Russian election in 1996 produced a new President who appealed to the Russian people to forget their internal problems and reassert their nationalism? It will not be the first time a politician in a country anywhere in the world running for election seeks to divert attention away from domestic problems by focusing on international affairs.

What if someone gets elected President of Russia who says, "My principal goal is to reassert the Soviet empire"?

It seems to me it would be exceedingly difficult to carry out that campaign message if NATO by that time had, in a friendly and nonthreatening way, simply moved out to include some very, very obvious candidates for admission to this collective security umbrella.

So what we are saying in this amendment, Madam President, is define the criteria. Maybe that was not necessary in the forties. It was pretty clear what the motivation was in pulling NATO together in the forties. It was to stop communism.

But at this point, maybe they do need some criteria for NATO, and we are asking the administration to draft some criteria so that these aspiring Eastern European countries will have a sense of what standards they have to meet in order to get in. And beyond that, once we draft the criteria, let us help them meet that criteria with the transfer of military equipment or whatever we may have in excess capacity to help bring them up to whatever standards we may conclude that NATO would require its members to meet.

We do not know what the standards are today. They are not written down. There is not a word about what the standards are.

That is what this amendment is about. I hope the Senate will approve it. I think it makes a lot of sense. It will really hold out some genuine hope, Madam President, to the aspiring members of NATO that there are specific criteria written down that they could meet, and actually meet with our assistance.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Madam President, may I ask the distinguished manager on this side of the bill, is it his intent to proceed now to a rollcall vote on his amendment? I hope that he will.

Mr. McCONNELL. We have the yeas and nays. I do not know whether there are other speakers. I do not see the manager.

Mr. HELMS. May I ask the manager of the bill, would it be appropriate for me to ask unanimous consent to be recognized to call up amendment No. 2254 after this amendment has been disposed of?

Mr. LEAHY. Madam President, I certainly will not have any objection.

I was thinking. We have been sort of trying to see about possibly going back and forth. I wonder if we could just hold on just for a minute and let me just check. Sooner or later, we are going to get rid of them anyway. I know we are going to be here very, very late tonight voting on them. So I am perfectly willing to. Let me check on that.

Mr. McCONNELL. I am not sure who has the floor. Does the Senator from North Carolina have the floor?

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. HELMS. I have the floor.

Mr. LEAHY. The Senator was addressing a question, and I was striving to answer.

Mr. HELMS. Would it be in order for me to ask unanimous consent that I be recognized to call up this amendment unless a Senator designated by the distinguished manager of the bill on the other side has an amendment to offer? Would that be all right?

Mr. LEAHY. I have no objection.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

Mr. McCONNELL. Will the Senator from North Carolina allow me just to add one amendment to the list?

Mr. HELMS. Absolutely.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 2293

(Purpose: To express the sense of the Senate concerning World Bank loans to countries acting to enforce the Arab boycott of Israel)

Mr. McCONNELL. Madam President, consistent with the unanimous consent agreement under which we are operating, I send to the desk an amendment by Senator BROWN.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] for Mr. BROWN, proposes an amendment numbered 2293.

Mr. McCONNELL. 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 in the bill, add the following new section:

"SEC. . Loans to Nations that enforce the Arab boycott of Israel.

"The President should use the voice and vote of the United States in all multilateral banks of which the United States is a member to ensure that no loans are given to nations which support or encourage the primary, secondary or tertiary boycott of Israel."

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, the Senator from Arkansas [Mr. BUMPERS] has an amendment at the desk, and as soon as we ascertain the number, I am going to ask unanimous consent that it be withdrawn and one that apparently corrects an error in it replace it.

AMENDMENT NO. 2289

Mr. LEAHY. Madam President, I ask unanimous consent that amendment No. 2289, on behalf of Mr. BUMPERS and others, be withdrawn.

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

So the amendment (No. 2289) was withdrawn.

AMENDMENT NO. 2294

(Purpose: To delete funding for parliamentary training and democracy in the People's Republic of China)

Mr. LEAHY. Madam President, I ask unanimous consent that the amendment I now send to the desk be substituted in its place under the earlier unanimous consent agreement.

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

Mr. LEAHY. I thank the Chair.

Madam 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 assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator will withhold.

The clerk will report the last amendment.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. BUMPERS, proposes an amendment numbered 2294.

Mr. LEAHY. 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 end of the pending committee amendment add the follows:

Notwithstanding any other provision of this Act, none of the funds appropriated under this Act shall be available to support parliamentary training and democracy programs in the People's Republic of China."

Mr. LEAHY. Madam President, I ask unanimous consent that the pending amendment by the Senator from Kentucky be temporarily laid aside so that the Senator from North Carolina may be recognized to offer an amendment.

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

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 2295

(Purpose: To clarify the intent of Section 577 of H.R. 4426 regarding the U.N. War Crimes Tribunals)

Mr. HELMS. Madam President, I send an amendment to the desk which has been agreed to by all concerned. I 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 2295.

The amendment is as follows:

In Section 577, strike "other bodies" and insert in lieu thereof, "commissions".

Mr. HELMS. Madam President, I rise today to offer an amendment that would clarify a provision adopted earlier in these proceedings. I feel obliged to do so in light of the fact that this provision could be misinterpreted.

Chairman LEAHY offered an amendment creating section 577 in the bill—amendment No. 2110—that appropriated up to $25 million in goods and commodities to be offered to the United Nations in its efforts to investigate war crimes.

I only wish to clarify what I understand was the intent of the committee that these funds should be directed to investigate charges regarding genocide or other violations of international humanitarian law. My proposed technical changes clarify that the funds being made available will only be used for tribunals and commissions whose sole responsibility is the investigation of crimes of genocide or other violations of international humanitarian law.

I understand this amendment has been agreed to by the managers of the bill.

The PRESIDING OFFICER. Is there further debate on the amendment?

If there is no objection, the amendment is agreed to.

So the amendment (No. 2295) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LEAHY. Madam President, for the interest of those who may be watching back in their offices, we are going to have at least one rollcall vote, I would guess, around a quarter of 6. If there is any other amendment requiring a rollcall vote, if any Senator could bring that matter forward, possibly before then, we may be able to stack some votes.

I say around a quarter to 6, and that is assuming there are not other Senators who wish to speak on the McConnell amendment.

But I urge Senators who have amendments that they want considered to come forward.

I could think of very few places I would rather be than on the Senate floor. A few come to mind—at my home with my family, accomplishing some things in my office, back in Vermont with friends. But, other than that, of course, I would much rather be here. And I expect the distinguished Senator from Kentucky and I are going to be here until the wee hours of the night.

I just urge those who may not find this the place that they love the most, that they may want to come forward and move their amendments with the idea that we may get out before midnight this evening.

But we will continue. We have a number of amendments at the desk. By 6 o'clock tonight, we will have a finite number of amendments at the desk. It would be my intention to start disposing of those.

But I do not want any Senator to come over at 11 o'clock tonight and suddenly say I really want to speak on this amendment, when they probably have a good opportunity to do that right now.

Madam President, I yield the floor.

AMENDMENT NO. 2266, AS MODIFIED

Mr. McCONNELL. Madam President, I send a modification of my amendment to the desk.

Mr. LEAHY. The yeas and nays have been ordered.

Mr. McCONNELL. Madam President, I ask unanimous consent to modify the amendment.

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

Mr. McCONNELL. I send the modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 2266), as modified, reads as follows:

At the appropriate place in the bill insert the following:

SEC. .

(a) Within 60 days of enactment of this Act, the President shall submit a report to the Committee on Appropriations, the Committee on Foreign Relations and Armed Services defining specific military, economic and political standards required to gain admission to NATO; Provided further, that such report is not limited to the principles enunciated in the Partnership for Peace; Provided further, such report shall include an assessment of measures which would be necessary to guarantee the armed services of Poland, Hungary, the Czech Republic, Slovkia, Lithuania, Latvia and Estonia are capable of military interoperability with NATO and fulfilling other member responsibilities.

(b) Notwithstanding any other provision of law, 120 days after enactment of this Act, excess defense articles made available under sections 516 and section 519 of the Foreign Assistance Act of 1961 shall be provided to carry out the measures identified in subsection (a) with regard to military interoperability.

Mr. LEAHY. 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. LEAHY. 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. 2296

Mr. LEAHY. Madam President, I ask unanimous consent that an amendment on behalf of Senator LEVIN be offered appropriately under the overall unanimous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. LEVIN, proposes an amendment numbered 2296.

Mr. LEAHY. 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:

On Page 22, after line 12, add the following new sections:

( ) Funds made available in this Act for assistance to the New Independent States of the former Soviet Union shall not be used to support activities or projects that will significantly harm biological diversity or environmental quality.

( ) Funds made available in this Act for assistance to the New Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to Environment and Natural Resources) of the Foreign Assistance Act of 1961.

Mr. LEAHY. Madam President, I will just note that there are about 14 minutes left if anybody is wanting to offer an amendment under the unanimous consent agreement entered into a couple weeks ago. They have just about 14 minutes left to do so. I thank the Chair.

Mr. HELMS. Madam President, may I ask my friend when he desires to ask for the rollcall vote to begin?

Mr. LEAHY. Madam President, the amendment of the Senator from Kentucky is one that reflects substantially on the jurisdiction of another committee, in this case the Committee on Armed Services. We are checking with the leadership of the Armed Services Committee to see if they are going to have a position on it. That is why we have not gone to a rollcall vote yet.

Madam President, I am going to reserve the remainder of whatever time I have, and I will yield the floor and at the appropriate time I will call up amendment No. 2254 relating to the remarks that I have just made. I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I ask unanimous consent that amendments 2282, 2294, 2272, 2281, and 2275 be considered second-degree amendments to the committee amendments which they propose to amend.

Mr. LEAHY. Madam President, I have no objection.

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

AMENDMENT NOS. 2297 AND 2298

Mr. MCCONNELL. I ask unanimous consent that an amendment by Senator DOLE and an amendment by Senator SPECTER and Senator SHELBY may be offered under the unanimous consent agreement under which we are operating.

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

The clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes amendments en bloc numbered 2297 and 2298.

AMENDMENT NO. 2297

Mr. MCCONNELL offered amendment No. 2297 for Mr. DOLE.

The amendment is as follows:

On page 10, line 10 after the word "law" and before the period (.) add the following new proviso:

"Provided further, that of the funds appropriated under this heading, not less than $15,100,000 shall be made available for the Cooperative Association of States for Scholarships Program and not less than $3,000,000 shall be made available for the East Central European Scholarship Program"

AMENDMENT NO. 2298

(Purpose: To enhance congressional review of efforts to facilitate peace in the Middle East and for other purposes)

Mr. MCCONNELL offered amendment No. 2298 for Mr. SPECTER, for himself, and Mr. SHELBY.

The amendment is as follows:

(a) On page 102, line 1, strike all that follows after "Gaza" through the end of line 3 and insert a period after "Gaza".

At the appropriate place, insert the following:

SEC. . (a) ADDITIONAL CONGRESSIONAL EXPECTATION.—Section 583(b)(5) of the Middle East Peace Facilitation Act is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(E) amending its National Covenant to eliminate all references calling for the destruction of Israel.

ENHANCE CONGRESSIONAL REVIEW OF THE OBLIGATION OF FUNDS TO THE PLO

Mr. SPECTER. Madam President, I have sought recognition to speak briefly on an amendment offered by me and Senators SHELBY, D'AMATO, CRAIG, and GRAMM and which is being accepted by the distinguished managers of the bill.

Several weeks ago, joined by Senator SHELBY as cochair and 12, now 13 other Senators—a broad bipartisan group—I announced the formation of a new Senate caucus intended to monitor compliance by the PLO with the Mideast peace accords and to provide watchful oversight of State Department monitoring of PLO compliance.

The other Senators who have thus far joined this caucus are Senators BROWN, BRYAN, D'AMATO, DURENBERGER, INOUYE, LAUTENBERG, LIEBERMAN, MACK, MCCONNELL, PRESSLER, REID, SIMON, and HELMS.

The amendment which is being accepted today—and I would like to thank the distinguished chairman, Senator LEAHY, and ranking member, Senator MCCONNELL, for their cooperation in reaching agreement on the important principles advanced by this legislative action—will give Congress the statutory tools to ensure that United States taxpayer funds not be released for the benefit of the PLO unless the PLO complies with its freely undertaken obligations to renounce and control terrorism and to live in peace with Israel.

Under existing law, the PLO is classified as a terrorist organization prohibited from receiving, directly or indirectly, United States taxpayer funds unless the President suspends this prohibition by certifying that the PLO is honoring its commitments to renounce terrorism and live in peace with Israel.

As the months have passed since the historic handshake on the White House lawn, however, there has been both a pattern of PLO violations of the accords—continued terrorism, undenounced and unredressed by Chairman Arafat and no change to the Palestinian National Covenant to eliminate calls for the destruction of Israel—and a distinct lack of State Department vigilance in monitoring the PLO noncompliance.

Regarding PLO violations, the Zionist Organization of America has issued a series of weekly reports, as well as summary studies, which charge the PLO with scores of terrorist acts, none of which have led to discipline by the PLO. Without accepting ZOA data, or any other data, as beyond critical review, clearly there is a pattern of PLO violation that cannot be ignored.

Regarding the State Department reports on PLO compliance, for example, Senators LIEBERMAN and MACK have pointed out that these reports have read "like a defense of the PLO's lapses."

In response to this situation specifically, the amendment being accepted today does the following:

First, it strikes the "national interest" proviso from section 565 of the 1995 Foreign Operations appropriations bill concerning "Limitation on Assistance for the PLO for the West Bank and Gaza." This leaves the President with only certification of PLO compliance with the peace accords, under the Peace Facilitation Act, as the means to obligate appropriated funds. This is as it should be. Would it be an urgent national interest of the United States for the President to provide United States funds to a PLO which the President was not able to certify as in compliance with the peace accords, a PLO still engaged in terrorism and pledged formally to the destruction of Israel? Clearly, it would not.

Second, the amendment amends the Peace Facilitation Act so as to express, with the force of law, an expectation by the Congress that the PLO will honor its pledges and actually amend its National Covenant, eliminating calls for the destruction of Israel.

Let me remind my colleagues of just some of what makes up the PLO's Covenant. The document makes no reference to any principle of peaceful coexistence but instead speaks repeatedly of the "liberation" of the entire territory of the former British Mandate. It affirms "armed struggle" as the strategy for this "liberation" and speaks of a "national duty to repulse the Zionist, imperialist invasion from the Great Arab homeland and to purge the Zionist presence from Palestine."

Adding to the law governing the release of taxpayer dollars to the PLO a clear statement of a congressional expectation that this genocidal tract will be changed sends a powerful message. I wish to make the point for the record, however, that if the PLO has still failed to act to change its charter, I will seriously consider asking the Senate to make such action by the PLO an explicit condition on Presidential authority to obligate funds appropriated for the benefit of the PLO.

As we are all aware of the PLO's record of treachery and butchery—of Americans as well as Israelis and others—this amendment will help ensure that United States funds are not spent for the benefit of the PLO without real compliance with the terms of the peace accords.

Mr. SHELBY. Madam President, Senator SPECTER and I offered the pending amendment before the recess to ensure that taxpayer dollars would not be used to subsidize terrorists. I am pleased that we could work out an agreement for the committee to accept a modified version of this amendment. On June 15, I joined Senator SPECTER as the cochair of the bipartisan Peace Accord Monitoring Group. The group is committed to monitoring PLO compliance with last September's Peace Accords, and as part of this commitment, to making sure that the PLO complies fully with the accords before one dime of taxpayer money is sent to the West Bank or the Gaza Strip.

Madam President, since the signing of the peace accords, the record of PLO compliance has been less than stellar. The PLO has neither foresworn terrorism nor submitted changes to its charter's call for the destruction of Israel. Unfortunately, the State Department continues to gloss over or simply ignore these and other violations of the accords.

Madam President, I believe that the American taxpayer is already perplexed enough that his or her money is being sent to a group directly responsible for the murders of U.S. citizens. We do not need the State Department further adding to this confusion and disbelief by failing to ensure that the PLO reforms itself in return for these dollars. If the executive branch will not see that our taxes are well spent in this situation, then it is incumbent upon the Congress to guarantee compliance with the peace accords before the United States sends its support to an unreformed terrorist organization.

This amendment would allow the President to obligate funds appropriated for the West Bank and Gaza only if he can certify PLO compliance with the accords. He could not waive compliance requirements by invoking the vague language of the "national interest" as would be allowed by the appropriations bill before us. In addition, the amendment would add a congressional expectation to the Peace Facilitation Act that as a condition for continued assistance the PLO amend its charter to delete its call for the destruction of Israel.

Madam President, these safeguards are necessary to protect the taxpayer from unwittingly subsidizing terrorists. I personally am skeptical that the PLO will actually reform itself by renouncing terrorism and agreeing to peacefully coexist with Israel.

Having been heartened by the ceremonies on the White House lawn this past September, I sincerely hope that this peace agreement will form the basis of a lasting peace in the Middle East. However, a lack of vigilance and a blank, unconditional check to the same organization that was connected to the attack on the *Achille Lauro* will not ensure or guarantee peace. Rather, turning a blind eye to a lack of compliance with the peace accords will in fact aid in the undermining of the peace process and make it even more likely that the PLO will not reform itself.

Madam President, the American taxpayer is already skeptical of foreign aid in general, let alone giving money to terrorists. This amendment is a step to making sure that any aid to the PLO is tied to full compliance with the accords. I thank the chairman and ranking member for accepting this amendment to protect the taxpayer and appreciate their cooperation in this matter.

Mr. D'AMATO. Madam President, I rise today in support of Senator SPECTOR'S amendment that would condition American aid to the PLO upon a commitment by them to adhere to the Middle East Peace Agreement and to remove from its national covenant any reference to the destruction of Israel. I would like to commend the Senator from Pennsylvania for offering this amendment, and I am pleased to be a cosponsor of it.

I feel that the PLO has a long way to go before it convinces this Senator that it is truly committed to peace with Israel. One need look no farther than today's New York Times, to see that Yasir Arafat himself tried to smuggle into Gaza, four known arch terrorists. One of these murderers, has been identified by Israel as being the mastermind of the Ma'alot school massacre in 1974, in which 22 Israeli school children were murdered.

Madam President, if Yasir Arafat in fact did smuggle a man who murdered 22 schoolchildren into Gaza, then I have even less confidence in his commitment to peace then before.

Let me just finish by saying that I feel that this is a worthwhile amendment and it will hopefully go some way towards ensuring greater compliance by the PLO with the recently signed peace agreements.

I ask unanimous consent that the text of the New York Times article concerning this situation be included in the RECORD following the text of my remarks.

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

[From the New York Times, July 14, 1994]

ISREAL BARS PALESTINIAN OFFICIALS FROM GAZA

(By Joel Greenberg)

GAZA, July 13.—Israel barred new officials of the Palestinian National Authority from entering Gaza and Jericho today in a dispute over the arrival here of four P.L.O. men, two of whom allegedly planned a 1974 attack on a school in which 22 Israeli students were killed.

The dispute strained the self-rule accord between Israel and the Palestine Liberation Organization and highlighted a lingering lack of trust. It also touched a raw nerve in Israel, where the raid on the high school, in the northern town of Maalot, is remembered as one of the most horrific terrorist assaults.

Though three of the four men had left Gaza for Egypt by the end of the day, Israel said no new officials of the Palestinian authority would be allowed into the self-rule zones until the fourth man was sent back to Egypt.

"As long as all of the four who entered illegally are not outside the area, no officials of the Palestinian National Authority will be allowed to come in," said Obed Ben-Ami, a spokesman for Prime Minister Yitzhak Rabin.

Mr. Ben-Ami said the four, who had joined Yasir Arafat's entourage when he returned to Gaza on Tuesday from Egypt, had not been given permission to enter. Israel controls the border crossing, and under its agreement with the P.L.O., it must approve the entry of Palestinian officials.

Mr. Ben-Ami said two of the men had planned the Maalot raid, in which three Palestinian gunmen took scores of students hostage. When Israeli soldiers stormed the school, the gunmen opened fire killing 22 students and wounding dozens more. The gunmen also died in the assault.

The alleged mastermind of the attack, who arrived today, was Mamdouh Nofal, now a leader of the Palestinian Democratic Federation, a P.L.O. group that strongly supports the accord with Israel. With him were Mustafa Liftawi, the former head of the P.L.O.'s Western Sector group, which had planned dozens of attacks on Israel; Jihad Amarin, a member of the same group, and Nihad Jayusi. Mr. Amarin was reportedly still in Gaza tonight.

Two rightist opposition parties submitted a no-confidence motion in Parliament, saying the Government should have arrested the men.

Dr. Ahmad Tibi, an adviser to Mr. Arafat who mediated the men's departure, said the Israeli objections had little basis.

"The person responsible on behalf of the Palestinian people for everything that was

done in the Israeli-Palestinian conflict is Yasir Arafat, and this man shook hands with Yitzhak Rabin," Dr. Tibi said in a radio interview. "With that we turned over a new leaf. The goal is to overcome and forget the past. The people who carried out these acts now support the peace process."

But Mr. Ben-Ami said the men posed a security risk. "Mr. Arafat committed himself to carry out the accord," he said. "It's not certain that other people who want to reach the area are indeed coming in order to implement the agreement."

At the Allenby Bridge crossing into the West Bank, Israel barred a group of 18 Democratic Federation members from entering Jericho from Jordan. The party leader, Yasir Abed Rabbo, who holds the information and culture portfolio in the Palestinian authority, was also prevented from crossing from Egypt into Gaza.

AMENDMENT NO. 2282, AS MODIFIED

The PRESIDING OFFICER. Who seeks recognition?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I ask unanimous consent that I be allowed to modify my amendment at the desk, No. 2282, and I send the modification to the desk.

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

Mr. HELMS. I thank the Chair.

The modification is as follows:

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

SEC. . RESTRICTION ON U.S. GOVERNMENT OFFICES U.S. OFFICIAL MEETINGS IN JERUSALEM.

(1) None of the funds appropriated by this or any other Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States government for the purpose of conducting official United States government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles; and

(2) None of the funds appropriated by this or any other Act may be obligated or expended for any officer of employee of the United States government to meet in any part of Jerusalem with any official of the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles for the purpose of conducting official United States government business with such Palestinian Authority.

Mr. LEAHY. Madam 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 assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. 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. McCONNELL. Madam President, I ask unanimous consent that the pending amendment be considered a second-degree amendment to the committee amendment.

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

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

The PRESIDING OFFICER. The pending amendment is amendment No. 2266.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2266, AS MODIFIED

Mr. LEVIN. Mr. President, I rise in opposition to the pending McConnell amendment for a number of reasons.

This amendment is far more than simply an amendment that would require the President to report the pros and cons and whether something is feasible.

This amendment would require a report to accomplish certain specific goals within 60 days.

Goal No. 1, the President is told by this amendment that he must report to us as to the specific military, economic, and political standards that are required to gain admission to NATO on the part of all the partners that have signed the Partnership for Peace agreement.

That language runs right smack against the NATO Charter which says that NATO will define criteria for membership. Not that the United States unilaterally will define the criteria for membership to NATO, but that the 16 NATO nations as equal NATO members will define who gets into NATO and who does not and what the criteria are.

But what this amendment does is usurps that NATO authority which belongs to all the NATO members and says that the President of the United States shall submit a report to the three committees defining specific military, economic, and political standards required to gain admission to NATO.

So the first reason that I believe this amendment should be defeated is because it takes unto ourselves a responsibility which belongs to us and our NATO partners now, and I think in doing so is going to create real mischief inside of NATO between ourselves and our partners.

So problem one is that internally to NATO it creates a problem because what belongs to NATO now, which is the determination of the criteria of membership to NATO, which belongs to all of the NATO nations, is suddenly by this amendment told to be the responsibility just to the President of the United States to determine what the criteria are for membership to NATO.

But it also creates a problem, I believe, between NATO and our new partners in Eastern Europe because it singles out certain countries for which the criteria will be specified, and leaves out more countries that have signed up as partners for peace in terms of what criteria will be available for them to become members of NATO.

I happen to be one who has believed over the past few months that the Partnership for Peace has moved this process forward. I also believe, and I think I may share this actually with my friend from Kentucky, that we should try to push the process of becoming partners and establishing criteria faster. In fact, I have said so publicly, that we should try to get that criteria established so that countries that have signed the Partnership agreement will know what that criteria is.

I have also stated that I believe that when those countries do become members of NATO, that it would be useful to have a special relationship established between NATO and Russia.

But in any event, this goes way beyond that. This amendment does not just require the President to establish criteria for all partners. It singles out certain partners and says that just for those partners the President must establish criteria, thereby drawing new lines in Europe. We are drawing the lines under this amendment. It is not the criteria which will determine which states will be able to join and which states will not. But this amendment singles out certain states for which specific criteria must be designed, and leaving out a whole host of other states, including some good allies of ours, like Sweden and Finland that are left out of this list, by the way.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. LEVIN. I am happy to yield.

Mr. NUNN. Mr. President, I pose a brief observation and question to my friend from Michigan.

I read this, and I have not heard the explanation of the Senator from Kentucky of what perhaps the answer to this.

But the part of this resolution that involves me is section (b), and perhaps there are changes in language where it could be worked on.

I think I understand where the Senator is coming from and I understand that we want to begin to have interoperability, or work toward interoperability, with Poland, Hungary, the Czechs, and others. I think with the Senator from Michigan we are not ready to narrow down that list yet but NATO will have to make that decision.

But this paragraph (b) says:

Notwithstanding any other provision of law, 120 days after enactment of this act, excess defense articles made available under section 516 and section 519 of the Foreign Assistance Act of 1961 shall be provided to carry out the measures identified in subsection (a) with regard to military interoperability.

Section (a) says: "Provided such report shall include an assessment of measures which would be necessary to

guarantee" that armed services to these seven countries "are capable of military interoperability with NATO and fulfilling other member responsibility."

When you use the word "guarantee" and basically mandate the turning over of defense articles, without regard to cost, without regard to transportation, without regard to any kind of preliminary assessment of need, it seems to me we are mandating for these countries that are in the Partnership for Peace what we never achieved for NATO. We do not have complete interoperability, unfortunately, in many aspects, of military equipment with our own allies.

We have been basically prepared to defend Western Europe in partnership for the last 40 years. As a matter of fact, as recently as the Grenada operation, we did not have interoperability within the Navy and Army within our own military services.

We are talking here, in a floor amendment that cannot be amended, as I understand the procedure, we are talking about turning over excess defense articles that guarantee that interoperability and do it in 120 days.

I would say to my friend from Michigan, the way I read this amendment, it is mission impossible, if the words are to be taken as they are written. If they are not to be taken as they are written, then what we need really is an amendment here so that we basically get the information that the Senator from Kentucky seeks without imposing basically conditions that are impossible; meaning making the amendment really, I think, something that really cannot be supported on the floor in good conscience.

So I hope the Senator from Kentucky will agree to work on his amendment and take out some of the language, like "guaranteed" and recognize that interoperability is a process that takes years and years, and not single out certain countries in the Partnership for Peace to the exclusion of all the others.

I happen to think these are the ones that are more likely to move toward the front of the list, but I do not think we, on the floor of the Senate, should be making that decision tonight when NATO is going to make that decision.

So I guess my questions to the Senator from Michigan is whether he agrees with these observations, particularly with regard to paragraph (b) on excess defense articles. And I guess my question to the Senator from Kentucky is, is he willing to work on this amendment so that we can get him this information without basically these exact words.

I pose the first question to the Senator from Michigan. I know he has the floor.

Mr. LEVIN. Mr. President, I respond by saying, I think the observations the Senator from Georgia has made as to (b) and (a) are right on point.

It is not just (b), which the Senator has focused on, which does purport to mandate a transfer to comply with the guarantee in (a), but also the singling out provisions of (a) which the Senator from Georgia has pointed to as also being a problem.

And I would like to see both those problems addressed in any modification of this amendment.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. LEVIN. I am happy to yield.

Mr. NUNN. Mr. President, I say to my friend from Kentucky, I think this amendment could basically be modified in a way that would produce the information required here, but the way the amendment here now basically includes certain countries, it makes the Senate of the United States, at 6:30 at night, after seeing the amendment for just a few minutes, vote and make a decision about who is going to be out by implication and then, as the Senator has already heard, it requires the turning over of the equipment to guarantee a result which is usually, at best, a 10- or 15-year process, even among our own military services.

Mr. McCONNELL. Is the Senator asking me a question?

Mr. NUNN. I guess the question is, Would the Senator be willing to modify his amendment?

Mr. McCONNELL. Mr. President, let me respond to the observations by both the Senator from Georgia and the Senator from Michigan.

It seems to me this is a little like deja vu all over again. We have been visiting the issue on the floor of the Senate most of this year and I am sure, as members of the Armed Services Committee, you have been contemplating the future of NATO for some time now, particularly in the wake of the end of the cold war the difficulty maybe of determining what the mission may be for the future.

I have had a number of exchanges with members of the State Department about the absence of criteria. There are none, as the distinguished chairman of the Armed Services Committee knows. Not only are there no criteria, there is no interest in developing any that I am aware of.

And I think an awful lot of other people, both in this country whose ancestors came from Eastern Europe and ambassadors of those countries, from whom I and others hear from on a weekly basis, cannot understand why there cannot be some established criteria so that any country that could reasonably aspire to be a member of NATO might be able to ascertain what the criteria might be.

So the fundamental goal of this amendment was to ask the President to get serious about addressing that question,

Nothing, I would say to my friend from Michigan, prohibits him from consulting with his allies in the process of doing that. That is not prohibited by implication.

With regard to the excess defense articles transfer, the Senator from Georgia is the expert, but it is my understanding that those are transferred anyway. I mean, are not excess defense articles transferred? That happens. I do not know what the cost of that is to us, but they are usually given away, no matter what.

And our feeling here is that even though it says "shall," it does not really say when. Even though it says "shall," it does not really specify exactly what time at which those articles would be transferred.

My final observation is with regard to the listing of the seven countries.

It would be perfectly all right with me to include every country in Eastern Europe. The reason I specified the seven is because those are the seven that most people seem to feel might likely be the first candidates for admission. But if we would like to widen the array of possibilities even further, I am sure that would be reassuring to other Eastern European countries who might aspire someday to be part of the NATO umbrella.

So those are just some random observations to the comments of the Senator from Georgia and the Senator from Michigan.

Mr. LEVIN. If I could quickly respond, I think it would be helpful, for instance, to urge the President to propose criteria to NATO for admission of all partners, and then which partners can meet the criteria, would meet the criteria. I think it would be useful to urge the President to try to recommend those criteria within a fixed period of time.

But that is very different from this, which is a requirement that the President set specific criteria for certain countries.

Mr. McCONNELL. If the Senator will yield, the President does not want to do that. I wish he did. I have asked the question numerous times. They do not want to establish criteria for admission to NATO. They want to have some Catch-22 situation where nobody can ever ascertain the answer to the question. I do not understand it.

Mr. LEVIN. Again, the resolution of my friend from Kentucky goes way beyond that. You are talking about specific criteria for specific countries you listed, not criteria we are urging the President to propose to NATO for all countries. That is very different. NATO establishes the criteria, not us.

I think my friend from Georgia wanted to intervene.

Mr. McCONNELL. If the Senator from Michigan would be prepared to support my amendment if I broadened it and did not specify which country,

that is a change this Senator would be willing to make.

Mr. LEVIN. There are a number of changes I would like to suggest.

We ought to change the excess equipment and whose responsibility is it to guarantee interoperability. Is that the responsibility of the United States of America or is that the responsibility of other nations?

I would suggest a number of changes here would make this amendment acceptable, at least to me. One of them would be that it is the Senate's desire, sense of the Senate, however we phrase it, that the President, within a reasonable amount of time, determine what criteria for membership to NATO he will recommend to NATO for all partners. That would be one of the changes that I would recommend, so that whatever partner met those criteria would in fact be eligible for admission to NATO as a recommendation of the President to NATO, not a unilateral determination by this President as to who is going to be allowed to come into NATO and who is not.

And the other part is the part that the Senator from Georgia spent some time relative to, and that has to do with the equipment and whose responsibility it is to assure interoperability.

We cannot guarantee interoperability, so changes in the language relative to section (b) I think would also make this amendment much more acceptable, at least to me.

Mr. McCONNELL. Let me say I am not interested in making it into a sense-of-the-Senate resolution. Of course, the Senator from Michigan can feel free to vote against this and urge others to do so, as I gather he is prepared to do. With regard to some of the other suggestions, I am perfectly willing to discuss them with him. But I am not interested in turning it into pap. The Senator from Michigan can feel free to oppose. That is what we do frequently around here. But with regard to some of the other suggestions, I am certainly open to expanding the membership opportunities to a greater number of frustrated Eastern European countries. That would be perfectly all right with me. So that is one we can work on right there.

And with regard to the interoperability problem, that is something we can discuss, too. So I would be happy to move on to other amendments, and maybe we could have some discussion of this and see if it is not possible to reach some kind of accommodation.

Mr. President, maybe we can move on and deal with some other amendments, and let me talk to the Senator from Michigan and see if there is some chance of a meeting of the minds here, although we tried this before on a similar issue on a previous bill.

Mr. LEVIN. I thought we succeeded, as a matter of fact.

Mr. McCONNELL. Sort of.

Mr. LEAHY. Mr. President, I have some very real problems with the amendment pending. Rather than to prolong the debate, they are the same problems the Senator from Michigan and the Senator from Georgia have raised.

I think we are talking about doing in 3 or 4 months by legislative fiat, something that is going to require some very extensive work at the diplomatic level, certainly at the military level, in trying to carry this out. I do not think we 100 Members of the U.S. Senate can, by some kind of legislative fiat, do what is probably going to take hundreds and hundreds of extremely experienced men and women in the United States and in these other countries to try to work out. And even then, they will not be able to do all the things within the interoperability and other issues raised here.

I discussed here earlier our own invasion in Grenada, where our ships could not talk to each other, the Navy could not talk to the Army, the Army could not talk to the Air Force, our intelligence people in Washington could not talk to intelligence people on the ground in Grenada, and so on. You just cannot do these things overnight.

But it would be helpful, and I certainly would have no objection, if the proponents of the legislation and the opponents wanted to set it aside without losing any of the rights the Senator from Kentucky would have, set it aside temporarily and go on to something else. I am stuck here all night with this thing anyway, so I am happy to do whatever might move the thing along. We probably have at least another 6 or 7 hours of work this evening, to say nothing about what might happen tomorrow.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. We can argue about interoperability. But the issue here is criteria for admission to NATO, whether NATO will now, or ever, be extended to include the countries of Eastern Europe, which have recently been occupied—for 50 years—by the former Soviet Union. So I am perfectly happy to discuss with the Senator from Michigan some of the details of this. But let us not get too hung up on the fine points. The principle is, are there going to be criteria for admission to NATO? My fear is the administration prefers no criteria at all.

Are there going to be criteria for admission to NATO and are we going to help countries meet those reasonable criteria and thereby expand the NATO umbrella into Eastern Europe? That is the fundamental question.

So I will be happy to have some discussions with my friend from Michigan, as we have previously, on this issue, and see if we cannot reach some meeting of the minds.

Otherwise, what I suggest to the Senator from Michigan is simply vote against the amendment. That is the way we decide things around here. We do not need to hold up the Senate. Let us just have a vote and then move on to the next amendment because I, like my friend and colleague from Vermont, am going to be here until the end of the evening anyway.

With that, Mr. Chairman, why do we not urge someone else to process an amendment, and I will huddle with my friend from Michigan.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, there is another more substantive issue though, of course. And that is, this is an amendment I certainly saw just within the past couple of hours. It asks, on an Appropriations Committee bill, appropriations for foreign operations to undertake something and to make a conclusion about something that could require a great deal of debate and thought by both the Armed Services Committee and the Foreign Relations Committee. This is a matter of very great significance.

To handle it simply as an amendment—technically, as the Senator from Kentucky knows, an amendment that is not even within the Senate Rules because it is legislation on appropriations; that is probably not the first time that has happened, but it is legislation on appropriations of a major nature. For us to go forward with it when it is something that should be a matter, not only within the Congress but within our own administration, for some significant debate—I do not think the Senate has before it enough information to be prepared to take a step of this nature, nor could I imagine us ever being able to complete—by complete I mean sign into law—a foreign aid bill that had this with it. Those are my views and the views of only one Senator.

Mr. McCONNELL. Mr. President, I do not believe this is the only amendment on the NATO issue we are going to have on this bill. In order to facilitate this one, might I suggest we go ahead and have a vote at 7? It gives 15 minutes for the Senator from Michigan and myself to see if we can work this out. If not, maybe he will have the votes and the amendment will be defeated.

But rather than hold the Senate up, why do we not go ahead and dispose of this amendment? The chairman and I have been urging people to offer amendments. I have offered mine and I would like to get it disposed of.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I think there are a number of Senators interested in looking at the language of this, because this goes way beyond the question of whether or not criteria are going to be established for admission to NATO. I happen to favor the establishment of criteria for admission to NATO. I favor that.

This amendment says the President will tell us what those criteria will be for NATO, not that NATO will establish the criteria. This amendment says the President of one out of 16 nations belonging to NATO will take unto ourselves that determination. That is going to fracture NATO and weaken NATO instead of strengthening it. This amendment also, then, talks about an assessment of what is necessary to guarantee interoperability—to guarantee interoperability—something which we have been unable to achieve with our NATO allies, as the Senator from Georgia points out, much less with the newcomers which we hope will join NATO.

And then paragraph (b) talks about implementing that guarantee in subsection (a) through the transfer of American property to these new nations. So there are a lot of problems with section (a). It draws new lines. We pick out the countries that we say specific criteria should be adopted for.

I favor criteria. But I also favor any country that can meet those criteria being admitted into NATO. I do not favor us picking and choosing the countries on the floor of the Senate. I favor the criteria being established by NATO—not by us unilaterally—and then every Partner for Peace, many more than the number that have been identified in this amendment, any Partner for Peace that can meet those criteria ought to be allowed into NATO and we should not draw the line here and say one country is in because here are the specific criteria; another country does not get specific criteria.

There are some pretty good allies and friends of ours who are left out of this amendment. I think it is a divisive amendment. It will weaken NATO, and it will hurt our chances to strengthen and broaden NATO. I think it is going to take some time to modify it. I am perfectly happy to sit down with my friend from Kentucky to try to do so, but I caution there are a lot of other Senators that I think have some feelings on this who might want to participate in those discussions relative to the language that would go into the final amendment.

Mr. McCONNELL. Mr. President, at the risk of being redundant, several of the things the Senator from Michigan has suggested I am open to discussing. But I would like to move forward. We are all interested in finishing the bill. I will be happy to discuss it with him, or we can just go to a vote, if he is ready to vote.

I do not know if anybody else is here to speak on this. If they are not here to speak, maybe one way to resolve it is simply go to a vote. The Senator may well prevail, and then we will be through with this amendment and move on to others.

Mr. President, I yield the floor.

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

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. Will the Senator from Vermont withhold his request?

Mr. LEAHY. I withhold.

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

Mr. PELL. Mr. President, there are several problems with this amendment. First, it puts the United States in the position of guaranteeing that certain Central European countries' forces are interoperable with NATO. It mandates that the President report on what would be necessary to guarantee interoperability, and it then instructs him to provide excess defense articles necessary to make those forces interoperable. I do not see how we can ask the President to provide those guarantees. That is not the sole responsibility of the United States.

Second, the amendment singles out certain countries, which I believe draws dangerous new lines in Europe. It sets a dangerous precedent by specifically naming some countries and not others.

Third, I am concerned by the breadth of this amendment. Namely, paragraph (b) would require the President to provide Poland, Hungary, the Czech Republic, Slovakia, and the Baltic countries whatever excess defense articles are necessary to make their forces interoperable with NATO.

At this point, we do not know what is required to make those countries' forces interoperable. Accordingly, we are setting ourselves up to provide potentially limitless excess defense articles. This is far too open-ended.

What would happen if the President wanted to provide excess defense articles to other friends and allies other than those named in this amendment? If this amendment is adopted, I am concerned that the President's hands will be tied. He will have to provide excess defense articles to those Eastern European nations—perhaps to the detriment of our other friends and allies.

Mr. LEAHY. Mr. President, I think the only thing we can do to get this decided is to move to table, which I am about to do. I think the Senator from Kentucky has nothing further.

Mr. McCONNELL. No, Mr. President, I think it is a good idea.

Mr. LEAHY. Mr. President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 2266, as modified.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN], and the Senator from Michigan [Mr. RIEGLE] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is absent on official business.

The result was announced—yeas 53, nays 44, as follows:

[Rollcall Vote No. 195 Leg.]

YEAS—53

Akaka	Feinstein	Metzenbaum
Baucus	Ford	Mitchell
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Bradley	Hatfield	Nunn
Breaux	Heflin	Packwood
Bryan	Hollings	Pell
Bumpers	Inouye	Pryor
Byrd	Jeffords	Reid
Campbell	Johnston	Robb
Chafee	Kassebaum	Rockefeller
Conrad	Kennedy	Sarbanes
Danforth	Kerrey	Sasser
Daschle	Kerry	Shelby
Dodd	Leahy	Wellstone
Dorgan	Levin	Wofford
Exon	Mathews	

NAYS—44

Bennett	Feingold	McCain
Bond	Gorton	McConnell
Brown	Gramm	Mikulski
Burns	Grassley	Murkowski
Coats	Gregg	Nickles
Cochran	Hatch	Pressler
Cohen	Helms	Roth
Coverdell	Hutchison	Simon
Craig	Kempthorne	Simpson
D'Amato	Kohl	Smith
DeConcini	Lautenberg	Specter
Dole	Lieberman	Stevens
Domenici	Lott	Thurmond
Durenberger	Lugar	Warner
Faircloth	Mack	

NOT VOTING—3

Boren	Riegle	Wallop

So the motion to lay on the table the amendment (No. 2266), as modified, was agreed to.

Mr. LEAHY. Madam President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, Senators have been asking what is going to be the order. I know the Senator from North Carolina had asked prior to this vote if he might be recognized for an amendment, unless there was a Democrat Senator seeking recognition. That is the normal practice of going from side to side, the last amendment being for the Republican side, the next for the Democratic side.

If there is not a Democrat seeking recognition to propose an amendment, we then would go to the Senator from North Carolina. But it would be my hope to start shortening the time on amendments to keep the votes going so we might have made good progress by midnight or 1 o'clock or so.

AMENDMENT NO. 2294

(Purpose: To delete funding for parliamentary training and democracy in the People's Republic of China)

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I have an amendment that I would like to offer at this point. If I understand the procedure set out by the distinguished floor manager, the time is now ripe to offer an amendment on the Democratic side. Is that correct?

Mr. LEAHY. Yes. Madam President, I answer my friend from Arkansas this way. There is no unanimous consent. But it has been the usual agreement of comity going from side to side. The Senator from North Carolina is not on the floor right now, but I can represent that he had said earlier that if there was no Democrat seeking recognition, he asked to be recognized next.

There is now one seeking recognition. So it is in order.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

It is in order for the Senator to do that at this time. That is now the pending question.

Mr. BUMPERS. Madam President, what is the pending business?

The PRESIDING OFFICER. The Senator's amendment numbered 2294.

Mr. BUMPERS. I ask that the amendment be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself, Mr. DORGAN, and Mr. BROWN, proposes an amendment numbered 2294.

The amendment is as follows:

At the end of the pending committee amendment add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated under this Act shall be available to support parliamentary training and democracy programs in the People's Republic of China.

Mr. BUMPERS. Madam President——

Mr. WARNER. Parliamentary inquiry, Madam President. Would the Senator be kind enough to advise the Senate as to whether or not a rollcall vote is required, and how much time might be consumed on debate?

Mr. BUMPERS. I say to the Senator from Virginia, my guess is that a rollcall vote will be required. I would defer to the Senator from Kentucky on that.

Mr. MCCONNELL. I would say to the Chair, there certainly will be a rollcall vote required. We could have a relatively short time for debate.

Mr. WARNER. Did the Senator give a time limit?

Mr. MCCONNELL. As far as I am concerned, 15 minutes on this side is enough.

Mr. BUMPERS. So 30 minutes equally divided is agreeable to me.

Mr. LEAHY. Madam President, reserving the right to object. I will yield the manager's time on this side to the Senator from Arkansas under his control.

Mr. BUMPERS. I thank the Senator very much.

Mr. JOHNSTON. Will the Senator from Vermont yield?

The PRESIDING OFFICER. Did the Senator so request that there be 30 minutes for each side, to be equally divided?

Mr. BUMPERS. No. The request was for 30 minutes equally divided, 15 minutes on each side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. JOHNSTON. If the Senator from Arkansas will yield, considering those of us who want to see our visiting daughters and granddaughters, I wonder if it is possible to have votes stacked so that we can have a window?

Mr. BUMPERS. Let me ask my cosponsors, Senator BROWN and Senator DORGAN, if they have any objection to stacking this vote. Does the Senator from Colorado have any objection to that?

Mr. BROWN. I have no objection.

Mr. DORGAN. I have no objection.

Mr. BUMPERS. I want the Senator from Louisiana to have the opportunity to visit his granddaughter. That is much more important than anything we will do here tonight.

Mr. LEAHY. Perhaps we can leave it this way, and I ask unanimous consent that what I am saying not come out of the time of either side.

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

Mr. LEAHY. Madam President, what I will do is this: During this debate, and prior to the time of the vote, I will try to make sure there is another vote coming up that is also going to have a time agreement, so we can put the two together. But I would not agree to start stacking until that time. I tell my friend from Louisiana that I know the situation he is in. I have been there many times myself. I would like to get two or three votes so we do not end up with a 2-hour quorum call.

Mr. BUMPERS. Do I understand the Senator to say he is, at the present time, objecting to stacking the votes?

Mr. LEAHY. The Senator is, but I suspect that by the time we are going to get done, we are going to be able to do that.

Mr. BUMPERS. As I understand the situation, Madam President, there are 30 minutes equally divided, 15 minutes on a side, and the vote is not yet ordered to be stacked with other votes.

The PRESIDING OFFICER. The Senator is correct.

Mr. BUMPERS. Let me read to you the language of the bill I object to:

Provided further that of the funds appropriated under this heading "Agency for International Development" not less than $600,000 shall be available to support parliamentary training and democracy programs in the People's Republic of China.

That is almost an oxymoron, to talk about democracy and the People's Republic of China. And the thing that makes it even more offensive, besides being an oxymoron, is the fact that $600,000 would not be enough to transport the people to China and pay their hotel bill, to teach the Chinese parliamentary procedure and give them democracy programs, even if they wanted them.

Madam President, we are spending $13 billion in the very bill we are debating at this moment, trying to win friends around the world with money. We are parcelling out $13 billion to countries all over the globe, hoping that when push comes to shove, they will remember who their friends were, and they will be on our side in any controversy that might arise in their region of the world.

Why, out of this $13 billion, would we set aside $600,000 to teach China, one of the last two or three autocratic, tyrannical, Communist governments—why would we spend $600,000 which, admittedly, is just a pittance, on such a country which could not possibly amount to a hill of beans.

Madam President, China has a $10 billion to $15 billion trade deficit against this Nation, and we debate constantly here about prison labor and human rights violations and the autocracy that exists in China, which is still a hard-line Communist nation.

Not only are we spending $13 billion in this bill, this afternoon in Appropriations we appropriated $35 million to the National Endowment for Democracy. And the National Endowment for Democracy is supposed to do exactly what this $600,000 is designed to do—teach people why democracy is superior to other systems.

The distinguished Senator from Kentucky and the Senator from Arizona very thoughtfully offered an amendment to this, to strike a provision which was in the original bill that said this money would go to two of the four core grantees of the National Endowment for Democracy, namely, the National Democratic Institute and the International Republican Institute. Madam President, would you like to know who that is? That is the Democratic Party and the Republican Party. They are two of the biggest grantees of the National Endowment for Democracy. And until the Senator from Kentucky struck that from the bill, it provided that this $600,000 would go to them.

I am very pleased that he struck that, in case this amendment fails. But his amendment also said this will be granted to some nongovernmental group to go to China to teach China democracy and parliamentary training.

Madam President, China has 1.2 billion people. You tell me what you think $600,000 is going to do to promote democracy in China. It is not a lot of money, Madam President. It is more than most people in this body pay in

income taxes each year. And even though it is a small amount, we ought not to be wasting it on something like that.

The Agency for International Development has serious challenges. There are other earmarks in this bill, and I compliment the Senator from Vermont and the Senator from Kentucky on some of the other earmarks in here. They are for health items, and they are for things people really need. I am offering this amendment, and I hate to take up the Senate's time for a mere $600,000, but it is such a sheer utter waste, I could not resist it.

I yield the floor and reserve the remainder of my time.

I yield 5 minutes to the Senator from Colorado. I would like to announce that Senator BRYAN of Nevada and Senator FEINGOLD of Wisconsin, as well as the Senator from Colorado and the Senator from North Dakota, have cosponsored this amendment.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Madam President, I will not take all 5 minutes, but I want to commend the distinguished Senator from Arkansas for bringing this matter forth and having the courage to speak out.

This is a pretty straightforward proposition. We have the leaders of our parties, the Democratic Party and the Republican Party, and other big interest groups who found out a way to tap the Government till. By getting together, they figured out that they can divide the money from the U.S. Treasury.

Is it the best way of spending the taxpayers' money; that is, giving it to big special-interest groups when they agree? I do not think so. We have had talks about this in the past. One of the problems with this is that this money gets awarded in other areas without competitive bidding.

Frankly, some of the money ends up being used by both parties to support people who no longer have a job in Government, and my impression at least is that some of the people are committed and dedicated and do a wonderful job on these projects and some of them could not get a job anywhere else.

The simple fact is if we are going to be careful in using the taxpayers' money, it ought to go through a regular procedure with AID or whatever other program you want to do. But what this is is a procedure of having finally agreed on the maximum amount we are going to give to the political parties—something I think everybody in this Chamber ought to be a little hesitant about—having finally agreed on that maximum limit, then someone is figuring out a new way to get around the limit. That is what this is. This is the way to get around the limit. This is the way to say, yes, we agreed on the limit as to how much we were going to hand out to political parties. By the way, we figured out a nice project. Indeed, this is. It has a wonderful purpose, and we are going to slip in a little provision in the process to give more money to them.

Madam President, this is not right. This is a way around reasonable limits. This is a way around reasonable controls. This is a way around a proper approach to spending the money.

The last thing in the world either the Democratic Party or the Republican Party needs is a bunch of party insiders deciding and dividing the public treasury without reasonable scrutiny, without fair controls, and without insisting on proper accounting for the money.

After having fought this through about the limit that they should receive, this is a way around those limits. I think it is wrong. I think it is a mistake. And frankly, I think the members of the Democratic Party and Republican Party who take advantage of their position to divide up the public treasury in this manner ought to be ashamed of themselves.

I have said that to the Republican Party leadership. I know others have said that to the Democratic Party leadership. But to take advantage of your power because you control the party, to take money out of the treasury is just plain wrong, and there ought to be a limit to it.

I commend the Senator from Arkansas for having the courage to stand up and try to insist that at least some limit stands on how much they take away from the taxpayers of this country.

I yield back the remainder of my time to the Senator from Arkansas.

The PRESIDING OFFICER. Who yields time?

If no one yields time, it will be deducted equally from both sides.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Madam President, if no one wants to speak further on this, I wonder if all time could be yielded back. I know Senator BROWN has been waiting to offer an amendment that he and I are cosponsoring along with many other Members.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, in answer to my friend from Illinois, I think the time is going to be used. There are a couple of speakers in opposition to the Bumpers amendment. Senator SIMON and Senator BROWN will be next in line.

Mr. BROWN. If the Senator will yield, would it be all right if Senator SIMON spoke with regard to the upcoming amendment until someone else arrives to speak on the pending amendment?

Mr. MCCONNELL. Madam President, under the agreement, the time reserved prior to the vote on the Bumpers amendment is to discuss the Bumpers amendment, and we will be doing that shortly.

Mr. BUMPERS. Madam President, I did not understand what the Senator from Kentucky just said.

Mr. MCCONNELL. It is my understanding under the agreement the 30 minutes referred to is for discussion of the Bumpers amendment. The Senator from Arkansas has been discussing it. The Senator from Colorado has been discussing it. The Senator from Arizona and the Senator from Kentucky are about to discuss it.

So the answer to my friend from Illinois is that we will be discussing the Bumpers amendment during the time allotted for that shortly.

The PRESIDING OFFICER. Who seeks recognition?

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SIMON. Madam President, I note the presence of the Senator from Vermont here. If he wishes to speak on this, I certainly will yield. If he does not, I ask unanimous consent that this be temporarily set aside, with everyone keeping their time, so that I could speak on the Brown amendment for 3 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, reserving the right to object.

Mr. BUMPERS. I object.

I say I want the Senator from Illinois to have time to speak on this amendment that is pending at this time. I have one other speaker who wishes to be heard.

I would like to yield such time to the Senator from North Dakota as he may wish to use within the limits of the remaining time I have.

The PRESIDING OFFICER. The Senator from Arkansas has 6 minutes and 12 seconds remaining, which is yielded to the Senator from North Dakota.

Mr. BUMPERS. Let me retract that, Madam President. I yield 4 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 4 minutes.

Mr. DORGAN. Madam President, thank you very much.

I thank the Senator from Arkansas. The Senator does a service to this Senate by offering this amendment, which would strike $600,000 of funding for parliamentary training in mainland China.

Simply, this is a waste of money. It is only $600,000, but it is still $600,000. As the fellow said as he spit in the ocean, every little bit helps. And $600,000 is a lot of money to some folks, and we ought not waste it.

The issue here, as Senator BUMPERS has said, is giving $600,000 to the two political parties, in effect, and saying go to China and teach them parliamentary training and democracy programs. They need to learn about parliamentary training and democracy programs.

With due respect, the issue is not learning in China. The issue is yearning. They yearn for freedom and they yearn for democracy.

Have we forgotten that those students in Tiananmen Square built a papier-mache Statue of Liberty and then were slaughtered? Have we forgotten that shortly after that Bush administration officials were over there drinking wine with Chinese leaders?

China knows about democracy. That is what Tianamen Square was all about. They fully know about democracy. We do not have to spend $600,000 flying people from the Democratic and Republican parties over there to give seminars. What a waste of money.

My Lord, we have so many needs and so many problems in this country, and we are going to spend $600,000 on this program? This funding ought not to have been in this bill in the first place.

When the Senator from Arkansas offered this amendment this year, I told him at the time it was too timid. He and I would have liked to repeal the whole National Endowment for Democracy program. What a waste of millions of dollars.

But this $600,000 is in this bill, and in my judgment, it is a waste of money. Let us dump it. Let us adopt this amendment and demonstrate that we understand the difference between what is needed and what is not, what works and what is waste.

What would Harry and Louise think of this, for God's sake, sitting on the couch, talking about what Government is doing?

"Harry, did you hear what they are going to do next? They are going to send people to China to teach democracy." And Harry would say, "Gee. Don't they know about democracy? They were over there fighting and dying for it."

China's knowledge of and desire for democracy is clear and obvious. To spend $600,000 to try to spur China's desire for democracy is not only ridiculous, it is insulting.

Let us do the right thing. Let us pass this amendment. Just start 1 inch down the road, and hopefully down the road a way we will repeal the National Endowment for Democracy for good and stop wasting the taxpayers' money.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Will the Senator yield me 30 seconds?

Mr. BUMPERS. I am happy to yield to the Senator from Vermont 30 seconds. I yield him a minute. He cannot speak for only 30 seconds.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, I think the Senator from Arkansas is right and the Senator from North Dakota is right. I will vote for his amendment. In fact, I will join in doing away with the National Endowment.

The PRESIDING OFFICER. Who yields time?

The Senator from Kentucky.

Mr. McCONNELL. Madam President, never has so little money generated such elaborate rhetoric.

Let me just say that this vote is about democracy in China. It is whether you support giving reformers in China a chance or not. It is a vote to provide aid to organizations which are working with legislators working with democratic activists in China, and there are democratic activists in China.

No funds; I repeat, no funds. This debate reminds me of the big shootout we had over the National Endowment for Democracy recently. But I want to say, this is not about the NED. I know there are heated passions here that tend to come to the fore when we talk about the NED.

The NED has always prevailed in the Senate, but this is not about that. I kind of wish it were, because I know what the outcome of the votes would be if it were about NED. The Senator from Arkansas would probably be defeated.

But there are not any funds directed to either the International Republican Institute, the National Democratic Institute, or any other organization, frankly. The provision in the bill specifically says that the funds should be available on a competitive basis. Just on a competitive basis.

Among the organizations that might qualify for this would be the Ford Foundation, or the AFL-CIO, or maybe even the University of Arkansas.

So I do not think, to be perfectly frank with you, this deserves an extensive debate. But it seems to me that if you would concede there are some democratic reformers active in China—and I know there are—and that this might be a way to provide some organizations a chance to help them move forward, this should not be all that controversial.

But, the Senate can work its will on it. It seems to me this is largely about a democracy in China.

The 10 most wanted Tiananmen Square dissidents who escaped to the U.S. strongly support this particular provision of the bill. Let me repeat, for those of you who think this may be a rerun of MFN, the 10 most wanted Tiananmen Square dissidents who escaped to the U.S. strongly support this provision.

So let us not make this into, what we used to say in law school, a Federal case. It is an important provision to those dissidents who had the courage to stand up to the government in Tiananmen Square.

Beyond that, Madam President, I rest my case. I thought the Senator from Arizona was going to speak to this amendment, but he is not here yet.

That basically concludes my observations. I hope the Bumpers amendment will be defeated. But I am sure China will move forward with or without it.

I yield the floor.

Mr. LEAHY. Madam President, have the yeas and nays been ordered on this amendment.

The PRESIDING OFFICER. No, they have not.

Mr. BUMPERS. I ask for the yeas and nays, Madam President.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second

The yeas and nays were ordered.

Mr. LEAHY. Madam President, I ask unanimous consent that the rollcall vote on this amendment, which would take place at the expiration of the time under the unanimous-consent agreement, occur immediately following the next rollcall vote.

The PRESIDING OFFICER. Is there objection? There being none, it is so ordered.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Madam President, I ask unanimous consent that the distinguished Senator from North Carolina [Mr. HELMS] and the distinguished Senator from Illinois [Mr. SIMON] be added as cosponsors.

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

Mr. BUMPERS. Madam President, I am prepared to yield back such time as I have. I just want to make one closing point.

As they say, $600,000 is not much money. But it is too much to waste. If we were really serious about trying to help China democratize, $600 million would be a more appropriate figure. You might accomplish something with that.

But you will not accomplish anything with $600 million, $60 million, $6 million, $600,000 trying to teach democracy to the same people who slaughtered young innocent students in Tiananmen Square because they wanted democracy.

To follow up on what the Senator from North Dakota said on Harry and Louise, there has to be a better way. Why squander $600,000?

Madam President, I yield back the remainder of my time.

Mr. McCONNELL. Madam President, let me say, probably in conclusion, this is not about providing money for the National Endowment for Democracy. This is about earmarking some funds for organizations that are interested in promoting democracy in China to compete for.

The 10 most wanted Tiananmen Square dissidents who managed to escape support this provision. This is not about MFN. This is not about the NED. This is a symbol for the 10 most wanted Tiananmen Square dissidents who managed to escape the country.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. Eleven minutes and 9 seconds.

Mr. McCONNELL. I am going to reserve the remainder of my time, because I understand there might be at least one other speaker on this side.

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

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Madam President, I ask unanimous consent that this amendment be set aside and the time reserved, and that I be able to speak for 3 minutes on the Brown amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Madam President, reserving the right to object, and I definitely will not object, but has the Brown amendment been offered?

Mr. McCONNELL. It is at the desk.

Mr. LEAHY. I would only urge, while Senator SIMON is speaking, that somebody could probably call the Senator from Colorado and they could bring up his amendment. If we could do that next, it would probably make some sense.

I do not object.

The PRESIDING OFFICER. Is the Senator from Illinois calling up the Brown amendment?

Mr. SIMON. I am not calling up the Brown amendment. I am just asking unanimous consent to speak on the Brown amendment.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Madam President, I think we all understand each other. The clock is not running on the Bumpers amendment.

The PRESIDING OFFICER. That is correct.

The Senator from Illinois is recognized.

Mr. SIMON. Thank you, Madam President.

AMENDMENT NO. 2248

Mr. SIMON. My colleague from Colorado has offered an amendment that is cosponsored by a great many on both sides and I hope can be accepted and I think should be noncontroversial that says the President may—and I underline "may"—transfer excess defense articles under section 516 of the Foreign Assistance Act of 1961 or under the Arms Export Control Act to Poland, Hungary and the Czech Republic. Later, other nations could be added if other nations establish solid democracy.

These three have led the way. And I am pleased to say that other nations in that area are moving in this direction. When others want to add other nations, I will probably support that when those nations appear to qualify.

But it does seem to me that we ought to recognize that, to the extent that we can encourage security cover for these nations, it is desirable.

For those who feel, and particularly some of my friends in the State Department feel, that this is an anti-Russian thing, not at all. The reality is, when the time comes when democracy is well-established in Russia, then Russia can become part of this whole alliance. In fact, the real military threat to Russia long term is not from Poland, not from Hungary, not the Czech Republic, but it comes from China.

And so I think this amendment by my colleague from Colorado makes sense. I am pleased to be a cosponsor. I hope it can be accepted without controversy by the Senate.

Madam President, if no one desires to speak, I question the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

AMENDMENT NO. 2294

Mr. McCAIN. Madam President, could I ask the Senator from Kentucky if he will yield me some time?

Mr. McCONNELL. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 10 minutes 57 seconds.

Mr. McCONNELL. Madam President, I yield to the Senator from Arizona however much time within that limit he may desire.

Mr. McCAIN. Madam President, I will ask another question of the Senator from Kentucky, who is the ranking member, in the absence of the other manager of the bill. I ask, first of all, did the committee propose this to be part of the bill? The funding?

Mr. McCONNELL. Madam President, yes, I say to my friend from Arizona, it did. The subcommittee did. It was subsequently approved by the full committee.

We have been sort of kicking this around here on the floor. I do not want to represent the arguments of the other side, but I think underlying those arguments is the notion that there are no reformers in China. I know there clearly are. This rather small amount of money would be available on a competitive bid basis for organizations like the Ford Foundation or the AFL/CIO, or for that matter the University of Arkansas, to help with the development of democratic institutions within the country.

The final observation I will make, that I did make earlier on the floor, is that the 10 most wanted Tiananmen dissidents who managed to get out of the country and are here in the United States strongly support this funding. So I am a little mystified, I would say to my friend from Arizona, how this has become a matter of such controversy.

Mr. McCAIN. Madam President, the reason why I asked my colleague is because I think there is a little more to this than that. Here is $600,000 of a $14 billion piece of legislation that seems to have aroused all this. What we are really talking about is the National Endowment for Democracy, which the distinguished Senator from Kentucky knows, coincidentally, the cosponsors of this amendment have tried to kill several times. They got beat badly in the House the other night. They know they will get beat badly here. So we have to go through this exercise.

Is it apparent to my friend from Kentucky that the Senator from Arkansas and the Senator from Colorado know better what is best for China? They are not, obviously, experts on China. They know better than General Scowcroft, former National Security Adviser; Larry Eagleburger, former Secretary of State; Jim Lilley, former Ambassador to China; Doug Paal, NSC's Director of Asian Affairs, and the agency's 10 most wanted. So they know much better than these individuals; is that not a correct assumption to make, if you support this amendment, I ask my friend from Kentucky?

Mr. McCONNELL. I will say the National Endowment for Democracy is not specified in here as a recipient of this money, but the debate did sound remarkably similar to the one we have had here on several occasions on which the Senator from Arizona and I had participated. I asked the staff here earlier if they could give me the outcome. Maybe the Senator has the outcome. The last time we had the NED battle here it was rather lopsided. The Senator from Arizona is certainly correct, it sounds quite similar.

Mr. McCAIN. I thank my friend from Kentucky. Again, I am astounded at the knowledge of China and the situation there. Frankly, I am incredibly impressed by the Senator from Colorado and the Senator from Arkansas, especially. Frankly, their in-depth knowledge of China had somehow escaped me over the years. But it is clear to me they know more than Larry Eagleburger, General Scowcroft, Doug Paal, and the Chinese dissidents who fled to this country who believe they know what is best for their country. So I certainly hope my colleagues will take into consideration the different balance of views here.

What this is, as my friend from Kentucky knows, is some way to get at, again, the National Endowment for Democracy, a debate we have had many

times in the past and we will probably have in the future. All this malarkey about people who are involved in the National Endowment for Democracy, I have to say to my friend from Kentucky, I resent it, from the Senator from Colorado especially, who also knows better.

The fact is, in the view of almost every unbiased expert, the National Endowment for Democracy has done some very important and credible things, which is why the last time the National Endowment for Democracy was attacked, literally every editorial page in America, conservative and liberal, took on the opponents by name. I have never seen such support from columnists, from David Broder to George Will, et cetera, et cetera.

I do not want to waste the time of this body. We can decide. This body can decide very quickly. Shall we take the word of Gen. Brent Scowcroft, former National Security Adviser to the President; Larry Eagleburger, former Secretary of State; Jim Lilley, former Ambassador to China; Doug Paal?

Let me tell you, Madam President, what Chai Ling—I am sure that is a mispronunciation of his name—a 1989 Tiananmen student commander twice nominated for the Nobel Peace Prize, said: "Unless China starts constitutional reforms, setting up its own checks and balances mechanism within its system, it is unrealistic to expect outside pressure to change the situation. After escaping from China and living in the U.S. and studying at Princeton University, I am more convinced than ever that China's future is through constitutional reform."

That is what this amount of money is for.

I am sure Mr. Chai Ling, having been gone since 1989, is not as up to date as the Senator from Colorado nor the Senator from Arkansas.

They are much more aware. In fact, they may even travel there in the meantime. Or Liu Binyan, who said:

All people—

Obviously with the exception of the Senator from Arkansas and the Senator from Colorado—

All people concerned about China's future and democratization have reached consensus that China's transformation must be peaceful and gradual. During the process of peaceful transformation, the most important thing is to implement the constitution and gradually amend it. Whether China avoids great turmoil depends on successfully implementing gradual political reform.

And another dissident says the same thing.

It is clear here. And finally, Madam President, here we are—I feel like I am in a ludicrous position. I opposed an amendment prohibiting the President going into Haiti. I opposed an amendment tying the President's hands on Bosnia. I opposed amendments time after time that have prospectively prohibited the President from taking certain action. And here I am, again, opposing an amendment that says that the President cannot do something.

It is a priority for AID, and I thought that those who opposed just recently the Dole Haiti amendment might not want to tie the President's hands in this instance.

Madam President, I say to my friend from Kentucky, I thank you for your support. It is not that big a deal. If this body wants to kill this $600,000 because they feel that all these people are wrong, then so be it. But I do not think it deserves, frankly, a great deal more debate.

I yield to my friend from Kentucky.

Mr. McCONNELL. Madam President, I want to thank my friend from Arizona for his very persuasive observation. The last time we had this debate—the position the Senator from Arizona and I are advocating—on another matter, the outcome was 74–23.

Even though this amendment does not specify any recipient agency—it could be the Ford Foundation or the AFL–CIO—I certainly share the Senator's view: Why are we here trying to knock out a relatively modest amount of money to try to help this vast country move in the direction we all hope it will go?

I thank the Senator from Arizona for his fine remarks.

Mr. McCAIN. Madam President, there is one more point I would like to make, and it needs to be on the record again.

When I found out that this money was earmarked for the National Endowment for Democracy, I came down here with an amendment, which the distinguished managers of the bill were kind enough to accept, which removed that.

This money, if it is appropriated, will go on a competitive basis conducted by the Agency for International Development.

So I say to my friend from Kentucky, our attacks on the National Endowment for Democracy may be misguided because they may not get the money, depending on what AID decides.

I reserve the remainder of the time of the Senator from Kentucky.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Madam President, I rise simply——

The PRESIDING OFFICER. Time has expired——

Mr. McCONNELL. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. McCONNELL. I think the case against the amendment has been adequately stated by the Senator from Arizona and, hopefully, by myself. I will be glad to give the Senator from Colorado my last 2 minutes. Then we can move on to his next amendment.

Mr. BROWN. I will not take 2 minutes.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Madam President, I simply want the RECORD to indicate the way the Senator from Arizona has summarized the issue, and the impact of his amendment, I believe, is accurate. I believe the McCain amendment significantly improved the measure that was in the bill.

I think the Senator is to be praised for that. I certainly think that his efforts made a significant improvement in the measure and one that I think, whether this particular amendment is adopted or not, will have been a help. I yield back any remaining time.

Mr. McCONNELL. Madam President, I yield back the remainder of my time.

The PRESIDING OFFICER (Ms. MIKULSKI). All time has expired. The Senator from Vermont.

Mr. LEAHY. Madam President, absent the unanimous-consent agreement that we entered into earlier, there would be a rollcall vote now. I see the Senator from Colorado on the floor. He also has an amendment which I believe he is going to bring up. There may be someone to speak on this side. I would like to know if perhaps we can get a time agreement on that, and then if there is going to be a rollcall vote on that, then we would know when the time would be, because we would have two rollcall votes together, and that is probably about as late as I would want to go before we had some more rollcall votes because I find as we have the rollcall votes, a lot of the Senators who cannot seem to be reached by phone to work out these time agreements are suddenly on the floor.

Mr. BROWN. If the chairman will yield, I know the distinguished chairman of the Foreign Relations Committee, Senator PELL, has an interest in the Brown-Simon amendment. I know he will want to be heard on it. I offer to the chairman that I will be happy to agree to whatever time limit the Senator from Rhode Island would wish to place on the amendment.

Mr. LEAHY. Let us do this. Why do we not set 1 hour evenly divided, if that would be OK with the Senator from Colorado, and if we do not need the time, we can always yield it back.

Mr. BROWN. For my purposes, I would be happy to agree with that. I believe it is possible to conclude it more promptly than that.

Mr. LEAHY. Madam President, parliamentary inquiry. Are we now on the Brown amendment? I ask unanimous consent that when the Brown amendment is brought up—and I understand from the Senator from Colorado he is about to do that momentarily—that when it is brought up, that there would be 1 hour evenly divided in the usual fashion.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object. I ask the Senator from Vermont, following that would he anticipate two rollcall votes?

Mr. LEAHY. Madam President, the Senator from Arizona is correct, we would. I would also note that I am doing this only because it would take longer to go on the hot line to find out who wants to speak. I hope on this side we will be yielding back a considerable amount of that time. But then there would be a vote—let me state it this way.

I ask unanimous consent that we now go to the Brown amendment; that there be 1 hour evenly divided in the usual fashion; at the end of that hour, there be a vote on, or in relation to, the Brown amendment, with no second-degree amendment to it in order; and that upon the completion of that vote, whatever it is—rollcall or otherwise—that we then immediately vote on the Bumpers amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I feel the need to have a short quorum call. I want to discuss it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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 have no objection to the request.

Mr. LEAHY. I renew my request.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Vermont?

Mr. COHEN. Reserving the right to object, is it clear that an hour must be consumed?

Mr. LEAHY. No. Time could be yielded back.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 2248

The PRESIDING OFFICER. The pending amendment is the Brown amendment.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BROWN. Madam President, I believe we have called up for consideration amendment 2248, and I ask unanimous consent that the following Members be added as cosponsors: Senators ROTH, MIKULSKI, DOLE, WARNER, DOMENICI, LIEBERMAN, HELMS, PRESSLER, FEINGOLD, NICKLES, MCCAIN, and SIMON as well.

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

Mr. BROWN. Madam President, I also ask unanimous consent that Senator CRAIG be added as a cosponsor, and Senator COHEN.

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

Who yields time?

Mr. BROWN. Madam President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator may proceed.

Mr. BROWN. Madam President, this amendment is quite straightforward. It merely adds the authority for the President to extend to the countries of Poland, the Czech Republic, and Hungary an ability to participate with our Defense Department as many other countries do. Let me be specific. Currently, we have the ability to transfer excess defense articles to other countries around the world. Those include, in addition to our NATO allies, Egypt, Israel, Morocco, Oman, Bahrain, and Senegal. This amendment would add Hungary, Poland, and the Czech Republic to the existing list of countries. These three countries are anxious to participate with us. They are anxious to become part of NATO. They have democratized their nations. They are anxious to work with our military and they are anxious to stand among the countries that not only believe in democracy and freedom but are willing to defend it, and they seek an opportunity to have closer ties with the West.

Members will ask whether or not the President should be authorized to put these three countries in the same category as Senegal or Oman. It is my belief that they more than qualify and should be included. It would also put the three countries in a list of countries that are authorized to receive leases and loans of major defense equipment. It would put them among nations with whom the United States maintains cooperative military airlift agreements. Let me emphasize, Madam President, this amendment does not require the President to take any of these actions. It leaves the final decision with the President.

Why should the Senate support the NATO Participation Act of 1994? If I may, I would like to share with the body a letter that I received from former Secretary of State Henry Kissinger. His letter reads as follows.

> Thank you for bringing to my attention the Brown-Simon "NATO Participation Act of 1994" and your plan to offer it as an amendment to the Foreign Operations Appropriations bill.
>
> In my view, continuing security in Europe hinges upon a stable NATO alliance open to early membership by countries like Poland, Hungary and the Czech Republic. Ambiguous western security arrangements for the heart of Europe will not serve the cause of peace there. Rather they will generate uncertainty and instability.
>
> The "NATO Participation Act" sends a strong indication of the United States' support for Poland, Hungary and the Czech Republic. By extending to these fledgling democracies some of the most important security benefits that U.S. law extends to existing NATO members, the Act will speed their transition into NATO.

Madam President, that is exactly the purpose of my amendment.

Dr. Kissinger concludes:

> I strongly support the Brown-Simon amendment and urge your colleagues of both parties to join in passing it at its earliest opportunity.

Madam President, this is not a partisan amendment. It is offered to the body with the leadership of Senator SIMON, who has long been concerned about not only the plight of Poland but the plight of those in Central Europe, along with three other Democratic Senators who have been leaders in this particular area.

I am particularly interested in the plight of Central Europe, Madam President, for this reason. The year before I was born, the world saw Poland disappear as it was engulfed by Germany and the Soviet Union. Many important historians looking back on those events cite the perception created by democracies of the world that they would not stand with Poland as the impetus behind the Nazi invasion. Because our support was ambiguous, because those of good faith who believe in democracy did not stand together, each country fell separately to the totalitarian aggressors.

Imagine the millions of lives that could have been saved if democracies had stood up at the time Poland was threatened. Other Members will recall the dismemberment of Czechoslovakia. Then, the leadership of the West, hoping against hope, abandoned Czechoslovakia, believing this offering would satiate Hitler's appetite. It did not. Tragically, after swallowing up a portion of Czechoslovakia, the Nazi hunger remained. While the West stood silent, the Nazi hordes finished off the remainder of this once prosperous nation and proceeded on their path.

Other Members will recall the valiant struggle of the Polish underground during World War II against the Nazi invaders. As the end neared, the Soviet Army asked these partisans to surrender and negotiate for control of the country, for the bringing of democracy and stabilization to Poland. The Polish underground leaders were reluctant to do so and only agreed to surrender to the Soviet authorities after the United States urged and assured them that they would be well treated and that they, indeed, would be a respected part of the leadership they sought to bring to their country.

The tragedy of history is that those valiant leaders of the Polish underground were arrested, were imprisoned and eventually executed. The defenders of freedom and the defenders of the fight against the Nazis in Poland were executed. And what did the United States do? Tragically, little.

I do not want, for this generation, for it to be said that we did not do what we could to make sure these same events do not happen again.

Madam President, how can we look at the Czech Republic and not feel twangs of the heart. How can we not wonder if there was something the United States could have done at the time that would have stopped their misery and circumvented the cold war? How can we even think about Poland and wonder if we could not have done a better job to stand with the Polish people? How can we even think about preserving freedom in this world and not know that it is important for men and women who sincerely believe in freedom and democracy to stand together?

Now, the facts are these, at least as this Member sees it. There are radical elements within Russia today that would like to reassert their control over Central Europe. Thankfully, thankfully, we believe the leadership of the country does not share that enthusiasm.

Madam President, I believe that if we make our intentions with regard to Central Europe unclear, if we are unwilling to make it clear that they are part of the family of free nations, if we are unwilling to show that they have a right not only to protect freedom but to be part of the defense network that stands up for it, then I believe we send a signal that reasserting domination over the Central European powers is all right; that once again free men and women will stand idly by while their freedom and independence is crushed.

Madam President, that would be a tragedy. This amendment will begin to make our intentions clear; namely, that we intend to take the issue off the table; that reasserting control over Poland, Hungary, or the Czech Republic will no longer be considered viable by anyone in Russia; that Russia will feel an obligation to respect the freedom and independence of these countries just as we feel an obligation to respect their freedom and independence.

I offer this resolution only because the governments of those countries have expressed their interest in becoming part of NATO, not because we are pushing them to join. We should not do anything to jeopardize the hard won and cherished freedom that these countries now enjoy. By moving quickly, by holding out the hand of friendship and participation, we can short circuit those who would reassert domination over central Europe.

Madam President, I ought to mention that, in addition to these three Republics, the Slovakians have indicated an interest in joining NATO and, as a matter of fact, would like to be included in this amendment. They are not included in this amendment, and my sense is that it is not appropriate to change the amendment at this time. But I must say my own feeling is that Slovakia should be considered as a candidate for NATO membership. I personally favor their inclusion, and I hope that at some time in the future, we can consider them and make our feelings known to the Senate.

But my hope is also that we do not miss this opportunity to send a clear signal that we want Poland and the Czech Republic and Hungary to enjoy the freedom and the independence that they sacrificed so much for and long for so greatly.

Madam 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. BROWN. Madam President, I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PELL addressed the Chair.

Mr. LEAHY. Madam President, I yield such time as he may need to the Senator from Rhode Island, the chairman of the Foreign Relations Committee.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Madam President, I thank my colleague.

Less than 2 weeks ago, the Senate adopted an amendment to the Defense Department authorization bill that addressed the issue of participation in allied defense cooperation. As I said at the time, we should encourage the President to use existing authorities to provide excess defense articles and other benefits to our friends particularly our friends participating in NATO's Partnership for Peace.

I am concerned, however, by any attempt to draw unnecessary lines in a newly undivided Europe as the proposed amendment would do. The administration has worked very hard to be inclusive in developing NATO's Partnership for Peace. For example, Russia joined the Partnership with no special conditions—on the same terms as other countries. If we begin to differentiate now, we undermine the concept of a whole and free Europe. We fought the cold war for a half century with hopes that one day, we could bring down the Iron Curtain that bifurcated Europe. Why on earth would we want to redraw lines that we struggled so hard to erase?

The amendment before us specifically mentions Poland, Hungary, and the Czech Republic as countries that should be eligible to receive excess defense articles. I want to emphasize that those countries are already eligible for excess defense articles, and the President has, in fact, already offered Poland and Hungary excess equipment. Both countries, however, have declined the offer due to financial difficulties. I reiterate: the President has already tried to do what this amendment asks, but was turned down by the relevant countries.

This amendment would also amend existing law to specifically mention Poland, Hungary, and the Czech Republic as eligible to receive other benefits such as communications support, leases and loans of defense equipment, and cooperative military airlift agreements. Again, under existing law, the President already has the authority to grant these benefits to Poland, Hungary, the Czech Republic, as well as to other countries that he determines are appropriate.

Madam President, I wish to stress that Poland, Hungary, and the Czech Republic are all members of NATO's Partnership for Peace, and are extremely deserving of military cooperation and benefits. Indeed, they have been offered the type of assistance that this amendment would authorize. Accordingly, I believe this amendment is unnecessary and would serve only to draw new lines between our friends in Central and Eastern Europe, and would make a division rather than unification.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont has 26 minutes 24 seconds. The Senator from Colorado has 19 minutes 10 seconds.

Mr. BROWN. Madam President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Madam President, the distinguished chairman of the Foreign Relations Committee has accurately advised the body that these countries are now able to receive some excess defense articles. I think it is fair to describe them as nonlethal items that can be shared with these countries.

The amendment before us provides authorization. Let me emphasize that it is authorization; it is not a requirement. It is merely discretionary for the administration and provides authorization that extends not only to subsection (b) but also includes subsections (c) and (d).

It merely adds options for the President that he does not now enjoy. It extends to Poland, the Czech Republic, and Hungary the ability to participate in these programs, should the President decide.

I think it is fair to describe the additional areas as ones that go beyond nonlethal equipment, ones that involve a broader range of military hardware capabilities. Let me emphasize how important this change is. It is important because these countries want to communicate with us, they want to develop joint procedures, they want to work with our personnel, and they want to

learn from our personnel. The ability to work together in these areas expands their ability to become effective allies.

Madam President, let me emphasize again what is important here. The NATO Participation Act goes far beyond simply the hardware which we might share, the joint exercises that we might perform, or the good will that might come from closer cooperation. What comes here, frankly, is a signal, a signal that we care about these countries, a signal that we want to be close to these countries, a signal that we understand that it is important that they remain free, a signal that we are not only interested in their freedom, but willing to work with them toward that future.

Madam President, let me also emphasize how important it is right now. Right now, these countries are deciding what their future will be. If we turn our back on them, if we ignore them, if they gain the impression we do not care about their security, they will be forced to make other security arrangements.

What a tragedy it would be if, when finally they have achieved their peace and freedom and independence, that we would treat them with disdain. Whether we realize it or not, our willingness or unwillingness to work with them is viewed as a strong sign of what their future will be. Will it be to the West or will it be to the East? Surely, it is in our country's interest to make sure that they receive a strong signal of our interest, our friendship, and our willingness to work with them.

The Senate earlier tonight had gone on record in opposition to the McConnell amendment.

The NATO Participation Act is a bit milder than the McConnell amendment. It has a number of cosponsors that did not support the McConnell amendment. While it is not as strong—at least in some ways—as the McConnell amendment, it does send a positive signal. I think it would be a tragedy if what comes out of our deliberations tonight is a negative signal to those who seek our help and comradeship in preserving their freedom.

I ask unanimous consent that a copy of the analysis that I asked be prepared by the Congressional Research Service on this particular subject be printed in the RECORD at this time.

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

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC. June 28, 1994.

SUBJECT: Current Statutory Authority for Certain Defense-Related Activities Involving Poland, Hungary, and the Czech Republic

TO: Hon. Hank Brown

FROM: American Law Division

This memorandum responds to your request for an analysis of whether the President currently has statutory authority to undertake the defense-related activities that would be authorized in a proposed amendment to S. 2182, 103d Cong., 2d Sess. (1994), the Department of Defense (DOD) authorization bill for FY 1995. The amendment, according to the text that you have provided to us, would authorize the transfer of excess defense articles to Poland, Hungary, and the Czech Republic under the Arms Export Control Act and the Foreign Assistance Act, and would specifically extend the authorities of various other defense-related statutes to cover leases and loans of defense articles to and various cooperative defense activities with these countries. The amendment would add Section 1017 to the proposed bill. Given the brevity of our deadline, we are providing only a preliminary discussion of the provisions that may be implicated by the proposed amendment. Except for indicating AECA eligibility dates for Poland, Hungary, and the Czech Republic, we do not discuss Executive Branch implementation of the provisions discussed below.

Section 1017(b) would authorize the President to transfer excess defense articles under the foreign Assistance Act of 1961 (FAA)[1] or the Arms Export Control Act (AECA) to Poland, Hungary, and the Czech Republic.

As a general matter, §620(f) of the FAA prohibits the furnishing of assistance to any Communist country unless the President makes certain findings. Until October 1992, the Czechoslovak Socialist Republic, the Hungarian People's Republic, and the Polish People's Republic were specifically listed as Communist countries for purposes of the prohibition. These countries were removed from §620(f) list in §901 of the FREEDOM Support Act, Pub. L. No. 102–511, 106 Stat. 3355. At present, there do not appear to be any other general FAA provisions specifically prohibiting FAA assistance to the Czech Republic, Hungary, or Poland.

Section 517 of the FAA[2] specifically authorizes the President to transfer excess defense articles, without cost to the recipient countries, for modernization of the defense capabilities of countries of NATO's southern flank. The term "excess defense article" is defined in §644(g) of the FAA as "the quantity of defense articles (other than construction equipment, including tractors, scrapers, loaders, graders, bulldozers, dump trucks, generators, and compressors) owned by the United States government, and not procured in anticipation of military assistance or sales requirements, or pursuant to a military assistance or sales order, which is in excess or the Approved Force Acquisition Objective and Approved Force Retention Stock of all Department of Defense Components at the time such articles are dropped from inventory by the supplying agency for delivery to countries or international organizations under this Act."

Eligible recipients under §516 are (1) NATO member countries on the southern flank of NATO that are eligible for United States security assistance and which are integrated into NATO's military structure; (2) major non-NATO allies on the southern and southeastern flank of NATO which are eligible for United States security assistance; and (3) those countries which, as of October 1, 1990, contributed armed forces to deter Iraqi aggression in the Arabian Gulf, and which either received Foreign Military Financing (FMF) assistance in FY 1990 or are in the Near East region and received FMF assistance in FY 1991 on FY 1992. A member of NATO on the southern flank of NATO is defined to mean Greece, Italy, Portugal, Spain, and Turkey (§516(e)). While category (2) is not defined in the statute,[3] it would not appear that Poland, Hungary, and the Czech Republic fall within any of the three categories of authorized recipients for purposes of this section.[4]

Section 518 authorizes the President to transfer nonlethal excess defense articles and small arms to friendly countries for resource conversation and management purposes.

Section 519 authorizes the President to transfer to countries for whom an FMF program is justified for the fiscal year in which the transfer is authorized, such nonlethal excess-defense articles as the President determines necessary to help modernize the defense capabilities of such countries, in accordance with the provisions of the section. Transfers are authorized only if (1) the equipment is drawn from existing stocks of the DOD, (2) no DOD funds available for procurement of defense equipment are expended in connection with the transfer, (3) the President determines that the transfer will not have an adverse impact on the military readiness of the United States and (4) the President determines that transferring articles under §519 is preferable to selling them, after taking into account the potential proceeds from, and the likelihood of, such sales, and the comparative foreign policy benefits that may accrue to the United States as the result of either a transfer or sale.[5] Transfers may be made under this section notwithstanding any other provision of law, except title V of the National Security Act of 1947. Further, the Foreign Operations Appropriations Act for FY 1994, Pub. L. No. 103–87, provides at §555, that §519 may be used in FY 1994 to provide nonlethal excess defense articles to countries for which United States foreign assistance has been requested and for which receipt of such articles was separately justified for the fiscal year, without regard to the restrictions in §519(a).

The President also has special authority under the FAA to transfer defense articles in emergency situations or notwithstanding other provisions of law. Section 506 authorizes the President to direct the drawdown of defense articles from Department of Defense stocks in the event of an unforseen emergency requiring immediate military assistance to a foreign country or international organization and the emergency requirement cannot be met under the authority of the AECA or any other law except §506. Section 614(a) authorizes the President to authorize the furnishing of FAA assistance without regard to any other provision of the FAA, the AECA, any law relating to receipts and credits accruing to the United States, and any Act authorizing or appropriating funds for use under the FAA if he determines and notifies Congress that to do so is important to the security interest of the United States. Section 614(b) authorizes the President to make sales, extend credit, and issue guarantees under the AECA if the President determines and notifies the Congress that doing so is vital to the national security interests of the United States. The amount of assistance that may annually be provided under these special authorities is limited by statute.

The Arms Export Control Act authorizes, *inter alia*, government-to-government sales of defense articles and services to eligible countries.[6] Poland, Hungary, and the Czech Republic have been rendered eligible for AECA transactions as provided under §3 of the

Footnotes at end of article.

Act.[7] Section 21 authorizes the President to sell defense articles and defense services from DOD stocks to any eligible country or international organization if the country or organization agrees to pay in United States dollars—(A) in the case of a defense article not intended to be replaced at the time the agreement is entered into, not less than the actual value of the article or (B) in the case of a defense article intended to be replaced at the time the agreement is entered into, the estimated cost of replacement of the article. While §21 does not use the term "excess defense article," its reference to defense articles that are not intended to be replaced would appear to indicate that excess defense articles may be sold under this provision. A preference for sales of excess defense articles would also appear to be indicated in §21(i), which provides that sales of defense articles that "could have significant adverse effect on the combat readiness of the Armed Forces of the United States shall be kept to an absolute minimum." The statute was recently amended, however, to require the President to "first consider" the technological impact of sales of excess defense articles from stocks before entering into such sales.[8] The Act also authorizes the President to enter into contracts for the procurement of defense articles for cash sales to any foreign country or international organization (§22) and to finance the procurement of defense articles by friendly countries and international organizations (§23). Foreign Military Financing (FMF) programs may be established under the authority of §23 of the AECA for countries determined to be eligible for AECA programs. As indicated earlier, a country for which an FMF program is in effect for a particular fiscal year may be the recipient of excess non-lethal defense articles provided under §519 of the FAA.

Section 1017(c) would eliminate the legislative review requirement set forth in §63 of the AECA for leases of defense articles under §61 of the AECA and loans of defense articles under the military assistance provisions of the FAA (Part II, Chapter 2) above certain amounts, where such leases or loans are made to the Czech Republic, Hungary or Poland. Under current law, legislative review does not apply with respect to loans or leases to NATO, any member country of NATO, Japan, Australia, or New Zealand. Neither Poland, Hungary, nor the Czech Republic are specifically exempted from this requirement; nor is there a general provision allowing for their exemption from §63.

Section 1017(d) would amend §65 of the AECA to specifically allow the Secretary of Defense to loan to Poland, Hungary, and the Czech Republic supplies and equipment for the purposes of carrying out a program of cooperative research, development, testing or evaluation. Under current law, such loans may be made to a country that is a NATO ally or to a country that is a major non-NATO ally. Pursuant to §65(d), these countries include a member country of NATO (other than the United States) or a foreign country other than a member nation of NATO designated as a "major non-NATO ally" under 10 U.S.C. §2350a(i)(3).

Section 2350a authorizes the Secretary of Defense to enter into memoranda of understanding (or other formal agreements) with one of more major allies of the United States for the purpose of conducting cooperative research and development projects on defense equipment and munitions. A major ally of the United States is defined in §2350a(i)(2) as a member nation of NATO (other than the United States) or a "major non-NATO ally." The term "major non-NATO ally" is defined in §2350a(i)(3) as "a country, other than a member nation of the North Atlantic Treaty Organization, that is designated as a major non-NATO ally for purposes of this section by the Secretary of Defense with the concurrence of the Secretary of State." Were Poland, Hungary, or the Czech Republic to be designated "a major non-NATO ally" under this provision of Title 10, the country or countries so designated would apparently be eligible to receive the materials, supplies or equipment referred to in §65. The proposed amendment, however, would seemingly allow the loan of §65 items to the Czech Republic, Hungary or Poland without the need for a special country determination under Title 10.

Section 1017(e) would amend 10 U.S.C. §2350c(e)(1)(B) to specifically allow the Secretary of Defense to enter into a cooperative military airlift agreement with the government of the Czech Republic, Hungary for Poland for the transportation of the personnel and cargo of the military forces of that country on aircraft operated by or for the military forces of the United States in return for the reciprocal transportation of the personnel and cargo of craft operated by or for the military forces of the other country. Section 2350c allows the Secretary to enter into such agreements with the government of "any allied country." Under current law (22 U.S.C. §2350c(e)), the term "allied country" is defined as: (A) a country that is a member of NATO; (B) Australia, New Zealand, Japan, and the Republic of Korea; and (C) any other country designated as an allied country for the purposes of this section by the Secretary of Defense with the concurrences of the Secretary of State. Again, were the Czech Republic, Hungary or Poland to be designated an "allied country" under §2350c(e)(1)(C), the Secretary of Defense could seemingly enter in to a cooperative military airlift agreement with the country or countries so designated. The proposed amendment would presumably allow the Secretary to enter into such an agreement with Poland, Hungary or the Czech Republic without first making a special country determination under §2350c(e)(1)(C).

Section 1017(f) would amend 10 U.S.C. §2350f(d)(1)(B) to specifically allow the Secretary of Defense to enter into a bilateral arrangement with Poland, Hungary or the Czech Republic or to enter into a multilateral arrangement with these countries under which, in return for being provided communications support and related supplies and services, the United States would agree to provide to those countries, an equivalent value of communications support and related supplies and services. Section 2350f(a) allows the Secretary to enter into such agreements with the government of "any allied country." Under current law (22 U.S.C. §2350f(d)), the term "allied country" is defined as: (A) a country that is a member of NATO; (B) Australia, New Zealand, Japan, and the Republic of Korea; and (C) any other country designated as an allied country for the purposes of this section by the Secretary of Defense with the concurrence of the Secretary of State. As with the two preceding provisions, were Poland, Hungary, or the Czech Republic to be designated an "allied country" under §2350f(d)(C), the Secretary of Defense could presumably enter into §2350f agreements with the country or countries so designated. The proposed amendment would seemingly allow the Secretary to enter into such agreements with Poland, Hungary, or the Czech Republic, either bilaterally or multilaterally, without first making a special country determination under §2350f(d)(C).

We hope that this information is helpful to you and that you will call on us if you have any additional questions.

JEANNE J. GRIMMETT,
Legislative Attorney, American Law Division.

FOOTNOTES

[1] Section 503 of the Foreign Assistance Act provided the authority for the FAA grant military assistance program (MAP). Grant assistance formerly provided under the MAP is now apparently provided under the Foreign Military Financing (FMF) program established under the Arms Export Control Act. *See, e.g.*, Congressional Presentations for Security Assistance Programs for FY 1991 and FY 1992, prepared by the Department of State and the Defense Security Assistance Agency of the Department of Defense.

[2] Sections 516 and 519 of the FAA were recently amended to require the President to consider the effect of a transfer of an excess defense article on the national technological and industrial base. Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, Pub. L. No. 103-236, §731.

[3] This category was added in the DOD Appropriations Act, 1988, Pub. L. No. 100-202, §8143, 101 Stat. 1329-89.

[4] *See infra* note 7 regarding dates of these countries' AECA eligibility.

[5] Estonia, Latvia, and Lithuania have been made eligible to receive nonlethal excess defense articles under §519 without regard to the restrictions in §519(a). FREEDOM Support Act of 1992, Pub. L. No. 102-511, §906(a).

[6] Sections 21 and 61 of the Arms Export Control Act were recently amended to require the President to consider the effect of a sale or lease of an excess defense article on the national technological and industrial base. Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, Pub. L. No. 103-236, §731.

[7] Poland and Hungary were determined to be eligible on December 6, 1991; the Czech Republic and Slovakia on December 27, 1993.

[8] Pub. L. No. 103-236, §731, *adding* §21(k).

The PRESIDING OFFICER. Is the Senator from Colorado finished?

Mr. BROWN. Yes.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Kentucky?

Mr. BROWN. I yield such time as he may consume to the Senator from Kentucky.

Mr. McCONNELL. Madam President, I commend the Senator from Colorado for his amendment and for his work in this area. He is absolutely correct when he says what this is about is sending a signal. If the Senate was unwilling, on a vote of 53 to 44, to go quite as far as the Senator from Kentucky was willing to go, maybe it will be willing to go as far as the Senator from Colorado is now advocating.

I think the Senator from Colorado is offering an excellent amendment. I think he shares my view that the people of Eastern Europe are waiting around to see if there is ever going to be a time that we will make a meaningful gesture. With all due respect to the President, I do not believe anybody believes the Partnership for Peace is a meaningful gesture. I suppose the Senator is talking to the same people I am, and I do not find anybody who is convinced—the ambassadors of those countries or the Americans whose ancestors came from those countries and care about their fate—that the Partnership for Peace is anything other than words.

So what we have been groping for here in amendments to previous bills and in amendments to this bill, is something tangible, something meaningful, that sends—as the Senator from Colorado put it—a very clear signal that there is a future, at least for some of those countries, sometime soon, in a new and expanded NATO. So I hope the Brown amendment will be approved.

It seems to me that, as he indicated, if you thought the McConnell amendment was a little too strong—and the Senate by a very narrow vote reached that conclusion—then maybe this is the amendment that they are willing to pass that will send that signal we all feel is so important for the people in Eastern Europe.

I thank the Senator from Colorado for his fine contribution.

Mr. BROWN. Madam President, I have no wish to unnecessarily prolong the debate. At this point, if the other side would like us to yield back time and move to a vote, I would be happy to comply.

Mr. LEAHY. Madam President, again, we have a matter that—on my time, of course—we have a matter that was raised on the defense authorization bill and was opposed at that time. It is really not something that should be on this bill.

With little debate before a committee that has not considered this matter, we will decide to start dumping lethal weapons in Eastern Europe. We have no way of knowing where these weapons will end up. There is a procedure being followed as to how they might go. I know we send weapons all over the world, but every so often this comes back to haunt us. We are deciding legislation on an appropriations bill to make a major policy decision. It would normally be done on the defense authorization bill or elsewhere. But we want to do it here.

That is a decision the Senate is going to have to make. I am willing to yield back the remainder of my time. The only reason I have not, I tell the Senator, is we are checking to see if there are other Senators who may need to speak.

So I am going to suggest, in a moment, the absence of a quorum, and ask that the time run equally. With that, Madam President, I do suggest the absence of a quorum and ask that the time run equally.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. 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. BROWN. Madam President, what is the pending business?

The PRESIDING OFFICER. Brown amendment No. 2248.

Mr. BROWN. Madam President, I ask unanimous consent that that amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2293

(Purpose: To express the sense of the Senate concerning World Bank loans to countries acting to enforce the Arab boycott of Israel)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 2293.

Mr. BROWN. 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 in the bill, add the following new section:

"SEC. . LOANS TO NATIONS THAT ENFORCE THE ARAB BOYCOTT OF ISRAEL.

"The President should use the voice and vote of the United States in all multilateral banks of which the United States is a member to ensure that no loans are given to nations which support or encourage the primary, secondary or tertiary boycott of Israel."

Mr. BROWN. Madam President, I rise in support of amendment No. 2293. I will simply go through it. It is quite succinct.

It says:

At the appropriate place in the bill, add the following new section: Loans to nations that enforce the Arab boycott of Israel. The President should use the voice and vote of the United States in all multilateral banks of which the United States is a member to ensure that no loans are given to nations which support or encourage the primary, secondary, or tertiary boycott of Israel.

Some may ask why in the world is this appropriate on this measure. Let me try and respond to that.

Shockingly, even though we are many years down the road after the Egypt-Israel accord, even though we have made enormous progress in terms of bringing peace in the Middle East, even though there is every reason to hope that the Palestinians may develop a peaceful cohabitation with Israel, tragically and shockingly, a number of countries in the Middle East continue to engage in the very intensive effort to boycott Israel. Specifically, Middle Eastern countries continue to urge American businesses not to do business with Israel. Shockingly, many of them even threaten to cut off business with American companies if those companies continue to do business with Israel.

This is simply not acceptable. The purpose of this amendment is to make our feelings clear that this kind of activity not only is not acceptable but is one that should be addressed through the very influential arm of those multilateral banks which have so much influence in the Middle East.

I believe by using our vote and using our voice of influence we can have a significant and a substantial impact on those countries that continue to insist on this kind of extortion against American businesses.

Madam President, there are many others who have expressed their views on this in other measures that have come before the Senate. But I believe that this measure expresses the feelings of all American citizens and their sense of outrage that American businesses should be subjected to this kind of influence, pressure, and extortion. My hope is that the Chamber will include this as a sense of this body's feelings on this practice.

The PRESIDING OFFICER. The Senator from Vermont.

UNANIMOUS-CONSENT AGREEMENT

Mr. LEAHY. Madam President, I understand this amendment will be accepted.

I ask unanimous consent, while the principals are on the floor now, that we agree on this amendment, but as to the amendment on which the yeas and nays have been ordered that we begin the rollcall vote on that at 9 o'clock. So whatever remaining time remains each side would have to yield back an appropriate amount so that we have that vote at 9 o'clock and that Bumpers vote would follow immediately.

Mr. McCONNELL. Ten minutes.

Mr. LEAHY. And the Bumpers vote be a 10-minute vote. I make that request, Madam President, that the Brown amendment on which the yeas and nays have been ordered, the rollcall vote on that begin at 9 p.m., and that immediately following that we go to the rollcall vote on the Bumpers amendment on which the yeas and nays have been ordered, and that the Bumpers amendment vote be a 10-minute vote.

The PRESIDING OFFICER. Is there objection to this unanimous consent agreement?

Without objection, it is so ordered.

AMENDMENT NO. 2293

Mr. LEAHY. Madam President, I am willing to accept the amendment of the Senator from Colorado, the current amendment.

If that is accepted we can probably clear up a few other amendments between now and the hour of 9 o'clock.

The PRESIDING OFFICER. Is there further debate on the pending amendment?

The question is on agreeing to the amendment of the Senator from Colorado.

The amendment (No. 2293) was agreed to.

Mr. LEAHY. Madam President, the Senator from Colorado has time remaining on his amendment as we do on

this side. I wonder now since we will have a vote at 9 p.m. if we might yield back all that time except for 5 minutes evenly divided and then in that 10 minutes between now and 8:55 p.m. the Senator from Kentucky and I can probably dispose of a pile of amendments. I would make that request. I wonder if the Senator from Colorado would have any objection?

Madam President, between 8:55 p.m. and 9 p.m. we will see what we can process.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 2257, 2258, 2269, 2273, 2274, 2276, 2277, 2278, 2283, 2286, 2287, 2288, 2292, 2296, AND 2298, EN BLOC

Mr. LEAHY. Madam President, I ask unanimous consent that it be in order now for me to call up en bloc the following amendments, that they be considered en bloc, agreed to en bloc, and the motion to reconsider be laid upon the table en bloc. These amendments are: 2257, 2258, 2269, 2273, 2274, 2276, 2277, 2278, 2283, 2286, 2287, 2288, 2292, 2296, and 2298.

I note that this has been cleared with the concurrence of the ranking member, the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Madam President, the Senator from Vermont is correct.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Vermont?

Mr. McCONNELL. Madam President, reserving the right to object, we need to withdraw one of the amendments that the Senator from Vermont read. I ask unanimous consent to withdraw amendment 2273.

The PRESIDING OFFICER. Amendment 2273 offered by the Senator from Kansas [Mr. DOLE], is withdrawn from the request by the Senator from Vermont.

The amendment (No. 2273) was withdrawn.

Mr. LEAHY. Madam President, I amend my unanimous consent request accordingly.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from Vermont?

Without objection, it is so ordered.

The amendments were agreed to as follows:

AMENDMENT NO. 2257

(Purpose: To limit the provision of assistance to Nicaragua)

Mr. HELMS offered amendment No. 2257.

Mr. HELMS. Mr. President, section 557 of the bill prohibits foreign aid to the Government of Nicaragua, unless certain conditions are met. I thank the managers for their cooperation and I welcome Senator McCONNELL as a principal cosponsor.

The provision is identical to a provision in last year's bill, with one exception—language is missing that would require a full and independent investigation into the terrorist network involved in the Santa Rosa arms cache. Senators will remember that the Santa Rosa arms cache exploded on May 23, 1993. That huge arms cache made clear that a Nicaraguan terrorist network was involved with kidnapping, gun-running and other illicit activities.

I am confident that omitting this language was an oversight. Normally, it would be perfectly reasonable to assume that substantial progress would be made on a year long investigation. But that's not the case. During the past year the Nicaraguan Government has done next to nothing. So, my amendment corrects this oversight by simply inserting into section 557 the identical language from last year's foreign aid bill regarding an investigation.

The Congress considers Nicaraguan Government attempts to satisfy the conditions in last year's bill to be a total failure. In fact, the Nicaraguan Government didn't even make an effort. If Mrs. Chamorro would have satisfied even one condition I am sure the managers of the bill would have dropped that particular condition from the section. But that didn't happen.

What the Nicaraguan Government purports to be an investigation into the activities of terrorists in Nicaragua, is merely a dog-and-pony show to fool the gringos. The Sandinista-controlled National Police is conducting the investigation, so Mrs. Chamorro has put the fox in charge of the henhouse.

The situation is so blatant that even the State Department admitted to my office recently that no progress had been made on the investigation. That's why this amendment is needed. [I add parenthetically, Mr. President, that the State Department also told us that no progress had been made on any of the other conditions.]

It will be impossible, in my judgment, for Nicaragua to satisfy all the conditions in last year's bill before the end of the fiscal year. The managers of the bill understand that fact and that's why they included all of last year's conditions in this year's bill. I can't imagine that the State Department will approve sending more bilateral foreign aid to Nicaragua until those conditions are satisfied. To remind the Senate, those conditions are regarding: (1) terrorism; (2) property rights; (3) human rights; (4) civilian control of the military; (5) civilian control of the police; and (6) judicial reform.

As I stated earlier, Mr. President, there hasn't been an investigation into the numerous terrorist arms caches found in Nicaragua. Naturally, since there has been no investigation, there have been no prosecutions. It is a fact that Sandinista military authorities knew of the existence of these arms caches—and the United States Congress wants all those at the highest levels of the Nicaraguan Government who knew of their existence to be punished.

Properties stolen from U.S. citizens are not being returned. When I checked recently, the Nicaraguan Government had made significant and tangible progress resolving only 22 property claims of United States citizens. This is a miserable effort considering the fact that more than 650 Americans, owning more than 1,500 properties, have outstanding claims. I am informed that the Nicaraguan Government may resolve several of the high profile cases soon. But, Congress has a right to expect much more from the Chamorro Government, in light of the fact that American taxpayers have handed over more than $1 billion to her government in a few short years.

Regarding the condition pertaining to the recommendations of the Tripartite Commission, last year I reported that 300 demobilized and disarmed former resistance members were murdered by the Sandinistas. At the time, only two people were in jail as a result of the Commission's recommendations. The only change from my report last year is that more demobilized and disarmed former Resistance members have been murdered, and nothing is being done about it. Those same two people are still the only people reportedly in jail.

There is no civilian control over the military. General Ortega is still head of the Sandinista Popular Army. They say he'll retire next year, but I've got to see it happen before I can believe it. I am confident that Mrs. Chamorro will replace Ortega with another Sandinista thug. Furthermore, nothing has been done to put the Sandinista National Police under civilian control.

Finally, significant and tangible reform of the Nicaraguan judicial system means that corruption and bribery must end. The only way of accomplishing this is for Mrs. Chamorro to appoint non-Sandinista judges so that the Sandinistas will no longer hold the majority. But she has done the exact opposite. She has appointed virtually all Sandinista judges or judges who always vote with the Sandinistas.

Mr. President, the Nicaraguan Government has broken every single one of those promises it has made to the United States government, not to mention promises it made to the long-suffering people of Nicaragua. The days of broken promises are over.

There should be no more foreign aid to the Government of Nicaragua until after it complies with each condition. I

am persuaded that withholding aid until after real progress is made is the only way to restore freedom and democracy to the Nicaraguan people.

AMENDMENT NO. 2258

(Purpose: To limit the authority to reduce U.S. Government debt to certain countries)

Mr. HELMS offered amendment No. 2258.

Mr. HELMS. Mr. President, this amendment is to Section 561 called "Authority to Reduce Debt". More specifically, Section 561 provides authority to cancel various debts owed by foreign governments to the United States. I welcome the able Senator from Arizona (Mr. MCCAIN) as a principal cosponsor of this amendment.

The bottom line, in my judgment, is that the entire Section 561 should be stripped from the bill. Otherwise Congress might as well propose that money be handed out willy-nilly to foreign countries. (Of course, that money being given away so freely belongs to the U.S. taxpayers.) The bottom line is that canceling these debts owed by these countries is just more foreign aid with the American taxpayers again left holding the bag.

Now, Mr. President, Section 561 identifies four conditions that would make a country ineligible to have its debt canceled: (1) excess military spending, (2) support for terrorism, (3) noncooperation in narcotics control matters, and (4) human rights abuses. My amendment simply adds a fifth condition. No nation can be eligible to have its debt to the U.S. Government canceled if it confiscates, without just compensation, property owned by a U.S. citizen.

The United States Government has already forgiven billions of dollars in debt owed by numerous countries that have stolen property of U.S. citizens. The word "stolen," Mr. President, is justified because these governments are refusing to compensate American property owners. My office has received appeals from American citizens with legitimate claims that their property has been confiscated by countries, including Argentina, El Salvador, Honduras, Jamaica, Nicaragua, and Uruguay. Every one of these countries have had their debts to the U.S. Government forgiven during the past 5 years.

In fact, from 1990 to 1993, our Government canceled $1.399 billion owed to the United States by these six countries. Nicaragua alone had $284.3 million in debts owed to the United States forgiven, while that government flatly refused—and still refuses—to resolve hundreds of property claims of United States citizens. This makes no sense, Mr. President, and if Congress has any concern for American citizens who have been ripped off by foreign governments, this amendment will be approved overwhelmingly.

I have done my best to help these Americans. So has the excellent staff from the minority on the Foreign Relations Committee. Bud Nance and I have written letters to administration officials pleading for help. We have requested assistance, both in writing and in face-to-face meetings, from foreign officials. My office has produced several detailed reports on the subject. We modified U.S. foreign aid law—known as the Hickenlooper and Gonzalez amendments—to enable U.S. citizens to gain compensation for confiscated property. We are assisting U.S. citizens with their property claims every day.

Nevertheless, these foreign countries are thumbing their noses at these American citizens whose properties have been confiscated. The Clinton administration continues to jump to the defense of these foreign governments. Secretary Bentsen told me on June 24—and Secretary Christopher told me on June 30—that the administration would waive the recently modified Gonzalez amendment in order to support multilateral bank loans to Nicaragua, despite the fact that Nicaragua refuses to resolve the vast majority of hundreds of outstanding property claims. This is an outrageous treatment of American citizens by the officials of their Government.

Sure enough, a few days later, the United States voted to give Nicaragua $173 million in new loans from the International Monetary Fund [IMF]. And, guess what, Mr. President? In September, the Nicaraguan Government intends to ask the Paris Club—that's the official entity established by the major industrial countries to coordinate debt policy—to cancel $500 million it owes to various multilateral banks.

There can and will be no progress on these cases unless and until real pressure is brought to bear on the offending government—and financial pressure is one of the strongest means available. The U.S. Government shouldn't hand out foreign aid to these countries, and if an offending country owes the U.S. Government money, all confiscated property cases should be resolved before any debt is canceled.

Mr. President, for years now, I have received letters from hundreds of American citizens who have had their homes and/or businesses confiscated in various countries around the world.

Last year a letter came from Louis Valentine of Vermont describing how he was treated—which is typical of the way Americans have been treated.

In 1972, the Honduran Government forced Mr. Valentine to hand over two prime commercial lots in exchange for allowing his wife to travel to the United States for emergency medical treatment. Mr. Valentine has spent the last 13 years working to receive compensation for property confiscated by the Honduran Government. He won his case in court—several times—but the Honduran Government refused to provide compensation. And bear in mind, Mr. President, that another 50 Americans have filed property claims with the United States Embassy in Honduras. And in 1991, the United States Government forgave $333 million owed by Honduras.

I am aware that the manager of the bill, Senator LEAHY, pressed the former President of Honduras to resolve Mr. Valentine's case. But, nothing was done. I know that Vice President GORE asked the new Honduran president, President Reina, to resolve this case quickly. But Mr. Valentine waited and waited.

My office facilitated meetings between Mr. Valentine and Honduran government officials in Honduras in February. We featured the Valentine case prominently in a recent committee report on expropriations. But, nothing happened. Friendly persuasion was not getting the job done.

On June 13, we received another letter from Mr. Valentine. Let me read some pertinent remarks:

> In spite of the fact that President Reina has issued strict and special orders to the Ministry of Economy to pay our company * * * not one cent has been disbursed as yet.
>
> In the interim, I had a mild heart attack in Honduras—due, the cardiologist says, to the thirteen years of stress and strain in connection with this case * * * my wife and I are returning to Honduras on the 14th to continue the struggle. Any additional pressure you can generate at your end will be greatly appreciated.

Mr. President, yesterday, United States Ambassador to Honduras, Bill Pryce, called to tell me that the Honduran Government finally—after more than 13 years—compensated Mr. Valentine.

Well, Mr. President, I appreciate President Reina resolving this one case. But Mr. Valentine was not the only American waiting to be compensated. The Honduran government should compensate for property taken from all American citizens before they are eligible to have the $95 million that they currently owe to the United States Government forgiven. And that's precisely what this amendment requires.

Mr. President, Secretary Christopher stated at his confirmation hearing before the Foreign Relations Committee that he intended to have an American Desk at the State Department. I've reminded the Secretary of his statement on numerous occasions. Well, with all due respect, Mr. President, if there is in fact an American Desk down at Foggy Bottom, it must be hidden in a dark corner in the basement. More needs to be done. Foreign countries should understand there will be a price to pay if they confiscate, without just compensation, property owned by U.S. citizens.

Congress must make the State Department put American interests first. I imagine that some Senators might

ask, "Which countries will be affected by this amendment? Will it hurt a country we like?" Well, we shouldn't fret about which countries will be affected. The over-riding principle is that Congress should give top priority to protecting the rights of American citizens abroad.

This amendment will make it perfectly clear to all those countries asking the U.S. taxpayers to forgive their debt, that all American property claims must be settled beforehand. Such countries should have three choices: First, to give the property back; second, to provide fair compensation for the property; or third, to be refused debt forgiveness. It's that simple, and it's fair to American citizens.

AMENDMENT NO. 2269

Mr. McCONNELL offered amendment No. 2269.

The amendment is as follows:

On page 53, line 11, strike the word "Provided" and insert the following:

Provided, That only those activities, programs, projects, type of material assistance, countries, or other operations referred to under this paragraph which have been justified through Congressional Presentation documents and/or budget justification documents presented in the same format and in the same level of detail as provided in fiscal year 1993 shall be considered to be justified under the language of this paragraph: *Provided further*

Mr. McCONNELL. Madam President, over the last several months, in hearings of our subcommittee and in meetings with administration officials, I have expressed my concern about the inadequacy of the administration's budget justifications for its foreign assistance program. The chairman of the subcommittee has likewise expressed such concern.

During a hearing at which the AID Administrator testified, I pointed out that there are domestic regulatory agencies with $40-million budgets which provide more justification material than AID provided for the $1.2-billion Russia/NIS and Eastern European programs. Indeed, we got more information on some individual projects in Uganda than we did for all of Russia.

I finally found it necessary to object to any more money flowing to Russia and the NIS until the administration agreed to rework and supplement their justification material, also known as congressional presentation documents, for Russia and the NIS and submit them to us before the beginning of the new fiscal year.

Expressed in its simplest form the appropriations procedure I am addressing today is as follows:

First, we receive budget requests from the administration for various broad appropriations categories;

Second, the administration provides us with detailed documentation—the budget justification material—telling us exactly how they plan to spend the money;

Third, Congress appropriates the requested money assuming it will be spent in the manner and for the specific purpose requested, or in some cases through the law or in accompanying reports, Congress tells the administration to spend the funds provided in some other fashion.

Fourth, throughout the year, the administration sometimes finds, for good fiscal or policy reasons, that its spending decisions need to change. Perhaps they want to spend funds justified for one purpose or project for something which they have not requested funds or to spend more for that purpose or project. The administration is allowed to make such changes, by law, by notifying the committee through what is commonly called the reprogramming process.

Fifth, the committee reviews these changes, and while it almost always accedes to the administration's requests, it can say "no" or perhaps suggest modifications.

The amendment I have offered addresses these last two parts of the process which the administration is now trying to short-circuit by not sending us notifications for certain changes they wish to make in AID's Development Assistance Program. Specifically, they seek to eliminate projects as the base for notification for the Development Assistance Program, contrary to what they have done for at least the last 18 years. This change would eliminate congressional approval or input to most of the changes, heretofore made by this and previous administrations.

I do not believe Congress should give such wide latitude to the administration. While this stated goal—reduction of time-consuming paperwork—is laudatory, I do not believe it should come at the expense of Congress' constitutional power over Federal spending.

This issue is not new. A reading of the history of the appropriations process, since the creation of the Appropriations Committee in 1867, records many attempts by the executive branch to usurp or restrict congressional spending power. During times of national emergency, Congress has temporarily given the executive more latitude over spending decisions. This was true during the Civil War, World War I, World War II, and during many of the Vietnam war years. Now is not such a time.

I am not trying to argue that the attempt by the Department of State and AID to usurp congressional spending authority is comparable to some of these earlier, more significant battles between the legislative and executive branches, but it is in the same family.

I urge my colleagues to support this amendment.

AMENDMENT NO. 2274

(Purpose: To amend the Japan-United States Friendship Act to broaden investment authority and to strengthen criteria for membership on the Japan-United States Friendship Commission)

Mr. McCONNELL offered amendment No. 2274 for Mr. MURKOWSKI and Mr. ROCKEFELLER.

The amendment is as follows:

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

SEC. . UNITED STATES PANEL OF THE JOINT COMMITTEE ON UNITED STATES-JAPAN CULTURAL AND EDUCATIONAL COOPERATION.

Section 4 of the Japan-United States Friendship Act (22 U.S.C. 2903) is amended by adding at the end the following new subsection:

"(d) The membership of the United States Panel of the Joint Committee on United States-Japan Cultural and Educational cooperation shall be drawn for among individuals who are deeply familiar with Japan and United States-Japan relations, as demonstrated in their professional careers, and who have performed distinguished service in—

"(1) law, business, or finances;

"(2) education, training, or research at post-secondary levels;

"(3) the media or publishing;

"(4) foundation or philanthropic activity;

"(5) the American arts, culture, or the humanities; or

"(6) other aspects of American public life."

SEC. . BROADENING INVESTMENT AUTHORITY.

Section 7 of the Japan-United States Friendship Act (22 U.S.C. 2906) is amended—

(1) in subsection (b)—

(A) in the first sentence, by inserting ", at the direction of the Chairman of the Commission," after "'Secretary')"; and

(B) in the second sentence, by striking "in interest bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States" and inserting "in instruments or public debt with maturities suitable to the needs of the Fund"; and (2) in subsection (c), by inserting ", at the direction of the Chairman of the Commission," after "sold".

AMENDMENT NO. 2276

(Purpose: To reaffirm the applicability of section 401 of Public Law 103-236, relating to the establishment of an independent office of Inspector General within the United Nations)

Mr. McCONNELL offered amendment No. 2257 for Mr. PRESSLER.

The amendment is as follows:

On page 112, between lines 9 and 10, insert the following new section:

UNITED NATIONS OFFICE OF INSPECTOR GENERAL

SEC. . The Senate hereby reaffirms that section 401 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) remains in effect, including all its terms and conditions relating to the establishment of an independent office of Inspector General within the United Nations.

REAFFIRM THE CREATION OF AN OFFICE OF THE INSPECTOR GENERAL: PUT AN END TO U.N. WASTE, FRAUD, AND ABUSE

Mr. PRESSLER. Madam President, I offer this amendment today to reaffirm section 401 of the Foreign Relations Authorization Act—now Public Law

103-236. The language in section 401 makes portions of U.S. assessed contributions to the regular U.N. budget contingent upon the United Nations creation of an independent Office of the Inspector General [OIG]. I offer this amendment today to reaffirm section 401, because the U.N. General Assembly is considering currently the adoption of a resolution which would create an inspector general subject to the authority of the U.N. Secretary-General. The OIG—under the current General Assembly draft—would not be independent. This is an unequivocal violation of the language in section 401—language which is now public law.

On January 26, 1994, this body voted overwhelmingly to adopt my amendment which called for the creation of an independent Inspector General office at the U.N. In fact, my colleagues voted 93 to 6 to adopt the amendment which has become section 401 of the Foreign Relations Authorization Act. Our support for this measure must be unwavering. We must send a clear and unequivocal message to our U.S. Representative, Madeleine Albright, and the U.N. General Assembly that the United States will not stand idly by while the United Nations slaps us in the face.

While some of my colleagues may question the relevance of this amendment to an appropriations bill, I must say that the importance and immediacy of this issue transcends questions of germaneness. What is happening at this very minute is that the U.N. General Assembly is trying to undo what has been done already. If the United Nations wishes to create an OIG which does not meet the stipulations set forth in section 401 of the Foreign Relations Act—that's fine. But the U.N. General Assembly must realize that if they act in such a fashion, 10 percent of U.S. assessments to the regular U.N. budget will be withheld. And if the United Nations continue to disregard section 401, 20 percent of the U.S. contributions will be withheld in fiscal year 1995 as well as 50 percent of the funds appropriated for supplemental assessed peacekeeping contributions. If that's what the United Nations wants—that is what the United Nations will get.

It seems that the United Nations has chosen to bite the hand of the largest hand that feeds it—the United States. Think about this: In 1990, the U.S. peacekeeping contribution was $97 million. In 1994-95, the U.S. contribution is $3 billion. I am amazed that the world body would consider adopting a resolution establishing an OIG which did not meet the mandates in the Foreign Relations Authorization Act. I am amazed that the United Nations so flagrantly disregards the necessity of U.S. financial support. I am offering this amendment to reaffirm the language in section 401, because I want everyone to know what is going on at the United Nations. I ask my colleagues to join me again in supporting the creation of an independent U.N. Office of the Inspector General. If United Nations budgetary and management reform is to be meaningful, the terms of any U.N. resolution authorizing an independent OIG must be clear, unequivocal, and must reflect the congressional intent of section 401 of the Foreign Relations Authorization Act.

Last week, I sent a letter to Ambassador Albright urging her to press the General Assembly to adopt a resolution which would adhere to the congressional language in section 401. Today, along with my colleagues Senator DOLE, and Senator HELMS, and others we are sending another urgent letter to Ambassador Albright. We want everyone to understand the extreme importance of this issue. I urge my colleagues to support reaffirming the language in section 401—language 93 of my colleagues supported during the Roll Call vote in January.

I ask unanimous consent that the letter to Madeleine Albright and the text of section 401 be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, July 14, 1994.

Hon. MADELEINE K. ALBRIGHT,
U.S. Representative to the United Nations, U.S. Mission to the United Nations, New York, NY.

DEAR AMBASSADOR ALBRIGHT: We understand that the United Nations General Assembly will be considering the resolution creating the Office of Inspector General (OIG) at the U.N. in the next forty-eight hours. We further understand that the terms of the draft resolution do not currently meet the criteria for an independent office of an inspector general as defined by Section 401 of United States Public Law 103-236, the Foreign Relations Authorization Act for fiscal years 1994 and 1995.

We write to urge you to press the General Assembly to adopt a resolution which meets the stringent standards as outlined in Section 401.

Section 401 was adopted by the Senate on January 26, 1994, during deliberations on the Foreign Relations Authorization Act, by an overwhelming 93 to 6 vote. As you must be well aware, the Section dictates that the United States withhold assessed contributions to the regular U.N. budget in the event the OIG is not established. Additionally, if the U.N. General Assembly fails to create an office that adheres to the type required in the section, the United States will be forced to withhold 10 percent of the U.N. contributions assessed this fiscal year. If the office is still not established according to the guidelines, by fiscal year 1995, the U.S. will have to withhold 20 percent of assessed contributions, as well as one half of the funds appropriated under Section 102(d) of Public Law 103-236 for supplemental assessed peacekeeping contributions.

According to Section 401, the United Nations is to have established an independent office "to conduct and supervise objective audits, inspections, and investigations relating to the programs and operations at the United Nations" that will have "access to all records documents, and other available materials relating to (those) programs and operations". We are including a copy of Section 401.

Lasting U.N. management and budgetary reform hinges on the creation of the OIG. Consequently, the terms establishing the office must demonstrate unequivocally the independence of the OIG and define clearly its specific oversight responsibilities. We urge you to work diligently to ensure the independence of the OIG since the value of the OIG rests largely on its independence from the dictates of the U.N. bureaucracy. At this crucial moment, it is imperative that U.S. pressure to reform U.N. mismanagement be unwavering.

Now is a critical time for you, as our U.S. Representative to the U.N., to demonstrate to the General Assembly the U.S. commitment to end U.N. malfeasance. Your influence in the drafting and adoption of a U.N. resolution advocating the establishment of an independent OIG is crucial.

The stakes are high, the opportunity fleeting. Without significant and immediate action to improve the efficiency of U.N. operations, Congressional willingness to fund U.N. activities will diminish further. We urge you to take immediate action.

Sincerely,

JESSE HELMS,
ROBERT DOLE,
LARRY PRESSLER.

SEC. 401. UNITED NATIONS OFFICE OF INSPECTOR GENERAL.

(a) WITHHOLDING OF PORTION OF CERTAIN ASSESSED CONTRIBUTIONS.—Until a certification is made under subsection (b), the following amounts shall be withheld from obligation and expenditure (in addition to any amounts required to be withheld by any other provision of this Act):

(1) FY 1994 ASSESSED CONTRIBUTIONS FOR UN REGULAR BUDGET.—Of the funds appropriated for "Contributions to International Organizations" for fiscal year 1994, 10 percent of the amount for United States assessed contributions to the regular budget of the United Nations shall be withheld.

(2) FY 1995 ASSESSED CONTRIBUTIONS FOR UN REGULAR BUDGET.—Of the funds appropriated for "Contributions to International Organizations" for fiscal year 1995, 20 percent of the amount for United States assessed contributions to the regular budget of the United Nations shall be withheld.

(3) SUPPLEMENTAL ASSESSED PEACEKEEPING CONTRIBUTIONS.—Of the funds appropriated for "Contributions for International Peacekeeping Activities" for a fiscal year pursuant to the authorization of appropriations under section 102(d), 50 percent shall be withheld.

(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 office of Inspector General to conduct and supervise objective audits, inspections, and investigations relating to the program and operations of the United Nations;

(2) the Secretary General of the United Nations has appointed an Inspector General, with the approval of the General Assembly, and that appointment was made principally on the basis of the appointee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations;

(3) the Inspector General is authorized to—

(A) make investigations and reports relating to the administration of the programs and operations of the United Nations;

(B) have access to all records, documents, and other available materials relating to those programs and operations; and

(C) have directed and prompt access to any official of the United Nations;

(4) the United Nations has procedures in place designated 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 Inspector General;

(5) the United Nations has procedures in place designed to ensure compliance with the recommendations of the Inspector General; and

(6) the United Nations has procedures in place to ensure that all annual and other relevant reports submitted by the Inspector General are made available to the General Assembly without modification.

(c) SPECIALIZED AGENCIES.—United States representatives to the United Nations should promote complete Inspector General access to all records and officials of the specialized agencies of the United Nations, and should strive to achieve such access by fiscal year 1996.

(d) DEFINITION.—For purposes of this part, the term "Inspector General" means the head of an independent office (or other independent entity) established by the United Nations to conduct and supervise objective audits, inspections, and investigations relating to the programs and operations of the United Nations.

AMENDMENT NO. 2277

(Purpose: To state the sense of the Senate concerning Japan and Germany becoming permanent members of the United Nations Security Council)

Mr. MCCONNELL offered amendment No. 2277 for Mr. HELMS and Mr. ROTH.

The amendment is as follows:

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

SEC. . Sense of the Congress concerning German and Japanese permanent membership in the United Nations Security Council.

In the past five years, the United Nations has engaged in more peacekeeping operations than in the preceding forty;

The Security Council is the U.N. body chiefly responsible for matters of peace and security;

Any country accorded permanent membership in an expanded Security Council must be capable of fulfilling all of the responsibilities equated with such status, including participation in any U.N. military operations;

According permanent membership to nations not capable of carrying out these responsibilities will allow those countries to play a central role in shaping U.N. peacekeeping and peacemaking operations which could endanger the lives of American and other troops, but in which their own forces could play no part;

Japan and Germany, as the world's second and third largest economies, respectively, have attained levels of global reach and influence equal to or surpassing current permanent members of the Security Council;

Germany and Japan have announced their desire to gain permanent membership in the Security Council;

Japan currently maintains that its constitution prohibits the country from carrying out all the peacekeeping and peacemaking responsibilities that permanent membership entails;

Japan's ruling coalition government appears unwilling to address these issues, even in the face of a potential crisis on the Korean peninsula which may well require multilateral military action;

The German High Court, sitting in Karlsruhe, Germany, ruled, on July 12, 1994, that the German constitution contains no prohibition against the overseas deployment of Germany's armed forces in multilateral peacekeeping operations.

Now, therefore, be it the sense of the Senate that:

(1) Since Germany has addressed the problem of its participation in multilateral military activities, the U.S. should support that nation's prompt elevation to permanent Security Council membership;

(2) Japan be encouraged to discuss thoroughly and openly its own problems in participating in such activities, and take whatever steps are necessary to enable it to fully engage in any form of U.N. peacekeeping or peacemaking operation; and

(3) The United States should actively support Japan's effort to gain permanent membership only after Japan take such steps * * *.

* * * * *

Mr. ROTH. Madam President, when the Senate considered the State Department authorization bill, I attached an amendment to that bill expressing the sense of the Senate regarding an issue which I believe holds considerable importance for this country. Both Germany and Japan had voiced their desire to become permanent members of the U.N. Security Council and the Clinton administration had indicated its support for council expansion in general and for Japan and Germany permanent membership in particular.

I had no objection to such an expansion, and stated my support, in principle, for Tokyo and Bonn gaining permanent membership. Japan and Germany's economies now are the world's second and third largest. They enjoy global reach and influence extending far beyond that of many current permanent Council members. Their elevation to permanent membership would, consequently, appear perfectly logical.

However, I was disturbed because, while both nations were seeking permanent Security Council seats, both interested their respective constitutions as preventing their militaries' from participating fully in U.N. peacekeeping or peacemaking activities. It seemed to me that, if Japan and Germany were to be accorded elevated status in the United Nations, then they should be able to fulfill all of the responsibilities consonant with that status. In particular, I felt that they could not be granted permanent Security Council seats while they simultaneously were unable to participate in any military undertakings approved by that body.

I ask my colleagues to consider the reaction of the American people if they were ever to witness Japanese and German diplomats, casting votes in favor of military operations which could endanger the lives of United States soldiers while they simultaneously had no legal authority to send their own Armed Forces to engage fully in those operations.

Consequently, the Senate accepted my proposal that the United States Government, in principle, support Japanese and German permanent Security Council membership; but that, in practice, it do nothing to further this initiative until those countries had addressed the constitutional problems which prevented their participation in multilateral military activities.

The day before yesterday, I came to the floor to report major progress on this issue. On that day, the German High Court, sitting in Karlsruhe, ruled that the German Constitution, or "basic law," contains no prohibition against German participation in multilateral military activities outside NATO territory.

Let us not fool ourselves. This ruling will not prompt a rush to German military activity around the globe, be it under the United Nations or NATO flag. The real significance of this ruling is that Germany, as a prospective permanent member of the U.N. Security Council, has placed itself in the same position as the current permanent members of that body. Germany is no longer seeking special status. It no longer wishes to join the club without fulfilling all its obligations as a member of that club.

This approach, in my opinion, demonstrates the maturity of German democracy. Its participants recognize that with enhanced status comes enhanced responsibility. Germany has boldly stepped forward to shoulder those responsibilities. In light of this ruling by the German High Court and the positive manner in which it was received by the government of Chancellor Kohl, I see no reason why the United States Government should not immediately throw its weight behind an enthusiastic diplomatic campaign to award Germany a permanent seat on an expanded Security Council. And I believe strongly that our support for German membership not in any way be made contingent on Japan's efforts to attain the same status.

I ardently believe that Japan should gain permanent membership as soon as possible, but only after it addresses its own perceived constitutional prohibitions against fully participating in United Nations peacekeeping and peacemaking operations. Indeed, I believe it critical that Japan take up this question as quickly as possible.

The world's most serious near-term security problem confronts us right now on the Korean peninsula. While we all hope a negotiated solution is achieved, precious little time is left before North Korea may begin extracting

more weapons grade plutonium from its spent nuclear fuel. As I said on this floor yesterday, should negotiations between the United States and North Korea break down, the next step we will take will be to move the issue to the U.N. Security Council.

Unfortunately, Japan has not only steadfastly avoided serious public discussion of the problems posed by North Korea, but its leaders languish in esoteric legal debate over what Japan can and cannot do should the United Nations call for economic sanctions to be imposed on the North, a blockade instituted, or most important, should the Security Council resolve that military action be permissible.

Yet under currently accepted interpretations of the constitution, if war did erupt, consider the following:

Unless Japan were directly attacked by the North, Japan's 700 fighter planes, its state-of-the-art antisubmarine technology, its minesweepers, and its personnel would sit idly by as Americans, Koreans, and perhaps U.N. forces lost their lives.

In addition, the United States would need to use its own military equipment and personnel based in Japan. Under current treaty agreement with Tokyo, however, the United States must seek prior consultation with Japan for use of American forces in time of conflict. Whether Japan would be prepared to consent without wavering has yet to be resolved.

As shocking as it may sound, Japan would not even be able to use its own self defense planes and ships to evacuate the 8,000 Japanese nationals living in South Korea.

The possibility of war on the Korean peninsula is terrible even to contemplate. But common sense dictates that all countries be prepared now, before a crisis erupts. Japan faces some of the very same tough choices as Germany regarding the use of its forces in U.N. actions. But Japan should not forget that the American drafters of its Constitution held that it in no way undermined that nation's ability to participate in regional security arrangements or U.N. activities.

It took the Diet a full year to enact its U.N. peacekeeping operations legislation after the gulf war to permit Tokyo to play only modest roles in U.N. peacekeeping operations. We do not have the luxury of that kind of time in dealing with North Korea.

I urge the Government of Japan to demonstrate the resolve exhibited by our colleagues in Bonn. If it does so, the United States will then be in a position to support Japan's permanent membership in the Security Council.

AMENDMENT NO. 2278

Mr. MCCONNELL offered amendment No. 2278 for Mr. MCCAIN.

The amendment is as follows:

At an appropriate place in the bill insert the following new section:

(a) FINDINGS.—The Senate finds that—

(1) Peace in Cambodia promotes stability in Southeast Asia.

(2) The newly democratic nation of Cambodia is engaged in a continuing military struggle against the Khmer Rouge.

(3) Peace talks between the government of Cambodia and the Khmer Rouge have repeatedly broken down.

(4) The Cambodian Parliament took action on July 6, 1994 to outlaw the Khmer Rouge.

(5) Ceding any position in the freely elected government of Cambodia to the Khmer Rouge is not in the interest of the Cambodian people and is incompatible with a constructive U.S.-Cambodia relationship.

(6) Cambodian officials have requested military assistance from a number of nations, including the United States.

(7) The U.S. administration, in consultation with its allies, is in the process of determining the appropriate type and level of U.S. military assistance to Cambodia.

(8) Congress is concerned that absent proper training, professionalism and adequate salaries, providing Cambodian forces with arms and ammunition will not be beneficial.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that—

(1) In concert with interested democratic nations, the U.S. should provide non-combat military training assistance to the newly democratic government of Cambodia.

(2) Military Assistance should include efforts to establish an orderly and equitable promotion process, establish an effective command structure, establish a viable and effective system of military justice, establish effective logistics, establish modern communications networks, establish dependable accounting procedures, promote human rights and respect for the rule of law and promote respect for civilian leadership of the military.

(3) The President should make every effort to fully utilize requested 1994 and 1995 levels of IMET for Cambodia to expand the program beyond its current scope.

(4) The President should consider qualified Cambodians for admission to U.S. military academies.

(5) The President should dispatch as soon as possible a military attache to the U.S. Embassy in Cambodia.

(6) Lethal assistance should not be provided to Cambodia until such time as the President can certify the professionalization of the Cambodian Armed Forces.

(7) No military assistance should be provided the Cambodian Armed Forces if the Government includes members of the Khmer Rouge or if the Constitution promulgated on September 24, 1993 fails.

(8) No military assistance should be provided in concert with the Democratic Peoples' Republic of Korea.

(9) The President should convey to Thailand United States concern over the continued support for the Khmer Rouge by elements of the Thai military and to urge the Thai Government to intensify its efforts to terminate that support, in accordance with the Paris Peace Accords.

Mr. MCCAIN. Madam President, the amendment that I am offering today encourages the President to provide non-lethal military assistance to Cambodia as it seeks to defeat on the battlefield a force which has refused to compete at the ballot box—the Khmer Rouge.

It specifies non-combat military training assistance to help Cambodia do the following: establish an orderly and equitable promotion process, establish an effective command structure, establish a viable and effective system of military justice, establish effective logistics, establish modern communications networks, establish dependable accounting procedures, promote human rights and respect for the rule of law and promote respect for civilian leadership of the military.

The amendment further calls on the President to fully utilize requested 1994 and 1995 levels of IMET for Cambodia and to expand the current program beyond its current scope of language training. It calls on him to admit qualified Cambodians to United States military academies and urges him to dispatch as soon as possible a military attache to the United States Embassy in Cambodia.

There are issues that are deserving of greater attention than our policy toward Cambodia. Yet there are few causes more compelling than that of assisting the newly democratic government of Cambodia as it attempts to put a heart-rendering history of brutality and civil war behind it.

The success of Cambodia's democratic experiment and its success in defending democracy against armed opposition also have geopolitical significance. A breakdown of the governing institutions in Cambodia and a return to a wider civil war may once again inflame tensions between Vietnam and China, a development that in the last decade led to a Vietnamese occupation of Cambodia. Vietnam has the potential to become an engine of economic growth in east Asia. War in Cambodia is in no one's best interest.

Recent reports already indicate that the struggle against the Khmer Rouge has begun to turn against the Cambodian government forces. It has lost control of key Khmer Rouge strongholds held by government forces only months ago. It is now in control of less territory than when it began its offensive reports of corruption and ineptitude cast doubt on the possibility of a favorable turn in the war.

In its time of crisis, the government of Cambodia has approached those it considers its best friends, including the United States, for assistance. We should support their efforts with the best that our Nation has to offer.

It is premature to speak about supplying the Cambodians with weapons and ammunition. But the Cambodian armed forces could certainly benefit from access to United States military doctrine and expertise. Through International Military Education and Training [IMET], access to our military academies, the appointment of a military attaché to the embassy in Phnom Phenh, and other selected in-country assistance, we can provide the assistance Cambodia needs.

But let me be clear. Although the United States and our allies may be

able to assist with know-how, the real work must be done by the Cambodians themselves. Administration officials and some of my colleagues have expressed reservations about becoming involved once again in a conflict in Southeast Asia. Their reservations are well-founded. We must stay engaged in Cambodia. It is a priority. But it is not a national security interest high enough to warrant risks to U.S. servicemen and women.

The recent battles for Pailin and Anlong Veng illustrated disturbing weaknesses in Cambodia's armed forces. According to press reports, despite their superior numbers, government forces retreated in the face of the KR attack and in their flight nearly lost control of the nation's second largest city. The most disturbing aspect of this incident was that, far from being a tactical retreat, it was apparently led by commanding officers deserting their posts.

It is no surprise that Cambodian officers were the first to flee. There are far too many of them to be adequately trained. At last count, the officer corps comprised roughly 60 percent of the 160,000 man Cambodian military. King Sihanouk himself has referred to Cambodia's command structure as an inverse pyramid. Reports are that in lieu of regular pay, some troops have received promotions. Others have apparently paid for extra stripes. Reform of this system is essential to an orderly command structure and I believe the United States may be able to offer some assistance in this regard.

Until the issue of corruption is settled, lethal assistance is not an option. We simply cannot supply arms that may end up in the hands of the Khmer Rouge, on the black market or in the hands of soldiers engaged in illegal activity. As long as there is an economic incentive and no judicial disincentive for corruption, such end uses are not unlikely.

An effective first step would be a survey of the Cambodian military education system. One way to effectively combat corruption is to better understand how soldiers are trained. Once we understand this, we may be able to provide advice on how to build better institutions, from the ground up if necessary.

Selected officers can be brought to the United States to train under IMET. To date IMET assistance for Cambodia has been used for a very limited amount of English language training. Although proficiency in English is a necessary prerequisite for further training, the focus of IMET ought to be on helping Cambodia reform its military into an effective fighting force. There are other sources for funding language training.

Cambodia has attempted in the past to acquire the assistance it needs through North Korea. I have been critical of this choice of allies in the past, and I would reiterate my words of caution to the government of Cambodia. There are more appropriate allies for a new democracy. Western nations will find it impossible to provide assistance in concert with the outlaw regime of North Korea.

At the same time, those of us in the West, the United States, France, Australia and others must give careful consideration to Cambodian pleas for assistance. The trips to Pyongyang by senior military officials last spring were attempts to address the real needs of the Cambodian armed forces. If we cannot move expeditiously to provide the necessary assistance, we can expect them to go to the powers that can. Not only must we make clear that North Korea is an unacceptable ally, we must provide them with an alternative.

In addition to drawing attention to the needs of the Cambodian military, the amendment that I am offering calls on the President to raise with the Government of Thailand support within the Thai military for the Khmer Rouge. All of our assistance will be for nothing, if outside support for the Khmer Rouge does not cease, including the illegal trading in gems and timber that flourishes along the border.

I am pleased to see that the Appropriations Committee has followed up on the concerns expressed in the 1994 Foreign Relations Authorization Act by making military training assistance to Thailand subject to formal congressional oversight. I am also pleased that the committee has required from the Secretary of State a report on Thai military support for the KR. This will give the Members of the Senate ample opportunity to see how well Thailand has lived up to the pledges it freely undertook as a party to the Paris Peace Accords.

Finally, I want to make one more plea on behalf of the Cambodian people. Earlier this year, I introduced legislation enabling the President to grant Most Favored Nation status to Cambodia. MFN for Cambodia is noncontroversial and non-partisan. The administration has proposed attaching it to the GATT implementing legislation. In my view this would not be inappropriate and I urge the Finance Committee when it begins the mark-up process of the implementing legislation next week to include MFN for Cambodia.

The Cambodian people need our assistance. I hope we can help them as they seek to develop a free market democracy and a responsible, effective armed forces. I would like to thank the managers of the bill for enabling the Senate to address these issues.

AMENDMENT NO. 2283

(Purpose: To encourage Germany to assume full and active participation in international peacekeeping activities, and for other purposes)

Mr. MCCONNELL offered amendment No. 2283 for Mr. COHEN.

The amendment is as follows:

On page 112, between lines 9 and 10, insert the following new section:

SEC. ___. POLICY REGARDING GERMAN PARTICIPATION IN INTERNATIONAL PEACEKEEPING OPERATIONS.

(a) FINDINGS.—The Congress finds that—

(1) for more than four decades following the Second World War, Germany was a divided nation;

(2) notwithstanding the creation of the Federal Republic of Germany on September 7, 1949, and the German Democratic Republic on October 7, 1949, the Four Allied Powers retained rights and responsibilities for Germany as a whole;

(3) the Federal Republic of Germany acceded to the United Nations Charter without reservation, "accept[ing] the obligations contained in the Charter . . . and solemnly undertak[ing] to carry them out", and was admitted as a member of the United Nations on September 26, 1973;

(4) the Federal Republic of Germany's admission to the United Nations did not alter Germany's division nor infringe upon the rights and responsibilities of the Four Allied Powers for Germany as a whole;

(5) these circumstances created impediments to the Federal Republic of Germany fulfilling all obligations undertaken upon its accession to the United Nations Charter;

(6) Germany was unified within the Federal Republic of Germany on October 3, 1990;

(7) with the entry into force of the Final Settlement With Respect to Germany on March 4, 1991, the unified Germany assumed its place in the community of nations as a fully sovereign national state;

(8) German unification and attainment of full sovereignty and the Federal Republic's history of more than four decades of democracy have removed impediments that have prevented its full participation in international efforts to maintain or restore international peace and security;

(9) international peacekeeping, peacemaking, and peace-enforcing operations are becoming increasingly important for the maintenance and restoration of international peace and security;

(10) United Nations Secretary General Boutros Boutros-Ghali has called for the "full participation of Germany in peacekeeping, peacemaking, and peace-enforcing measures";

(11) the North Atlantic Council, meeting in ministerial session on June 4, 1992, and December 17, 1992, stated the preparedness of the North Atlantic Alliance to "support, on a case-by-case basis in accordance with our own procedures, peacekeeping activities under the responsibility of the Conference on Security and Cooperation in Europe" and "peacekeeping operations under the authority of the United Nations Security Council";

(12) the Federal Republic of Germany participated in these North Atlantic Council meetings and fully associated itself with the resulting communiques;

(13) the Western European Union (WEU) Ministerial Council, in the Petersberg Declaration adopted June 19, 1992, declared that "As the WEU develops its operational capabilities in accordance with the Maastricht Declaration, we are prepared to support, on a case-by-case basis and in accordance with our own procedures, the effective implementation of conflict-prevention and crisis-management measures, including peacekeeping activities of the CSCE or the United Nations Security Council";

(14) the Federal Republic of Germany presided over this Western European Union Ministerial Council meeting and fully associated itself with the Petersberg Declaration;

(15) the Federal Republic of Germany, by virtue of its political, economic, and military status and potential, will play an important role in determining the success or failure of future international efforts to maintain or restore international peace and security;

(16) the Federal Constitution Court of Germany has ruled that the Basic Law of Germany permits the Armed Forces of Germany to participate in international military operations, including combat operations, conducted under a system of collective security, including the United Nations, the North Atlantic Treaty Organization, and the Western European Union;

(17) Germany is currently engaged in a debate on the proper role for the German military in the international community;

(18) one important element in the German debate is the attitude of the international community toward full German participation in international peacekeeping, peacemaking, and peace-enforcing operations;

(19) it is, therefore, appropriate for the United States, as a member of the international community and as a permanent member of the United Nations Security Council, to express its position on the question of such German participation; and

(20) distinctions between peacekeeping, peacemaking, and peace-enforcing measures are becoming blurred, making absolute separation of such measures difficult, if not impossible.

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

(1) an appropriate response under current circumstances to Germany's past would be for Germany to participate fully in international efforts to maintain or restore international peace and security; and

(2) the President should strongly encourage Germany, in light of its increasing political and economic influence, its successful integration into international institutions, and its commitment to peace and democratic ideals, to assume full and active participation in international peacekeeping, peacemaking, and peace-enforcing operations.

Mr. COHEN. Earlier this week, Madam President, the German constitutional court issued a historic ruling putting to rest once and for all the assertion that Germany's Basic Law prevents it from engaging in any military operations beyond defense of NATO territory.

The court, affirming what the vast majority of German constitutional scholars had long maintained, ruled that German armed forces can participate in international military operations, including combat operations, conducted under NATO, the United Nations, or the Western European Union, so long as a majority of the Bundestag approve.

The court's decision removes the perception of a legal impediment to German participation in such operations and makes clear that political will is the primary factor determining whether Germany will fulfill its international responsibilities.

When the Federal Republic joined the United Nations 20 years ago, it did so without reservation. The Federal Republic's deed of accession to the U.N. states that it "accepts the obligations contained in the Charter of the U.N. and solemnly undertakes to carry them out." Yet, while it has contributed to U.N. peacekeeping efforts financially and occasionally with military personnel for humanitarian functions, the Federal Republic declared itself unable to fully participate notwithstanding its obligations and its economic and military resources.

Similarly, while the Federal Republic has been a faithfull ally within NATO for nearly four decades, it has hesitated now that NATO is extending its operations eastward in accord with its new mission to support international peacekeeping.

The same is true with regard to the Western European Union, which last year also declared its intent to support international peacekeeping operations—ironically at a meeting at which Germany presided.

This hesitation was understandable so long as Germany was a divided nation, lacking full sovereignty and, in the first decades after the war, still coming to grips with the Nazi era. But Germany's situation and status have changed, removing these impediments to the Federal Republic's full and active participation in international military operations.

To their credit, Chancellor Kohl, Defense Minister Ruehe, and other prominent political figures in Germany have worked to enable the Federal Republic to meet these responsibilities. They have gradually enhanced Germany's level of involvement in selected military missions. This has included deployment of German destroyers to the Adriatic to help monitor the U.N. embargo on the former Yugoslavia, deployment of a small German contingent to Somalia, and German military personnel helping to operate NATO AWACS planes during the Gulf War and to monitor the Bosnian no-fly zone.

While these efforts by the German government are to be commended, it is disturbing that some Germans, particularly in the political opposition, have argued that even if the constitutional question were settled—as it now has been—Germany will for reasons of history not be able to participate fully in international military operations.

Some have even argued that German troops cannot be sent anywhere that was overrun or occupied by German forces during the Second World War—an area that extends from the Atlantic to the Caucasus, from the Maghreb to the Barents Sea—an area, moreover, which includes many of the regions now undergoing or expected to undergo communal, ethnic, and religious conflict. Such an effort to circumscribe Germany's international role would essentially nullify the constitutional ruling issued this week.

Madam President, Germany cannot hide from history, but neither can it hide behind history.

We cannot accept the argument that the events of history forever bind nations and their leaders. One of the principal reasons war has returned to the Balkans is that leaders there insist upon dredging up old grievances to justify digging fresh graves.

Germany—whose citizens have forthrightly grappled with the aggression and atrocities of the Nazi era, built a solidly democratic state, and securely anchored Germany in international institutions—should not now invoke the past to avoid the responsibility to build a better future.

Claims by some in Germany that the world community does not want Germany to fulfill its obligations in the security sphere mischaracterize international opinions in an effort to manipulate the German domestic debate, and we have an obligation to set the record straight. It is especially important that we do so now, since the constitutional court's ruling will prompt many Germans to re-examine the political factors affecting potential German military operations.

The amendment I am offering would express the sense of the Senate that an appropriate response to Germany's past would be for it to participate fully in international efforts to restore or maintain international peace and security. And it calls on the President to strongly encourage Germany to assume full and active participation in peacekeeping, peacemaking, and peace-enforcing operations—that is, in the full spectrum of international military operations from blue-helmet missions to future Desert Storm-type operations.

I urge my colleagues to support this amendment.

Madam President, I ask unanimous consent to have printed in the RECORD a press release issued by the Federal Constitutional Court regarding its decision.

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

PRESS RELEASE ISSUED BY THE FEDERAL CONSTITUTIONAL COURT, NO. 29/94

In the proceedings on the dispute over the deployment of German forces the Federal Constitutional Court (Second Panel) has ruled that the Federal Republic of Germany is at liberty to assign German armed forces in operations mounted by the North Atlantic Treaty Organization [NATO] and Western European Union [WEU] to implement resolutions of the Security Council of the United Nations [UN]. The same applies to the assignment of German contingents to peacekeeping forces of the UN. However, the Basic Law requires the Federal Government to obtain—in principle the prior—explicit approval of the German Bundestag. The ruling was sought by the SDP and FDP groups in the Bundestag.

According to Article 24 (2) of the Basic Law, the Federation may become a party to a system of collective security and in so doing consent to limitations upon its sovereign powers. The Federal Constitutional Court also sees in this power conferred by

the Basic Law the constitutional foundation for an assumption of responsibilities that are typically associated with membership of such a system of collective security. Hence German servicemen may be deployed within the scope of UN peacekeeping missions even if the latter are authorized to use force. The objections submitted by the applicants on constitutional grounds to the participation of German forces in the UNOSOM II mission in Somalia, in the NATO/WEU naval operation in the Adriatic to monitor a UN embargo on the Federative Republic of Yugoslavia, and in the AWACS monitoring of the ban on flights in the airspace over Bosnia-Herzegovina, likewise imposed by the United Nations, are therefore rejected. German servicemen may also be integrated into NATO formations which are deployed within the framework of UN operations. This, according to the Court, is covered by parliament's approval of Germany's accession to NATO and the UN Charter.

The Court also finds, however, after thoroughly analysing the provisions of the Basic Law relating to the status of the armed forces in the constitutional system, that the Federal Government is required to obtain the Bundestag's explicit approval for each deployment of German armed forces. Such approval must in principle be obtained prior to their deployment. The Bundestag must decide on the deployment of armed forces with a simple majority. Once parliament has given its approval, the decision on the modalities of deployment, especially the question of the size of the force and the duration of their deployment and on necessary coordination within and with the governing bodies of international organizations, falls within the government's sphere of competence. The nature and extent of parliament's involvement is for parliament itself to decide within the scope of these constitutional constraints.

A violation of Article 59 (2) of the Basic Law could not be found because the Panel's votes were equally divided. The applicants had argued that the deployment of NATO forces under the auspices of the United Nations constituted a substantive change in the NATO Treaty and that any such change required the approval of parliament under Article 59 (2) of the Basic Law. Four members of the Panel, whose opinion carries the decision, take the view that the members of NATO, by taking the contentious measures, had clearly not done so with the intention of already extending the NATO Treaty to include further tasks. In the opinion of the other four members of the Panel, the Federal Government was involved in a progressive extension of the NATO Treaty in a manner which threatened to undermine the participatory rights of the Bundestag. They held that this constituted a direct threat to those rights.

With this decision the Federal Constitutional Court has recognized the long-disputed admissibility of the deployment of German forces under a United Nations mandate but at the same time made their deployment in each individual case subject to the approval of the German Bundestag.

Justices Böckenförde and Kruis explained in a dissenting opinion that the application of the FDP parliamentary group ought to have been declared inadmissible and rejected.

AMENDMENT NO. 2286

(Purpose: To allocate funds for support of human rights and other nongovernmental organizations in Indonesia)

Mr. LEAHY offered amendment No. 2286 for Mr. WELLSTONE.

The amendment is as follows:

On page 112, between lines 9 and 10, insert the following new section:

SUPPORT FOR HUMAN RIGHTS AND OTHER NONGOVERNMENTAL ORGANIZATIONS IN INDONESIA

SEC. . Of the funds appropriated by this Act, $250,000 shall be made available to support nongovernmental human rights organizations in Indonesia, and $250,000 shall be made available to support nongovernmental environmental organizations to assess or otherwise address acute environmental problems, particularly those affecting indigenous people, in Indonesia.

Mr. WELLSTONE. Madam President, the amendment I am offering today is designed to provide modest but critical assistance to non-governmental human rights and environmental organizations in Indonesia. I am particularly interested in ensuring that adequate funds be made available to organizations which monitor, and act to improve, humanitarian and environmental conditions in East Timor. I ask that Senators SIMON, PELL, and HARKIN be added as original cosponsors of the amendment.

Late last month, the Senate voted to remove a provision from this bill which would have prohibited the use of United States military equipment provided to the Government of Indonesia from being used by Indonesian security forces in East Timor. Believe it or not, despite the Indonesian Government's abysmal human rights record, including persistent abuses by its security forces against innocent civilians, the Senate voted to remove this provision from the bill. This amendment, along with the one being offered by Senator LEAHY which I have cosponsored, will send a strong message to the Indonesian Government that they cannot continue to allow their security forces to abuse their people. The Leahy amendment, developed with the help of Senator FEINGOLD and others, codifies current United States policy prohibiting the sale or licensure for export of small arms and crowd control items, until the administration certifies to Congress that the Indonesians are: First, reducing their troop presence in East Timor; second, complying with human rights conditions; and, third, participating constructively in efforts at the United Nations to peacefully resolve the status of East Timor. I urge my colleagues to support it.

As I have said, my amendment is designed to send a strong signal of United States support for non-governmental organizations working to address the persistent problems of human rights abuses and environmental degradation in Indonesia, including East Timor. It provides $250,000 to non-governmental human rights organizations, and $250,000 to non-governmental environmental organizations, to support their important work.

I do not need to rehearse here the long and sad litany of human rights abuses in recent years by Indonesian security forces in East Timor. But I ask unanimous consent to have printed at the end of my statement a number of documents on human rights conditions there, including reports from today's newswires about the brutal beating of student protesters in Dili yesterday, and statements by Asia Watch on the incident and on human rights conditions in East Timor generally.

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

(See Exhibit 1.)

Mr. WELLSTONE. The students involved in yesterday's incident were reportedly beaten mercilessly with clubs by security forces for exercising their right to peaceful political protest; one of the worst such violent incidents in almost 3 years. Ironically, this incident took place at the same time that the United Nation's Special Rapporteur on Torture and Arbitrary Killings is in East Timor to look into the follow-up investigation regarding those still missing after the 1991 massacre, and other killings, when one might have expected the security forces to be on their best behavior. This modest amount of assistance, coupled with continuing political support from the United States and others, should be very helpful to the coalition of human rights, legal aid, and other organizations in Jakarta and elsewhere who are working to monitor and improve human rights conditions there. It is a concrete sign to them and others fighting for human rights that they are not alone, and that the United States will not stand idly by while Indonesian security forces continue to abuse the East Timorese people.

The amendment provides $250,000 for assessment of acute and urgent environmental problems in Indonesia. The Indonesian Archipelago is one of the most biologically diverse and valuable regions on earth. It contains nearly 10 percent of the world's rain forests and almost 40 percent of the regional rain forests. And it is second only to Brazil in the rate of decline of such forests due to logging, agriculture, mining, and other commercial uses. Pristine rain forests unique in all the world and populated by indigenous peoples—such as the 350,000 square kilometer region known as Irian Jaya—are being ravaged by mining and logging interests. This funding is designed to complement existing efforts by non-governmental organizations to assess and address environmental degradation there.

I urge my colleagues to support this amendment. I am grateful to the manager of the bill, Senator LEAHY, for agreeing to accept it. I urge its adoption.

EXHIBIT 1

[From Human Rights Watch]

INDONESIAN TROOPS CLASH WITH EAST TIMOR STUDENTS

(By Jeremy Wagstaff)

JAKARTA, July 14 (Reuter).—Indonesian security forces attacked student protesters in

Dili on Thursday, beating demonstrators with clubs in the worst such incident in the troubled territory in nearly three years, residents said.

Speaking by telephone from Dili, residents said about 20 students were badly injured when security forces stopped a protest march less than 50 metres (yards) from its starting point at the local university.

"They wanted to leave to campus but we did not allow them, because we want them to stay there to avoid anything unnecessary," a police spokesman said by telephone from Dili. He denied there had been any beatings or arrests.

Indonesia, which has ruled East Timor since its 1975 invasion, still faces widespread criticism after troops gunned down demonstrators at a cemetery in November 1991. Up to 200 protesters were killed.

Security forces were still surrounding the campus on Thursday where up to 300 students were holed up, shouting anti-police slogans, residents said.

More than 70 protesters were being held at a nearby military barracks after fleeing the military assault, they said.

"It has been very tense in the last two weeks and it has just got worse today. The situation is critical," one resident said by telephone from Dili.

Local members of the International Committee of the Red Cross had taken more than 20 injured to nearby hospitals, according to residents. One eyewitness saw five students injured, mostly from beatings.

A spokesman at the local hospital said only one person, a bystander at the clash, had been brought to the hospital.

Indonesia has faced a dwindling guerrilla band and simmering resentment against its sometimes brutal rule in the mainly Catholic territory. Churchgoers last month attacked two Indonesian soldiers after they abused the sacrament.

A protest march on the local parliament resulting from the incident ended peacefully on Monday, and the military have vowed to discipline the two soldiers involved.

Local church leaders have said that despite efforts by the local military, security forces continued to abuse the population of 750,000 in the former Portuguese colony.

The situation had worsened in recent weeks, residents said.

Four protesters were jailed after staging a small demonstration in front of visiting journalists in April.

Two soldiers were court-martialed for murder this year after they shot dead local civilians in separate incidents. Thursday's attempted protest march appeared to have been prompted by a fight on Wednesday between students on the university campus, when some East Timorese attacked three other students for taunting two Catholic nuns. Residents said the three had been badly injured and taken to the hospital.

Residents said streets around the campus had been blocked off by truckloads of military and local mobile brigades.

A U.N. special rapporteur on torture and arbitrary killings, Baore Waly Ndiaye, visited East Timor this week to monitor Indonesian investigations into the 1991 massacre and other killings. He said he had yet to complete his report.

HUMAN RIGHTS WATCH/ASIA,
Washington, DC, July 14, 1994.

HUMAN RIGHTS IN EAST TIMOR

Human rights Watch/Asia on Thursday called on the Indonesian government to allow unhindered access to East Timor by Indonesian nongovernmental human rights organizations and the international press to investigate today's violent dispersal of a protest march in Dili, East Timor, in which several people were injured and dozens arrested. The protest took place after an incident on the campus of the University of East Timor when, according to press reports, a group of students attacked three other students who had made insulting remarks to two Catholic nuns. Hundreds of students massed on the campus, planning to march to the office of the provincial parliament building, but they were intercepted by security forces who attacked the students with clubs.

"From the facts thus far available, it seems as though the response of the police and military, including the beating and arrest of so many students, was wholly disproportionate to the nature of the security problem they faced," said Sidney Jones, Executive Director of Human Rights Watch/Asia. "Whatever the origins of the clash on campus, the students had a right to assemble peacefully and march to the parliament building, and it looks as though the military not only violated that right but did so with excessive use of force."

HRW/Asia said only a thorough investigation by respected human rights organizations such as the Indonesian Legal Aid Institute Foundation (YLBHI) and the Institute for Public and Social Advocacy (ELSAM) would enable the facts surrounding the incident to come to light. These NGOs would also be able to access the response of the security forces and the local government.

The incident took place a day after a discussion on East Timor at a meeting of the United Nations Special Committee on Decolonization. At that meeting, Human Rights Watch/Asia delivered a brief statement on the human rights situation in East Timor, the text of which follows:

The lengths to which the Indonesian government went to try and prevent the Asia-Pacific Conference on East Timor (APCET) from taking place in Manila from May 31 to June 2 reflect its efforts to control freedom of expression not only inside Indonesia but beyond its own borders.

ACCESS TO EAST TIMOR BY HUMAN RIGHTS ORGANIZATIONS

Despite the claims of Indonesian Foreign Minister in early May that he was inviting Amnesty International and Asia Watch (now Human Rights Watch/Asia) to visit East Timor, no human rights organizations have been given access since Asia Watch and the International Commission of Jurists were allowed to attend selected sessions of the Xanana Gusmao trial in March 1993. Human Rights Watch/Asia was explicitly refused permission to visit East Timor in June 1994.

France Libertes, a human rights foundation headed by Mme. Danielle Mitterand, has also been refused access. One of the people invited to the Manila conference but subsequently denied a visa by the Philippines government (at Indonesia's request), Mme. Mitterand had asked the Indonesian government through private channels in September 1993 whether she and the Paris-based International League for Human Rights could visit East Timor; she was told that it was "not the right time" and to wait another six months. After six months, Frances Libertes made another request, this time not mentioning Mme. Mitterand's name. The request was turned down.

It is not only international human rights organizations that have difficulty getting to East Timor; some Indonesian human rights organizations do as well. In early May, a seminar on the topic of sustainable development and the environment was due to take place at the University of East Timor, cosponsored by a number of Indonesian NGOs including members of a coalition called the Joint Committee for the Defense of the East Timorese (Komite Bersama Pembelaan Masyarakat Timor Timur.) The coalition includes some of Indonesia's most respected NGOs: the Legal Aid Institute (Yayaysan Lembaga Bantuan Hukum Indonesia); the Indonesian Council of Churches (Parpem Persekutuan Gereja-Gereja Indonesia or PGI); the Institute for Social Advocacy and Study (Lembaga Studi dan Advokasi Masyarakat or ELSAM); and the Catholic organization, LPPS Caritas Katolik. A week before the seminar was to take place, the military commander for the region that includes East Timor called the university rector and told him the conference would have to be postponed. When it eventually did take place, the Indonesian NGOs were not permitted to attend, nor was Florentino Sarnmento of ETADEP, an East Timorese environmental NGO.

CONCLUSION

In short, Mr. Chairman, East Timor remains a troubled place where human rights abuses continue. Greater openness—defined as freedom for East Timorese to gather in private houses without permits and to freely express their own opinions, unhampered access by foreign journalists, less control over foreign visitors, and access by international human rights organizations—would almost certainly help prevent such abuses and ensure some form of redress for the victims. But if the last few months are any indication, the trend is not toward openness but the reverse. The closure on June 21 of three important news weeklies in Jakarta has implications for East Timor, because it suggests a desire to control information that the politically powerful find offensive. Restricting information prevents problems from being aired and solutions from being found on all fronts, not just human rights. For East Timor as well as Indonesia, that may prove very damaging.

HUMAN RIGHTS WATCH/ASIA,
Washington, DC, July 14, 1994

STATEMENT OF HUMAN RIGHTS WATCH/ASIA TO THE DECOLONIZATION COMMITTEE OF THE UNITED NATIONS

Thank you, Mr. Chairman, for the opportunity to address this committee. As you know, Human Rights Watch/Asia, formerly Asia Watch, takes no position on the political status of East Timor, but it believes that full information on the human rights situation there must inform the committee's deliberations and discussions on the issue of decolonization.

East Timor is neither a Rwanda nor a Bosnia. It is not a place where massive carnage is taking place nor does it have concentration camps with emaciated prisoners. It is a place, however, where arbitrary detention and torture are routine, and where basic freedoms of expression, association and assembly are non-existent. Disappearances and politically-motivated killings have become relatively rare, but when cases are reported, controls on information and access to the territory are such that it is virtually impossible, even for Indonesian non-governmental organizations, to conduct investigations that would meet international standards for impartiality and thoroughness. The Indonesian Human Rights Commission, which for all its many flaws, has at least been a useful sounding board for complaints from the Indonesian

public, had not, as of June 1994, visited East Timor or looked into any of the many reported cases of human rights violations there.

The Indonesian government has taken some steps for which it deserves credit. We welcome, for example, the visit to East Timor just concluded of Mr. Bacre Waly N'Daiye, a distinguished Senegalese lawyer who is currently Special Rapporteur on Summary and Arbitrary Executions for the United Nations Commission on Human Rights. At the same time, however, we note that East Timorese sources tell us repeatedly of the extensive security preparations taken by the Indonesian military in advance of high-profile visits of foreigners to East Timor. These preparations often involve the rounding up of potential "trouble-makers"—as we understand happened before Mr. N'Daiye's visit; warnings to residents in areas the group is likely to visit; and booking by officials of most of the rooms in either of the two hotels in Dili where the visitor is likely to stay.

On June 30, the Indonesian government, through the intercession of the International Committee of the Red Cross (ICRC) also allowed the family of resistance leader Xanana Gusmao to visit him in Cipinang Prison, Jakarta. It was the first time in almost twenty years that Gusmao was able to see his wife. Emilia, and their two children, all residents of Melbourne, Australia. The humanitarian gesture was welcome—but it came after Gusmao had been in prolonged solitary confinement in Cipinang, without access to visitors or newspapers, allegedly for smuggling out letters to supporters. The United Nations Standard Minimum Rules for the Treatment of Prisoners, in Article 37, state that prisoners should be allowed "under necessary supervision" to communicate with family and friends and to be kept informed regularly of news.

In this connection, we regret the decision of the Indonesian government to move six East Timorese sentenced in connection with events in October and November 1991 from Dili to Semarang, Central Java, where they will have no access whatsoever to friends and family. The transfer of prisoners, including Gregorio da Cunha Saldanha, Francisco Miranda Branco and Jacinto dos Neves Raimundo Alves, all sentenced in connection with the peaceful demonstration on November 12, 1991 on which Indonesian troops opened fire, took place on June 9, 1994.

Finally, we welcome the decision of the Indonesian government to allow seven East Timorese students who had sought asylum at embassies in Jakarta to leave for Lisbon last December under ICRC auspices.

These positive steps notwithstanding, the human rights situation in East Timor continues to be grim.

DISAPPEARANCES

As we noted above, new cases of disappearances are rare. But there are hundreds of outstanding, unresolved cases. No progress has been made on accounting for those who remain missing in the aftermath of the November 1991 Dili massacre, for example, or, indeed, for more recent incidents.

In May 1994, relatives of Gaspar Luis Xavier Carlos in Dili revealed to a visitor that Gaspar remained missing after his arrest by military intelligence (Satuan Gerakan Intelejen or SGI) on September 3, 1992, just prior to the summit meeting in Jakarta of the Non-Aligned Movement (NAM). Aged 30 at the time of his disappearance, Gaspar was an employee in Dili of a national bank, Bank Bumi Daya. His family was told by the military that he was arrested in connections with security measures being taken in connection with the Jakarta summit. Gaspar, other sources said, had been planning to go to Jakarta with a few others to present information to NAM delegates about the situation in East Timor, but security officers became aware of their plans. In addition to Gaspar, a man named Malacu is reported to have been arrested and severely tortured; his fate is not known. Gaspar was taken to the SGI office in Colmera, Dili and from there a few days later to the Comarca prison in Balide, Dili. Shortly thereafter, he was taken out of the prison at night and has not been seen since. The family has made repeated inquiries to the military in Dili without success, and recently sought help from Indonesia's National Commission on Human Rights. Gaspar's wife and two children remain in Dili. His employers, Bank Bumi Daya, fired him after his arrest, and the family has no regular source of income.

In its report to the United Nations Commission on Human Rights, the UN Working Group on Enforced or Involuntary Disappearances reported that of twenty disappearance cases from Indonesia and East Timor submitted by the Working Group to the Indonesian government for clarification, the government reported that five had returned home. "In the remaining 15 cases, the names of the persons contained in the Government's reply did not correspond to the names of the missing persons contained in the lists of the Working Group."[1]

[1] Commission on Human Rights, Report of the Working Group on Enforced or Involuntary Disappearances, E/CN. 4/1994/26, December 22, 1993, p. 66.

It should be noted that in its resolution 1993/97 in March 1993, the UN Commission on Human Rights urged the Government of Indonesia to invite the Special Rapporteur on the Question of Torture, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances. The Special Rapporteur on Summary Executions has just left East Timor, but no invitation has been extended to the Working Group on Arbitrary Detention or the Working Group on Disappearances.

EXTRAJUDICIAL EXECUTIONS

Several cases of summary executions have been reported to HRW/Asia since our last presentation to this committee, although because of lack of access, we have not been able to independently confirm the incidents. Even it the facts as stated could be verified, it is possible in the two cases described below that there were circumstances, not known to HRW/Asia, that could affect the characterization of these killings as extrajudicial executions. But it is important to recognize that East Timorese in Lautem reported these incidents as such to Indonesian human rights monitors in Jakarta, suggesting, at the very least, that a full investigation should be undertaken, with prosecution of those responsible should the executions be confirmed.

In the first case, in the hamlet of Assalaino, Lautem district, a farmer and father of four named Tito Teles, aged thirty-three, was reportedly killed by members of army battalion 611 on November 1, 1993 as he was leaving his home to go hunting. He had reportedly obtained a permit from security forces in the region to hunt in an area known as the "free zone", as he had on two other occasions. People in the village heard him calling his dog as he was moving toward the zone, but special forces hidden along the path from the village opened fire. When the dog returned alone to Tito's house, villagers questioned the security forces who claimed they had no knowledge of Tito's whereabouts. Only after Tito's body was discovered on November 2 did they acknowledge the shooting.

In the second case, a fifteen-year-old elementary school student named Ilario Rodrigues, son of Teofilo and Benefito Rodrigues of the hamlet of Foema-a, Souro village, Lautem, was shot and killed on July 30, 1993 by men described by villagers as army commandos as he was going into a nearby garden to cut down coconuts to sell. He was a student of State Elementary School No. 6 in Souro. His body was immediately buried by those who shot him; it was exhumed the next day by his neighbors. It is not clear why he was killed.

ACCOUNTABILITY

The Indonesian commander in East Timor, Colonel Johny Lumintang, had disciplined some Indonesian soldiers responsible for abuses; two soldiers were court-martialled for murder earlier this year, according to a July 5 Reuters dispatch, and two others have been detained after committing sacrilege in a Catholic church in Remexio by spitting out the sacrament during communion. The incident occurred on June 28, 1994. (Eleven villagers, it should be noted, were then detained for then attacking the soldiers.)

It would be a welcome development if soldiers were routinely held accountable for abuses in East Timor, and it will be important for the human rights community, both Indonesian and international, to monitor the prosecutions and punishments in the above cases. But until the climate of fear substantially changes in East Timor and people feel both free to register complaints against members of the armed forces and confident in the legal system in place there, many soldiers will continue to act with impunity.

CONTROLS ON FREEDOM OF EXPRESSION

A single incident demonstrates the extent of restrictions freedom of expression in East Timor. From April 12 to 15, 1994, twenty-six foreign journalists were taken on an official visit to East Timor at the invitation of the Indonesian government. (Over seventeen years after Indonesia's annexation of East Timor, access to the territory remains restricted, and journalists must apply for special travel permits.) The day before they left, on April 14 at about 7:00 a.m., a small group of East Timorese held a pro-independence demonstration in front of the Mahkota Hotel in Dili where the journalists were staying.

The demonstration became the focus of most of their subsequent articles, to the Indonesian government's great indignation. On April 17, a military spokesman in Dili, Major L. Simbolon, accused the journalists of "defecting" from the official agenda and conducting an "investigation" rather than looking at "existing reality."

But it was the demonstrators who in fact represented East Timor's "existing reality." Following the demonstration, they were briefly arrested for questioning, then released. After the foreign reporters were safely out of East Timor, however, the real arrests took place. On May 1, Nuno Corvelo was picked up. On May 2, it was Rui Fernandes's turn. And on May 8, nine more young people were arrested: Pedro de Fatima; Rosalino dos Santos, twenty-two; Octavianus; Miguel de Deus, aged twenty; Marcus; Pantaleao Amaral; aged eighteen; Lucas dos Tilman; Anibal; and Ishak Soares, twenty-two. All are Dili residents.

A week after their arrest, their families had not been informed of their whereabouts and were too frightened to ask. At least six were, in fact, taken to the regional police command (Polwil) in Dili; the Indonesian government never acknowledged holding more than six.

The trials of three of the eleven began on June 16. At issue was not only the demonstration, but the fact that the young men had taken part in an "illegal meeting" on April 13 at Pedro de Fatima's home in Kuluhun, Dili, to discuss the display of pro-independence banners that the journalists would be able to see. According to international standards on human rights, the meeting was a peaceful exercise of freedom of assembly, just as the demonstration itself was a legitimate exercise of freedom of expression.

But the Dili court saw it differently. On June 24, Pentaleao Amaral, Ishak Soares and Miguel de Deus were sentenced to twenty months in prison after being found guilty of violating Article 154 of the criminal Code, spreading hatred toward the Government of Indonesia. On July 7, Rosalino dos Santos was given the same sentence for creating public disorder and inciting separatist sentiments. The defendants were not represented by legal counsel.

AMENDMENT NO. 2287

(Purpose: Regarding the extradition to the United States of Mohammad Ismail Abequa)

Mr. LEAHY offered amendment No. 2287 for Mr. LAUTENBERG.

The amendment is as follows:

On page 112, between lines 9 and 10, insert the following new section:

REGARDING THE EXTRADITION TO THE UNITED STATES OF MOHAMMAD ISMAIL ABEQUA

SEC. —. (a) The Senate finds that—

(1) Mohammad Ismail Abequa is a naturalized United States citizen who is alleged to have strangled his estranged wife, Nihal Abequa, in Morris County, New Jersey on July 3, 1994;

(2) Mohammad Ismail Abequa fled to Amman, Jordan on July 5, 1994, with the couple's two children Sami and Lisa, aged 3 and 6 years old, respectively;

(3) New Jersey officials have confirmed that Mohammad Ismail Abequa arrived in Amman on July 6, 1994, via an international flight from London and that he had the two children in his custody upon arrival in Jordan;

(4) Mohammad Ismail Abequa reportedly has a record of wife beating and child abuse while living in New Jersey, and the children could be in danger;

(5) the children have a close relative, Nihal's sister, who, reportedly, will care for and nurture them in New Jersey; and

(6) the personal involvement of King Hussein of Jordan in finding the children quickly could prevent their serious injury by Abequa.

(b) The Senate hereby expresses its concern both that Mohammad Ismail Abequa be brought to justice and that the safety of the two children held by Abequa be ensured.

(c) It is the sense of the Senate that—

(1) The Government of Jordan should use its resources to apprehend and extradite Mohammad Ismail Abequa to the United States where he will be afforded the due process of the laws of the State of New Jersey; and

(2) the appropriate officials of the Department of Justice and the Department of State should work aggressively toward that goal.

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

Mr. LAUTENBERG. This Sense-of-the-Senate amendment calls on King Hussein of Jordan to use the resources of the government of Jordan to apprehend and extradite Mohammad Ismail Abequa to the United States where he will be afforded the due process of the laws of the State of New Jersey.

It also calls on the appropriate officials at the Justice Department and State Department to work aggressively toward that goal.

Madam President, Mohammad Ismail Abequa is a naturalized U.S. Citizen who is believed to have murdered his estranged wife, Nihal Abequa, in Morris County, New Jersey on July 3, 1994. Mohammad Ismail Abequa fled to Amman, Jordan on July 5, 1994 with the couple's two children Sami and Lisa, aged 3 and 6 years old.

New Jersey officials have confirmed that Mohammad Ismail Abequa arrived in Amman on July 6th via an international flight from London and that he had the two children in his custody upon arrival in Jordan.

I am concerned both with bringing Mohammad Ismail Abequa to justice, and with the safety of the two children being held by Abequa.

Mohammad Ismail Abequa reportedly has a record of wife beating and child abuse while living in New Jersey, and the children could be in danger. The children have a close relative, Nihal's sister, who, reportedly, will care for and nurture them in New Jersey.

The direct involvement of the Government of Jordan in finding the children quickly could prevent their serious injury by Abequa. King Hussein has a critical role to play in ensuring that a man who is believed to have savagely murdered his wife will be brought to justice.

Madam President, I ask unanimous consent that a copy of an article that appeared in the Star Ledger be printed in the RECORD. I also ask unanimous consent that copies of a letter I, along with Representative ROBERT TORRICELLI, sent to King Hussein and the Attorney General Reno be printed in the RECORD.

I urge my colleagues to approve this amendment.

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

CONGRESS OF THE UNITED STATES,
Washington, DC, July 14, 1994.

His Majesty Hussein I,
King of the Hashemite Kingdom of Jordan, Amman.

YOUR MAJESTY: We request your personal involvement in the apprehension and extradition to the United States of Mohammad Ismail Abequa, a naturalized U.S. citizen who fled to Amman, Jordan on July 5, 1994. Mohammad Abequa is believed to have strangled his estranged wife, Nihal, in Morris County, New Jersey on July 3d. Following the murder of his wife, Abequa kidnapped the couple's two children Sami and Lisa, aged 3 and 6 years old.

New Jersey officials have confirmed that Abequa arrived in Amman on July 6th via an international flight from London. He had the two children in his custody upon arrival in Jordan.

Our immediate concern is the safety of the two children being held by Abequa. He has record of wife beating and child abuse while living in New Jersey, and they could be in danger. Your personal involvement in finding the children quickly could prevent their serious injury by Abequa. The children have a close relative, Nihal's sister, who, we understand, will care for and nurture them in New Jersey.

We urge you to use the resources of the government of Jordan to apprehend and extradite Abequa to the United States. He is a U.S. citizen and a fugitive of U.S. justice. The people of New Jersey are horrified by Nihal's brutal murder, and with your assistance, will afford Abequa the due process of the laws of the State of New Jersey.

We make this direct appeal to you with the hope of preventing further harm to innocent children and bringing to justice a man who has been accused of savagely murdering his wife. While our request is extraordinary, Your Majesty, we are sure you appreciate the need for expeditious action.

Sincerely,

ROBERT G. TORRICELLI.
FRANK R. LAUTENBERG.

CONGRESS OF THE UNITED STATES,
Washington, DC, July 14, 1994.

Hon. JANET RENO,
Attorney General, Department of Justice, Washington, DC.

DEAR JANET: We are forwarding to you a copy of a letter we sent to King Hussein of Jordan regarding the extradition to the United States of Mohammad Ismail Abequa, a naturalized U.S. citizen who fled to Amman, Jordan on July 5, 1994.

Mr. Abequa is believed to have murdered his wife, Nihal Abequa, in Morris County New Jersey on July 3, 1994. He fled to Jordan with their two children.

We understand that the Justice Department must request extradition of Abequa through the State Department before Jordanian officials will feel compelled to take official action to seek and apprehend Abequa. We would ask that you make such a request expeditiously. We appreciate your cooperation.

Sincerely,

ROBERT G. TORRICELLI.
FRANK R. LAUTENBERG.

MIDEAST MANHUNT

(By Brian T. Murray, Kevin Coughlin and Joe Territo)

The murder of a New Jersey woman landed in the court of international diplomacy yesterday when authorities confirmed that the prime suspect—her husband—flew to his homeland of Jordan with their two children last week just hours before detectives launched a nationwide manhunt.

"I believe (Jordan's) King Hussein will cooperate in the case. I've met him many times and know him fairly well. He's very responsible. He will see enormous ramifications if he does not cooperate here," said Rep. Robert Torricelli (D-9th. Dist.), a member of the House Foreign Relations Committee, who noted that there is no extradition treaty with Jordan.

The congressman was in touch with Morris County Prosecutor Michael Murphy, whose office is trying to bring 45-year-old Mohammad Ismail Abequa to justice in the July 3 strangulation of his 40-year-old wife, Nihal (Nina). Because her body was stuffed under a

bed in a plastic bag, the crime went undetected until after noon July 6, giving Abequa time to flee the country, said Murphy.

"Our office is in the process of working with the State Department and Interpol to secure his return to the United States," said Murphy, who described the getaway as "extremely well-planned." But he added he was "cautiously optimistic" that Jordan will help in returning Abequa and his children.

With his children in tow and using his Jordanian passport to get them aboard, Abequa took a flight out of Nashville at 8 p.m. July 5 and landed in Gatwick Airport in Great Britain, where he boarded another plane to Amsterdam. There he bought three tickets to Amman, Jordan, where he is believed to have arrived on the day police found his wife's body in her Parsippany-Troy Hills apartment.

Although Jordan and the United States do not have an extradition treaty, Torricelli said Jordan has been responsive on "constituent problems" in the past and would not risk harming Jordanian-U.S. relations by harboring a fugitive like Abequa. Additionally, the queen of Jordan, Noor al Hussein, is American-born and was educated at Princeton University.

Police in Jordan are willing to cooperate and search for suspects in heinous crimes committed in other countries, according to Ayman Aamiry, second secretary of the Jordanian Embassy in Washington, DC. "We don't want a criminal on our hands," he said.

If the suspect is captured and cannot be extradited, he could be tried in a Jordanian court, according to Aamiry.

However, Murphy said he would not want to explore that option until all efforts to return Abequa have been exhausted.

A trial in Jordan would require U.S. officials to issue a formal summons, Aamiry explained. Arguments could be made in person or via sworn affidavits, he added, noting that the procedure is common in civil matters.

Aamiry also said U.S. law enforcement authorities could have Interpol, the international police agency, ask Jordanian authorities to arrest Abequa. The U.S. Embassy in Amman could press the issue with Jordan as well, he said.

Abequa and his wife had been separated since December 1992 and she sued for divorce in April, accusing him of beating her and the children, 6-year-old Lisa and 3-year-old Sami. Abequa also threatened to abscond with the children, claiming he did not want them raised in the United States, an obsession which Murphy identified as one of the motives for the killing.

Nina Abequa was so scared of her abusive husband that she thought of sneaking off to Arizona with her children last winter. She even wanted to bring her mother and sister, fearing they might be subject to reprisals if they remained behind, according to Rena Moosa, an executive recruiter who tried to find her an insurance job in Arizona.

"She said she wanted to go somewhere where he didn't know where she was," said the recruiter, whose own experiences with marital problems forged a long-distance friendship with Abequa over the last three years.

They last spoke by phone two or three days before Abequa's death. At that time Abequa's Fourth of July holiday weekend plans only included visiting with her family. Moosa said there was no mention of a visit from her husband, which other friends said happened the afternoon of July 3, the day the woman disappeared.

Moosa said before that fateful weekend, Nina Abequa's fears had subsided. She had not heard from her husband in months and no longer felt threatened by him, despite knowing that the naturalized U.S. citizen had returned from Jordan to Tennessee, where he occasionally lived. Nina Abequa expected to start later this month in a better-paying job Moosa found for her with an insurance firm in Hartford.

"She loved those kids. They were her whole life. Everything revolved around them," said Moosa, who said she has nightmares that Mohammad Abequa reiterated threats to take the children to Jordan while Nina was in her death throes. "That would have made her berserk."

A gentle woman with a "sweet little lilting voice," Nina Abequa made an unfortunate joke in one of her last calls to Moosa.

"'I hope I'm not the next Nicole Simpson,'" Moosa quoted Nina Abequa as saying with a slight laugh. "I said, 'Nina, don't even say something like that!'"

The children were last seen by a friend of Abequa's in Nashville last week, when the murder suspect stopped to sell his car there for $700 before making his flight out of the country.

"The kids were fine," said Morris County Prosecutor's Detective Gary Denamen, who interviewed the unidentified friend. "They were under the impression from their father that they were going on a vacation or some kind of trip."

"They were unaware that their mother was dead," Murphy added.

It was late on July 3 that Abequa made his arrangements to fly out of Nashville toward Jordan. Police believe he got to Tennessee via a domestic flight out of Newark either July 3 or July 4, and it was Nashville detectives who discovered Saturday that Abequa and the children had left the country.

"The way the body was concealed gave him time to leave this country," Murphy said, noting Nina Abequa was not found until 12:20 p.m. July 6, after her sister telephoned police reporting that she had been missing for days.

The body was found by a police officer, and detectives later found bloody materials in a dumpster near her apartment, indicating Abequa had cleaned up the crime scene. Murphy said the woman was bleeding from the mouth and nose but that she had been partially concealed in a plastic bag and covered by blankets. The air conditioning also was left on, he said, which further prevented immediate detection of the body.

"There were some signs of resistance * * * There were hand marks around her neck, probably caused by her trying to remove his hands from her neck," he said, referring to self-inflicted scratches.

The fact that Abequa had a Jordanian passport made his flight easier. While even young children who are U.S. citizens generally are required to have passports to leave the nation, that is not always the case when their parent holds a foreign passport.

Gary Sheaffer, spokesman for the U.S. State Department's bureau of consular affairs, noted that in some Middle Eastern nations, children under 12 are allowed to enter the country as long as they are with a parent who has a passport. He also pointed out that normally it is not very difficult for U.S. citizens to get immigration documents once they arrive in the Middle East.

Sheaffer said he believes Abequa "probably wouldn't have any trouble talking his way through" to get permission to bring the children into the country with him.

Getting Abequa returned to the U.S. may be difficult. But getting the children back could pose an additional problem, according to authorities, who noted that Abequa has an extensive family in the homeland he frequently visited since immigrating in 1985 and becoming a U.S. citizen in 1990.

Murphy said the family of the murdered woman is concerned about the children and whether they will have to go through Jordanian courts to secure their return.

"Her sister is anxious to have the children returned to her so that she can raise them," Murphy added.

"We're going to have to work delicately in the international forum with Jordan * * * We're going to do everything we can to get him back and hopefully the children," he added.

If Abequa is captured and tried by Jordanian authorities, his ties to that country could give him the upper hand in a murder trial, according to Christopher Taylor, an assistant professor of religion and Middle Eastern studies at Drew University in Madison.

"A lot of these things generally turn out to be which family has more clout," said Taylor. Nihal Abequa has no known family in Jordan.

Taylor explained that sometimes in Middle Eastern courts, the influence of a defendant's family can have as much influence as evidence in court. He said the wealthy or families with higher status have more influence on court proceedings than poorer, blue-collar families.

One way Abequa could attempt to get around murder charges in a Middle Eastern courtroom would be to claim there were "extenuating circumstances," such as that his wife was an adulteress, which could excuse murder under Islamic law, Taylor said.

Taylor added that diplomacy also could come into play. He pointed out that since the Persian Gulf War, Jordan has been trying to repair its damaged relations with the U.S., and that could help American efforts to gain custody of Abequa.

AMENDMENT NO. 2288

Mr. LEAHY offered amendment No. 2288.

The amendment is as follows:

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

INDONESIA

SEC. . The United States should continue to refrain from selling or licensing for export to the Government of Indonesia defense articles such as small or light arms and crowd control items until the Secretary of State determines and reports to the Committees on Appropriations that there has been significant progress made on human rights in East Timor and elsewhere in Indonesia, including in such areas as:

(1) complying with the recommendations in the United Nations Special Rapporteur's January 1992 report and the March 1993 recommendations of the United Nations Human Rights Commission;

(2) significantly reducing Indonesia's troop presence in East Timor; and

(3) participating constructively in the United Nations Secretary General's efforts to resolve the status of East Timor.

Mr. PELL. Madam President, I wish to support the amendment offered by Senator LEAHY on Indonesia and ask to be added as a cosponsor.

His amendment is a welcome statement on the foreign aid bill, reiterating our policy of refusing to sell weapons to the Indonesian military that could be used to violate human rights.

Just today, we have learned new reasons for the wisdom of this policy and

the reason for our need to watch closely and to be deeply concerned about the human rights situation in Indonesia.

Today at least 20 people were injured by the Indonesian military in East Timor as security forces used riot-sticks to break up a student demonstration. The demonstration followed several recent incidents in which Indonesian soldiers were accused of insulting two Catholic nuns and abusing the sacrament while ostensibly taking communion in a Catholic church.

On Tuesday the United States officially denounced Indonesia's arrest of 42 students on a hunger strike in the Indonesian capital of Jakarta. The students were protesting last month's ban of three Indonesian news magazines. The United States Embassy stated "their detention while on the Legal Aid Foundation's private grounds makes the actions of the Indonesian authorities even more objectionable."

These arrests follow a pattern on recent government-sponsored violence against Indonesian labor and human rights activists.

In May 1993, a 25-year-old labor activist was raped and killed in East Java. Evidence linked her murder to the military. Last March the body of another labor organizer was found floating in a river. Again evidence linked his murder to the military.

Violence continues to be the main means by which the government control dissent. The most visible examples was in East Timor on November 21, 1991, when troops opened fire on a peaceful demonstration protesting Indonesian occupation of East Timor. At least 100 and possibly as many as 250 killed. The number is imprecise because many disappeared during that massacre and remain unaccounted for.

In the Aceh region of Indonesia, an estimated 2,000 civilians have been killed by the military between 1989 to 1993 during its counter-insurgency campaign.

As Amnesty International notes in its 1994 annual report, President Suharto maintains a centralized and authoritarian government that exercises "strict and comprehensive controls on all aspects of social development and severe restrictions on civil and political rights."

This policy of strict control, I do not believe, can be long maintained in Indonesia. With its rapid economic growth, spreading middle-class, there are increasing demands within Indonesian society for change.

We must demonstrate clearly that the United States supports the forces for democratic change in Indonesia and will not allow our economic, aid, or military interests with the Indonesian Government inhibit our support for such change.

This amendment demonstrates that our priority in Indonesia remains promoting human rights and building democracy.

INDONESIA

Mr. JOHNSTON. Madam President, 2 weeks ago, the Senate tabled a committee amendment by a vote of 59 to 35 which would have placed what I believe were unenforceable and mischievous conditions on the sale of military equipment (later revised to lethal military equipment) to Indonesia under the Foreign Military Sales Program. I believed then, and believe today, that the statutory language proposed would have had serious, unintended consequences on our important bilateral relationship with Indonesia. In my judgment, this restriction would have resulted in Indonesia seeking other suppliers for the military equipment they need, and would have lessened what influence we have with modernizing voices in Indonesia, ultimately undercutting our efforts to promote American values and principles, including regard and respect for human rights, in Indonesia. Further, in my view it would inevitably have spilled over into the commercial arena with unfortunate consequences for the reason that the United States Munitions List covers literally thousands of items, including spare parts, communications equipment, advanced computer technology, satellites and other items.

I again point out to my colleagues that this administration has undertaken a thorough review of our policy toward Indonesia during the past year. As a result, a comprehensive strategy has been developed to promote our Nation's vital security, political, human rights and economic interests with this key nation in Southeast Asia, the fourth largest country in the world which has worked cooperatively with the United States in promoting peaceful solutions to potentially dangerous problems in the Spratly Islands, in Cambodia and other UN peacekeeping operations, and in promoting nonproliferation.

This comprehensive policy was succinctly and eloquently stated in a letter written by the Secretary of State to Chairman LEAHY on June 29, 1994, which I inserted in the RECORD during debate on this issue 2 weeks ago. It is worth quoting this summary again:

> The United States has important economic, commercial, security, human rights and political interest in Indonesia. Our challenge is to develop a policy that advances all our interests, that obtains positive results and reduces, to the extent possible, unintended negative effects.

Will this comprehensive policy of engagement on many fronts work to help us achieve our many objectives? I believe it will. To be sure there are some parts of it I would disagree with, and there are other parts with which others will disagree. Overall, however, I believe the administration has tried to strike a balance which will keep us engaged with pro-western voices within the Indonesian military and in Indonesia.

It is my view that a stable, friendly Indonesia is in our Nation's best interest. One only has to look back 30 years to understand and appreciate the dangers to our Nation's interest of a return to instability and the politics of konfrontasi. Maintaining a friendly, stable Indonesia is even more important today, in the post cold war and post-Philippines era. We are facing many challenges in the Asian region. Indonesia has played and continues to play a key balancing role which is in our fundamental interest.

It is also my view that a stable, friendly Indonesia offers the best hope for achieving a better life for all the people of Indonesia. Stability and engagement with the west have in part set the stage for economic reform, which in turn has brought about important changes in Indonesia. The incidence of poverty for example has been reduced from 60 percent in 1970 to about 14 percent today, and the distribution of wealth in general is equivalent to that in the United States. Other strides have been made which have resulted in a better life for the men, women and children of Indonesia: education is now mandatory through nine grades, for females as well as males; since 1950 the literacy rate among adults has increased dramatically from below 20 percent to about 74 percent today; the incidence of maternal mortality and infant mortality have been greatly reduced; access to health care has improved dramatically for all income groups and throughout the nation; the average life span has been increased for men and for women. Widely recognized and lauded family planning programs have addressed the very serious population issues Indonesia faces, and Indonesia has become self-sufficient in the production of rice. All of these achievements and others have improved in dramatic and tangible ways the lives of Indonesians from all economic strata and in all geographic locations. In East Timor for example just 10 percent of the population was literate in 1975, when the Portuguese pulled out. There were only 50 schools and no colleges at that time. Today, East Timor has nearly 600 elementary schools, 90 middle schools and 3 colleges. In 1975 East Timor had only two hospitals and 14 health clinics; today there are 10 hospitals and 197 village health clinics. Interestingly, the number of Catholic churches has quadrupled since the Portuguese pulled out.

Since 1967, a foundation for social stability has been constructed and continues to be strengthened. To be sure, Indonesia continues to face many difficult challenges. Poverty has been greatly reduced, but 14 percent of the population—some 27 million people—

still live in poverty. Many of these people live in remote areas and have few skills; it will not be easy to reverse their situation and solutions will be long term. Indonesia also continues to face the inherent difficulty of uniting over 200 different ethnic groups speaking some 300 languages and dialects in a nation of islands spread across over 3,000 miles of water. I understand the concerns in Indonesia about the potentially devastating impact of a return to instability, given the troubled history Indonesia had following independence in 1949, but I also believe the foundation which has been built over the past 25 years is stronger than many in Indonesia realize and that more openness will strengthen this foundation, not challenge it.

As with all nations, including our own, for every step forward there have been occasional steps backward. The United States has and should continue to press for and encourage forward movement and should speak out when steps are taken backward. The comprehensive policy put forth by this Administration recognizes this. As Secretary Christopher put it in his June 29, 1994 letter to Chairman LEAHY:

This Administration is steadfastly pursuing the objective, shared with Congress, of promoting an improved human rights environment in East Timor and elsewhere in Indonesia. We are trying to pursue our agenda aggressively, working with Indonesians both inside and outside the Government, using our assistance, information, and exchange programs to achieve results. At the same time, we have raised our human rights concerns at the highest levels in meetings with Indonesian officials. As a direct expression of our concerns, our current policy is to deny license requests for sales of small and light arms and lethal crowd control items to Indonesia. In accordance with U.S. law, we make these decisions on a case-by-case basis, applying this general guidance.

The State Department in conjunction with USAID has also tried to move aggressively to give support through our development assistance programs to nongovernmental organizations (NGOs) in Indonesia, to support voices of pluralism and those who support change. My own view is that increased engagement in this manner will help promote the long term changes we all support and seek and in the end will lead to a more open, free and democratic system.

The challenge we face is articulating and steadfastly implementing a comprehensive policy which will encourage change, and result in more openness and respect for human rights, while maintaining a close and cooperative relationship with a stable and friendly Indonesia.

We cannot achieve this by poking Indonesia in the eye, engaging in highly public debates in which Indonesia feels humiliated and subject to disrespect. We will achieve this through firm, steady and quiet diplomacy in which Indonesia is treated with the respect and dignity which is her due as an independent nation.

As I understand it, this amendment codifies part of our comprehensive policy toward Indonesia which was articulated in Secretary Christopher's letter of June 29, 1994. It will come as no surprise to my colleagues to learn that my preference is to have no statutory language. I do not think this is necessary, and I believe it could make it more difficult for the Administration to adjust to changed circumstances in the future. Nonetheless, since the Administration has apparently agreed to this language I will not take issue with it. I would point out however that this is only part of our policy and that my acquiescence is based on my belief that the Administration will continue to pursue a multifaceted policy which recognizes that our relationship with Indonesia is complex and based on many interests: security, economic, commercial and political.

Madam President, I ask unanimous consent that the full text of Secretary Christopher's letter be printed in full at the end of my remarks.

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

SECRETARY OF STATE,
Washington, DC, June 29, 1994.

Hon. PATRICK J. LEAHY,
Chairman, Subcommittee on Foreign Operations.

DEAR MR. CHAIRMAN: As you work on the FY 1995 Foreign Operations Appropriations bill, we would like to provide you with a clear statement of the Administration's policy towards Indonesia and reiterate our objections to language which would place restrictions on arms sales or transfers to that country.

This Administration is steadfastly pursuing the objective, shared with Congress, of promoting an improved human rights environment in East Timor and elsewhere in Indonesia. We are trying to pursue our agenda aggressively, working with Indonesians both inside and outside the Government, using our assistance, information, and exchange programs to achieve results. At the same time, we have raised our human rights concerns at the highest levels in meetings with Indonesian officials. As a direct expression of our concerns, our current policy is to deny license requests for sales of small and light arms and lethal crowd control items to Indonesia. In accordance with U.S. law, we make these decisions on a case-by-case basis, applying this general guidance.

East Timor remains a high priority for our human rights efforts in Indonesia. In 1993–94, there was considerably greater access to East Timor on the part of international groups such as the International Commission of Jurists, Human Rights Watch, foreign and domestic journalists, parliamentarians, and diplomats. We understand that the International Committee of the Red Cross (ICRC) is expanding its on-the-ground presence in East Timor and has, with the cooperation of government authorities, worked out satisfactory access arrangements for visits to detainees. The expanded USAID program includes projects designed to strengthen indigenous NGOs active in agriculture, health, vocational training, and microenterprise. On the security front, the Indonesian Government has reduced its troop levels in East Timor by two battalions. In East Timor, as well as elsewhere in Indonesia, we have seen evidence of improved military accountability and self-restraint under new military leadership.

We clearly recognize that more needs to be done. We continue to push for a full accounting for those missing from the 1991 shootings in East Timor and for reductions or commutations of sentences given to civilian demonstrators. We have also urged further reductions in troop levels and efforts at reconciliation which take into account East Timor's unique culture and history. But we do not see new restrictions on sales of defense equipment warranted by any deterioration in conditions; indeed we believe efforts to support military reform and promote military professionalism, discipline and accountability should be encouraged.

IMET restoration would be an important tool to this end. We therefore welcome the fact that the Senate Appropriations Committee language for the Foreign Operations Bill for FY 1995 would remove the existing legislative prohibition regarding IMET for Indonesia.

The United States has important economic, commercial, security, human rights, and political interests in Indonesia. Our challenge is to develop a policy that advances all our interests, that obtains positive results and reduces, to the extent possible, unintended negative effects. In this regard, the provision restricting military sales or transfers to Indonesia in the Foreign Operations Appropriations bill is unnecessary and inconsistent with our policy objectives in Indonesia.

Please be assured that we will continue to work aggressively to promote better human rights observance throughout Indonesia. We are committed to doing so in what we believe is a comprehensive, effective, and results-oriented manner, and will continue to keep in close contact with you and other Members interested in these matters.

Sincerely,

WARREN CHRISTOPHER.

INDONESIAN COOPERATIVE MARKETING PROJECT

Mr. JOHNSTON. Madam President, I rise to bring to the attention of the managers of this bill a very important proposal, endorsed as a high priority by the U.S. Agency for International Development's [USAID] mission as well as the American Ambassador to Indonesia, to provide funding in the amount of $5 million over the 1995 to 1998 period under the Public Law 480 title II program to develop a coffee and fishing marketing cooperative system on East Timor, in Aceh and in the eastern Indonesian islands.

While I understand that funding for the Public Law 480 program is provided in the Agriculture and related Agencies appropriations bill, I believe it is important to raise this issue during consideration of this bill which funds USAID. Under the Food for Peace Act, USAID has the responsibility for sorting out the priorities for those few projects which will receive support under title II. Without the strong support of USAID, this project may well be passed over since there are many other worthy projects competing for a limited amount of resources.

The importance which our Jakarta USAID Mission accords this project was seen in the allocation of approximately $2 million in Development Assistance [DA] funds earlier this year to begin necessary planning and start up funds for it. Moreover, the Assistant Secretary of State for Legislative Affairs, Wendy Sherman, stated in a letter to me dated February 23, 1994, that our Jakarta USAID Mission and the United States Embassy in Jakarta both believe this project "can potentially have a significant impact in East Timor and elsewhere. As you are aware, as part of our efforts to promote an improvement in the human rights situation in East Timor, we are working hard to expand USAID and USIS programs there; this project would be an excellent vehicle."

This project is designed to help raise the income of coffee and other farmers as well as fishermen on East Timor in particular. Roughly two-thirds of the population of East Timor is engaged in farming; half of these farmers are engaged in coffee production. Although the quality of the coffee grown on Timor is excellent, particularly the TimTim arabicas which account for about 70 percent of Timor's coffee production, coffee prices received by these farmers have been characterized as extremely low, well below half the FOB levels similar grades and qualities receive in Sulawesi, Java, Flores, and Sumatra.

Because of this history of low prices, production of coffee has decreased substantially and in too many cases, farmers are beginning to sell land, which will have a serious, adverse long-term impact on the economic prospect for this depressed area.

To be sure, part of the low prices farmers on Timor have received was attributable to the collapse of the international coffee marketing agreement.

But an even larger part is attributable to a lack of competition in marketing mechanisms.

This project is designed to bring competition to the now virtual marketing monopoly by developing and supporting a cooperative for the procurement and marketing of coffee, as well as supporting value added processing of the coffee crop aimed at penetrating the niche gourmet and organic markets. The latter seems particularly promising since for many years coffee production on East Timor has been largely pesticide-free.

Highly successful projects in developing cooperatives have been undertaken with USAID's support on Java and elsewhere, and have created about 14,000 jobs. It is very likely that similar successes could take place on East Timor with USAID's support.

It is urgent that the momentum begun with the initial funds provided by USAID be continued in fiscal year 1995 and beyond. Much effort has been made to gain approval and support for this project among farmers on East Timor and from the Government of Indonesia. Without a continuing commitment from the United States, however, this support could erode and we would lose the opportunity to make a significant and permanent improvement in the lives of many who live in East Timor.

I am told this project will only be funded if it receives a high priority from USAID and from the State Department because the demands are so great for this program. Already, 3 months before the fiscal year 1995 begins and allocations are made, USAID has some 60 applications for title II assistance on hand; undoubtedly, more will be filed between now and October. I urge those officials to review this proposal, and I hope they will look at it in the context of income levels and needs on East Timor which are in fact greater than those Indonesia-wide. I also hope that some consideration will be given to the need to strengthen NGOs in East Timor, which this project would do. If they concur with my assessment I hope they will communicate their support for it immediately to the team which is in the process of making the fiscal year 1995 Public Law 480 decisions.

Mr. LEAHY. The Senator from Louisiana makes a good case for this project. Reviewing the information he has provided to me and to my staff, I believe this project has merit and I urge USAID to accord it serious consideration during the allocation decisions now being made under the Public Law 480, title II program.

There are many pressing cases competing with this proposal, from Asia and from other regions around the world, far more than there are resources under the title II program to fund. In fact, I am told that approximately 60 applications totaling about $400 million are pending for the approximately $300 million which is available under this program, which was reauthorized in title XV of the 1990 Farm bill.

During the daunting task the administration will have as it sorts through these proposals, many of which are compelling and equally worthy, I hope the administration will give some weight to the particular policy considerations involved in this proposal. A goal all of us have shared with respect to our policy vis-a-vis East Timor has been to improve the lives of the people. This project offers real potential in this respect.

Mr. McCONNELL. I too have reviewed the information the Senator from Louisiana has provided to me and to my staff on this project, and am pleased to join my colleague from Vermont in urging the U.S. Agency for International Development to accord it a high priority. USAID will play a key role in deciding which of the many proposals for title II funds are approved, so it is equally appropriate that this colloquy occur on this bill.

This project offers a positive approach to our policies affecting East Timor and one which would help in a concrete and immediate way a substantial part of the population. In addition to raising income, critically important in this very poor area, this proposal would also give skills needed by the people of East Timor to improve their economic situation. As the Senator from Vermont points out, these skills are transferable to other areas and hold out the promise of improving people's lives in other areas, too. This may be the most important and enduring part of the project and one which will reap benefits for many years. Therefore, I urge USAID to give some consideration to this feature of the proposal and hope it can be funded.

Mr. JOHNSTON. I appreciate very much the comments of my colleagues and hope this proposal will be given the support and priority it deserves this year.

Mr. FEINGOLD. Mr. President, two weeks ago, late in the night, the Senate voted on a provision regarding Indonesia. The provision was, to my mind, very simple and straightforward. It simply said that any agreement to sell arms on the United States munitions list to Indonesia must include an agreement that our weapons would not be used in East Timor. It sent the signal which I think the Senate shares unanimously: Our weapons should not be used for the abuse of human rights.

Indonesia has sustained a brutal military occupation of East Timor since 1975. Every human rights organization in the world has criticized Indonesia's human rights record, particularly in East Timor.

The State Department has consistently reported human rights violations by Indonesia's military. In this year's report, the State Department acknowledges that "largely cosmetic changes in the force structure resulted in minimal reductions in troop presence" in East Timor. It also said:

> Extrajudicial arrests and detention, torture of those in custody, and excessively violent techniques for dealing with suspected criminals or perceived troublemakers continued in many areas of Indonesia. Legal safeguards against arbitrary arrest and detention are frequently ignored. The armed forces continued to be responsible for the most serious human rights abuses.

We do not want to support human rights abuses in East Timor. We do not want United States weapons involved in massacres of peaceful protestors or interrogations of activists with views differing from the Indonesian armed forces. We do not want United States arms used to kill and torture the people of East Timor.

The Senate, though, did not send that message 2 weeks ago. However, I

do not think the Senate intended on sending the opposite message. That would be, quite bluntly, unconscionable. The amendment offered today corrects any misconception which may have been perceived, and assures the Indonesians that they do not have a carte blanche to use our weapons indiscriminately for human rights abuses in East Timor.

The amendment offered today clarifies the sentiment in the Senate by codifying the United States position on human rights and arms sales to Indonesia. I have advocated a much more comprehensive arms ban, but by targetting small arms and crowd control weapons, the United States is taking a step toward separating itself from responsibility from human rights abuses in Indonesia and particularly East Timor. It is especially important that we have established a linkage between arms sales and human rights.

The Indonesian occupation of East Timor has been a longstanding issue of international concern. Since 1975 thousands of Indonesian troops have occupied the island, restricting freedom of expression and association, and brutally punishing those who do not agree with the regime of occupation.

Just 5 days after the Indonesian invasion of East Timor in December 1975, the United Nations General Assembly called immediately for Indonesia to withdraw its armed forces and recognize the right of self-determination for the people of East Timor.

Since then the United Nations has adopted eight resolutions affirming human rights in East Timor—two calling on Jakarta to withdraw "without delay"—and the United States Congress has passed five resolutions condemning Indonesian actions in East Timor.

In 1994, the U.N. Commission on Human Rights and the U.N. Subcommission on Prevention of Discrimination and Protection of Minorities passed resolutions about the continuing human rights abuses in East Timor and urging the Indonesian Government to allow access to East Timor by humanitarian and human rights organizations. The March resolution was the first time the U.S. supported such a resolution in the U.N.

However, despite all these resolutions, the Government of Indonesia has blatantly disregarded the will of the international community. Instead, it has occupied East Timor with a brutal hand, resettling hundreds of thousands of East Timorese in camps in the late 1970's. The International Red Cross accuses the government of deliberately starving more than 100,000 East Timorese during the same period. According to both Amnesty International and the Indonesian-appointed Governor in East Timor, the conflict has taken 200,000 East Timorese lives—one third of the original population in East Timor—since 1975.

Throughout the 1980's the Indonesian military controlled East Timorese villages and the movements of East Timorese residents. There were several waves of killings and disappearances.

In the past 3 years, human rights groups have reported that the repression in East Timor has continued unabated. Torture of detainees remains a common practice. Human rights groups are barred from doing their work. Even Senators BOREN and PELL were refused visas to East Timor in 1991.

Human rights monitors list numerous cases of those hospitalized for such injuries by the armed forces as broken hands, pulled out fingernails, and gunshot wounds.

The most public of the atrocities in East Timor was, of course, the Dili massacre on November 12, 1991. In front of reporters' cameras—on videotape we all saw repeated on the evening news—the Indonesian military opened fire on a peaceful demonstration for self-determination, killing at least 100 East Timorese, and maybe as many as 250. At least 66 people are still unaccounted for.

The Indonesians have been unrepentant and irresponsible in administering justice in the massacre.

Moreover, the comments by Indonesian military brass indicate their lack of remorse:

General Syafei, military commander in East Timor, said, "If something similar to the November 12 event were to happen under my leadership, the number of victims would probably be higher."

General Herman Mantiri, regional commander, said, "We don't regret anything. What happened was quite proper . . . they were opposing us . . . even yelling things against the government . . . that is why we took firm action."

General Try Sutrisno said, "Such people must be shot and we will shoot them." Sutrisno is now vice president of Indonesia.

The Governor of East Timor, Abilio Jose Osario Soares, said, "As far as I'm concerned, I think far more should have died."

It is inconceivable, Mr. President, that I or any other citizen would be shot at for yelling things against the government. Yet peaceful demonstrators in East Timor were killed by the Government of Indonesia, and several of those who survived, are now sitting in prison for witnessing the crimes.

In response to this massacre—and the travesty of justice which followed—the Congress cut off imet to Indonesia.

At the present time, the U.N. Special Rapporteur is travelling to East Timor to learn more about the Dili massacre and its aftermath. Witnesses to Dili and other human rights activists are being rounded up, probably so they will not be able to testify to what they have seen and know.

The repression in East Timor is nonstop. Just 4 days ago, a few Indonesian soldiers—who are Muslim—walked into a catholic church in East Timor, and insulted the parishers by pretending to take communion, by eating the wafers, spitting them out, and then stomping on a communion glass.

This is an insult no one in this chamber can condone. But it gets even worse, Mr. President. When demonstrators protested the soldiers' defamation of their religion, the military opened fire, killing three and wounding dozens. Since, the military has cordoned off students and put barricades throughout Dili to stifle any further protest.

Three people were killed by the Indonesian military simply for trying to protect the sanctity of their religious rituals. Just yesterday, Mr. President.

This is how the Indonesian military operates in East Timor. I do not want the U.S. associated with any of these violations. Yet, in supporting the Indonesian military—by selling arms, by conducting joint military exercises, by training the military officers, by not prohibiting our weapons from being used in East Timor—we are tolerating, if not condoning, such terror. In reporting the story, one reporter even mentioned the Senate vote 2 weeks ago.

Last year the Senate Foreign Relations Committee adopted an amendment to condition the sale of major weapons to Indonesia on improvements in the human rights situation. After numerous resolutions and diplomatic discussions, it was time to take substantive action to advocate human rights in East Timor. Though the bill never came to the Senate floor, it caused ripples throughout Washington and Jakarta.

One result was that at the U.N. meetings in September, following committee action, the Indonesians finally responded to the talks with the Portuguese, and outlined a plan of action for East Timor.

Another result was a policy review within the administration. It concluded that Indonesia is of great geostrategic and economic importance that Indonesia is of great geostrategic and economic importance to the United States, but that its human rights record requires a tough stance. The administration adopted a policy of not selling light arms and crowd control weapons to Indonesia, which, according to assistant Secretary Winston Lord, was linked to human rights in East Timor. That is the position embodied in today's amendment.

In light of this principled and substantive pressure, there has been some progress in East Timor. But in 1 year, it has of course been limited. And I want to stress limited, Mr. President. However, the small steps are more than we have ever gotten since 1975, and I think the facts bear out a strong argument for linkage. With so much further

to go, now is hardly the time to abandon such a policy.

Those who continue to dare to disagree in Indonesia are still suppressed, harassed, and as yesterday's events show, even subjected to murder. Just for example:

The very week we struck language which would have prohibited the use of United States weapons in East Timor, the Indonesians shut down three influential journals by revoking their publication licenses. Two of the journals—Tempo and De-tik—had published unflattering articles of senior officials and close friends of President Suharto.

The next day, there were demonstrations against the action. About 50 people were kicked and beaten, about the same number were reportedly arrested. The Indonesians would not confirm that, but a Reuters journalist was there.

The fact that journals have to be licensed by the government at all flies in the face of Article 28 of Indonesia's own constitution guaranteeing freedom of speech. All these restrictions have created an atmosphere of fear throughout every level of Indonesian society.

I have also heard that there have been improvements in the accountability and the restraint of the military, but I have heard no evidence to that effect.

When I questioned Assistant Secretary Winston Lord about the reduction in military presence in East Timor this spring, he could not confirm that there had been any troop withdrawals from East Timor. In fact, I have even been informed by authoritative sources with first hand experiences that uniformed soldiers in East Timor are merely being replaced by plainclothes soldiers. Is this restraint?

This is yet another kind of repression which is very dangerous and creates a permeating atmosphere of fear and terror.

Another illustration: As I mentioned earlier, as the military forces prepares for the visit of the U.N. Special Rapporteur on summary, arbitrary, and extrajudicial executions, witnesses to Dili are being rounded up so they will be unable to talk to the Special Rapporteur. They are questioned at length, refused the right to an attorney, and at risk of being tortured. Six prisoners being held in connection with the Dili massacre were moved to a prison in central Java in May, probably with the intent of keeping them from meeting the Special Rapporteur.

Torture continues. According to Bishop Belo and other observers, prisoners are often tied up and dunked in tubs of water until they nearly drown. Prisoners are burned with cigarettes. Prisoners are subjected to mock executions. An article in the New York Times reports that during a torture session, an intelligence officer told an East Timorese prisoner, "We only need your land. We don't need people like you Timorese."

Also very upsetting is that the military is targeting religious Catholics and clergy. In December 1993 the military captured several young Catholics in East Timor, beat them, tortured them, and forced them to confess to "subversion." On January 4, 1994, Bishop Belo reports that military men were waiting for a student at the Pastoral Institute—Salvador Sarmento—where they beat, tortured, and kicked him until he almost died. They then forced his parents—who are illiterate—to declare that they had seen their son participate in subversive activity.

The suppression extends even beyond the borders of Indonesia. In June there was to be a private conference on East Timor in Manila, in the Philippines, organized at the University of the Philippines. The conference was to be attended by Danielle Mitterand and the Nobel Peace Prize Laureate Mairead Maguire. The Indonesian Government went so far as to seek the cancellation of the conference in Manila.

Threatening to cut off an economic relationship with the Philippines; to exact consequences in the Philippine peace talks with Muslim separatists; to impound Filipino fishing vessels in Indonesian waters, President Suharto succeeded in bullying and intimidating Manila into closing off the conference to any foreign attendants.

But he piqued international concern over exactly what he has to hide.

But East Timor is hardly the only battleground for the Indonesian armed forces.

The armed forces have a dual role in the society, and it addresses all domestic rather than just international security concerns. Troops are deployed down to the village level to control society. The civil servants in the bureaucracy are soldiers in the armed forces. The military gets involved in labor disputes. In essence, the word of the military is law.

Every Indonesian citizen is required to pledge allegiance to the state ideology, Pancasilia, critics or deviations from this code are punishable under the anti-subversion law. Almost every kind of dissent is considered "subversive."

Being subversive subjects you to "disappearance", imprisonment, torture, or even extrajudicial execution.

In addition, the workers rights issue in Indonesia is also quite important—especially as we intensify our economic relations with Indonesia.

The Indonesian Foreign Minister, Ali Alatas, has even acknowledged that better labor relations is in Indonesia' self-interest. Yet, in the last year, there has been an intensification of workers' strikes, and the Indonesian government has cracked down on independent labor groups. Demonstrations are often broken up, protestors detained and arrested, leaders imprisoned under bogus charges.

In one case, in May 1993 a 25-year-old labor activist was tortured, raped, and killed in East Java. There was clear evidence that the murder was premeditated and that at least one Military officer who complied. After intense pressure, the Indonesia Government finally brought charges against nine company executives and even charged one army captain. The national human rights commission—which has no jurisdiction or statutory authority—was unable to charge the suspects and basically acquiesced in a sham trial. The military office was simply charged with "failure to report a crime."

In East Timor, Bishop Belo reports that:

> Indonesian authorities have taken more than 400 young East Timorese to Java with the promise of work. When they arrived there, they were distributed amongst a number of factories without keeping the initial agreement. There were changes of factory and the young people did not receive a sufficient salary. Many of the young East Timorese in Jakarta suffer like slaves. Two of them died already. Others are being persecuted and beaten. It is great injustice and suffering.

The United States Trade Representative has also found that the military has been involved in labor issues and that the Indonesian Government has refused the freedom of association for Indonesian workers.

Clearly, the issues of workers rights and human rights are connected.

Finally, Indonesia has taken the lead in criticizing United States human rights policy. At the 1993 world conference on human rights in Vienna, Indonesia vocally opposed the United States position on the Universality of basic human rights. This is who we want to consider a close ally? An emerging democracy? Indonesia's positions and actions undermine what the president says he wants in a foreign policy, and counter everything we fought the cold war over.

Mr. President, I would prefer to stop supplying the Indonesian military to carry out such control altogether. I am strongly supportive of a conditional ban on light arms because it is these weapons with the Indonesian military uses to control crowds and torture and massacre people in East Timor.

They also are used in Indonesia proper to quell dissent. For example, in a number of incidents, peasants have been shot at at peaceful demonstration by American-supplied M-16s.

A light arm ban is also consistent with the 1958 Mutual Defense Agreement between the United States and Indonesia on equipment, materials, and services, of 1958 which stipulates in section 2A:

> Any weapons or other military equipment or services purchased by the government of Indonesia from the government of the United States shall be used by the government of Indonesia solely for legitimate national self-

defense, and it is self-evident that the government of Indonesia, as a member of HTE United Nations Organization, interprets the term "legitimate national self-defense" within the scope of the United Nations Charter as excluding an act of aggression against any other state.

The U.N., in two Security Council resolutions (R. 384 in 1975 and R. 389 in 1976) and eight General Assembly resolutions on the invasion of East Timor, concluded that Indonesia was in violation of the U.N. charter and was engaged in an act of aggression. In 1975, the State Department legal office reached the same conclusion and said the treaty was being violated.

It is scandalous that the United States Government supplies the tools of repression to Indonesia.

Since the 1991 massacre, the State Department has licensed more than 250 military sales to Indonesia. They have licensed machine guns, riot control chemicals and gear, M-16 assault rifles, electronic components, ammunition, communications gear, and spare parts for attack planes, including F-16s. With every shipment, the U.S. is not only signalling its support for the Indonesian military, but also giving it the tools with which to oppress.

While we should fully support Indonesia's right to legitimate self-defense, we should not support its occupation of East Timor—not until the military accepts a U.N.-supervised referendum in which the Timorese would freely choose their own political status; not until the Indonesian military begins to withdraw its troops; not until the military improves its human rights record against its own people and against East Timor.

Mr. President. I would like to make clear exactly what we are seeking here.

The United Nations has never recognized that East Timor is part of Indonesia. The United States has said that a process of self-determination has been violated. East Timor is a land in disputed status.

The U.N. has developed a process to allow the people of East Timor to determine their fate, to choose their own government—by holding elections under international supervision. This is hardly a radical goal. Indeed, it is consistent with the goal of democracy we are promoting every where else.

Most importantly, it is supported by the indigenous leadership in East Timor, including Bishop Belo.

Indonesia has killed a third of the population in East Timor since its Bloody Annexation of the area. It has flagrantly disregarded international pressure and United Nations resolutions. Indonesia has not paid a price for its brutal and immoral occupation. But occupation, terror, and abuse of human rights are expensive.

As Indonesia gains international prominence it is time to extract the cost of its occupation. If Indonesia wants our friendship, if it wants to be a leader on the world stage, it has to clean up its act. Until it does, U.S. policy should be decisive and principled. U.S. policy should support the goals we fostered throughout the cold war: Human rights and democracy. Indonesia should not be exempt from those goals.

We can no longer facilitate or ignore the horror in East Timor and the other abuses carried out by the forces which are the Indonesian Government.

AMENDMENT NO. 2292

(Purpose: To express the sense of the Senate regarding the provision of humanitarian aid to Haiti)

Mr. LEAHY offered amendment No. 2292 for Mr. DORGAN and Mr. HELMS.

The amendment is as follows:

On page 112, between lines 9 and 10, insert the following:

POLICY REGARDING HUMANITARIAN AID TO HAITI

SEC. 577. It is the sense of the Senate that the Secretary of State, the Secretary of the Treasury, and the Administrator of the Agency for International Development should expedite approval of valid applications for emergency medical evacuation flights out of Haiti and for humanitarian aid flights to Haiti, where such aid consists of food, medicine, or medical supplies, or spare parts or equipment for the transportation or distribution of humanitarian aid by nongovernmental or private voluntary organizations.

Mr. DORGAN. Madam President, this amendment attempts to address an issue that a number of Senators have already mentioned today—providing aid to Haiti.

As my colleagues know, the United Nations (in Security Council Resolution 917) and the United States (in a series of Executive Orders) have imposed a trade embargo on Haiti. I fully acknowledge that this embargo is intended to undermine the de facto regime in Haiti and to lead to the reestablishment of democracy in that country.

Tragically, however, the embargo to further democracy is causing greater human suffering. And this suffering is growing despite the embargoes' exemption of humanitarian aid. Several senators have expressed their concerns about the flood of Haitian refugees that the United States is struggling to handle. We would do well to address the humanitarian conditions that are contributing to this refugee crisis.

Hospitals and clinics in Haiti increasingly lack basic medicines. As a result, according to a recent Agency for International Development report, cases of malaria, diarrhea, and respiratory infections are rising.

One reason might be that two organizations that fly supplies to missions in Haiti have flown one flight each since early May. Agape Airlines and Missionary Flights International used to fly several times a week. Twenty medical teams that had been planning to work in Haiti have had to cancel their flights to that beleaguered country, because they knew that flights to Haiti have been shut down. The AID report also states that 51 percent of Haiti's children are malnourished, 17 percent of them severely so.

One reason might be that private aid groups need spare parts to keep their trucks going. These trucks distribute and deliver the food that Haiti's children need. Despite the good intentions of the administration and of the United Nations, the evidence is that the international embargoes are hurting the most defenseless and innocent of Haiti's people.

I believe that the Senate must express its view on this crisis.

My colleagues will recall that the international embargo exempts humanitarian aid shipments by sea. This is because we are in a position to intercept shipments by sea, inspect vessels trying to reach Haiti, and turn back cargo that violates the embargo.

However, the United Nations has established a different policy for air shipments of humanitarian aid. Aid flights need approval by the U.N. sanctions committee in New York. This is the same committee that approves exemptions to the embargoes against Libya and Iraq.

Under Resolution 917, members of the Security Council have 48 hours in which to object to a proposed waiver for a humanitarian flight to Haiti. If no country lodges an objection, the application is approved.

However, private aid organizations tell me that the waiver approval process is taking more than 2 weeks.

Why? It turns out that there is a cumbersome procedure here in Washington by which the Administration receives, processes, and forwards to the U.N. applications for waivers.

Let me trace the steps that an application must take.

Let's say a private aid group wants to fly humanitarian aid to Haiti. As I understand it, they apply to the Agency for International Development. AID forwards the application to the Treasury Department and the State Department. At Treasury, the Office of Foreign Assets Control looks the application over. Then at State, the Office of Sanctions Policy checks it out. If the application is okayed at this level, it goes to the International Organizations Bureau at State, which forwards it to our U.N. mission in New York, which gives the application to the U.N. Secretariat, which distributes the application to the 15 Security Council members and tells them that the 48-hour clock has begun to run.

I think this process can be streamlined and hastened. My amendment doesn't dictate how—it simply urges that the Administration continue its efforts to hasten this approval process.

I also hope that the United Nations and the administration will work to hasten their approval of medical evacuation flights from Haiti. This issue is

important because missionaries and humanitarian volunteers in Haiti have a right to know that if they become ill or suffer an accident, an air ambulance will quickly evacuate them to a hospital in the United States.

The administration and the U.N. have been working hard to hasten the approval of medical evacuation flights. The record approval time is now down to 6 hours. However, if I were a missionary in Haiti, I would want to be medivacked a lot faster than that.

Let me also note that this amendment has the support of Catholic Relief Services, one of the private voluntary organizations that works so hard to provide humanitarian relief to Haiti. We need to support CRS and other such groups that are doing the Lord's work under very difficult circumstances. World Hunger Year, a group that has been concerned about Haitian hunger and poverty, hopes that the current embargo will not exacerbate a situation that is already tragic. And that's why World Hunger Year also supports this amendment.

In summary, Madam President, this amendment expresses the sense of the Senate regarding efforts to relieve the humanitarian crisis in Haiti. It puts the Senate on record as supporting swift approval of applications to fly aid into Haiti.

Madam President, I urge the adoption of this amendment.

I yield the floor.

AMENDMENT NO. 2296

(Purpose: To amend the section on Assistance for the NIS to require protection of biological diversity and environmental quality)

Mr. LEAHY offered amendment No. 2296 for Mr. LEVIN.

The amendment is as follows:

Funds made available in this Act for assistance to the New Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to Environment and Natural Resources) of the Foreign Assistance Act of 1961.

PROMOTING ENVIRONMENTAL QUALITY IN THE NEW INDEPENDENT STATES

Mr. LEVIN. Madam President, a major portion of this bill relates to United States Government-funded assistance to the New Independent States of what used to be the USSR. I would like to engage in a discussion with the distinguished Chairman of the Foreign Operations Appropriations Subcommittee to clarify that it is the intent of the Senate that the assistance programs we fund should not be implemented in ways that reduce biological diversity or environmental quality in the NIS. Is it the Chairman's belief that U.S. Government assistance to the NIS should not be allowed to degrade biodiversity or environmental quality?

Mr. LEAHY. Yes, that is a critical aspect of our assistance. All Senators should be aware that the nations of the former Soviet Union have access to vast natural resources and unique environmental assets. As the United States and other nations of the world continue our efforts to help these countries develop sound market economies and stable democratic societies, we have an opportunity to do so in a way that protects and conserves the most vulnerable of these assets and promotes sustainable development of natural resources. Without a careful and comprehensive approach, the United States Government would be helping these nations to squander some of the most valuable assets they possess.

Russia, for example, contains thousands of unique species found nowhere else in the world, many of which are highly endangered. The Russian Far East alone contains highly endangered Siberian tigers, Amur leopards, several eagle and crane species, sable, lynx, wild boar, Siberian musk deer, wild ginseng, and much more. Economic deregulation and rapid development projects seriously jeopardize this biodiversity.

Protection of the environment and conservation of biological diversity are essential to long-term sustainable development in the NIS, just as they are throughout the world. Protecting the environment and biological diversity is necessary for long-term economic stability and public health, as well as for recreation, cultural and aesthetic values.

Mr. LEVIN. I thank the Chairman. His subcommittee and other Members of Congress have urged the administration to provide more timely and targeted assistance to the NIS. I hope he will also agree we should assure that even rapidly designed projects meet the longer term goals of protecting biodiversity and promoting environmental conservation, which are priorities of both the U.S. Government and governments of these new States.

The United States Government has recently underscored the importance of preserving the Earth's diverse plant and animal species in coordination with other nations by signing the Convention on Biological Diversity. The Senate Foreign Relations Committee voted overwhelmingly on June 29 to recommend ratification of this treaty.

The Clinton administration has also reaffirmed its policy to make biodiversity conservation a high priority for all U.S. Government agencies and programs to promote sustainable development, most recently in a Presidential Decision Directive last May, and in the "Statement of the White House Office on Environmental Policy," of May 27, 1994. Is the Chairman also aware that United States and Russia have been working at the highest levels to incorporate these goals into United States Government-funded assistance programs for the NIS?

Mr. LEAHY. Yes, I am aware of these high-level efforts, but many of us remain concerned about how well those goals are being implemented at the project level.

Throughout the meetings of the Commission on Environmental Cooperation chaired by Vice President GORE and Prime Minister Chernomyrdin, the Russian Ministry of Environment has emphasized that its priority for United States aid is to support Russia's protected areas and maintain the country's biodiversity.

Mr. LEVIN. I share the Chairman's concern, and that is why all U.S. Government assistance programs for the NIS, including those still being implemented with prior year funds, and those to be conceived in the future, should strive to protect biodiversity and enhance environmental quality, never the opposite.

Does the Chairman believe that AID should make a special effort immediately to review its economic, technical and environmental assistance programs, especially in the Russian Far East but also throughout the NIS, to ensure that those programs promote protection of biological diversity, maintenance of unique ecosystems and sustainable development of forest products?

Mr. LEAHY. I believe such an effort by AID is appropriate and timely.

Mr. LEVIN. I thank the Chairman. I believe that AID should take several steps to ensure that projects do not degrade biodiversity, and I would recommend the following.

Foreign assistance projects that may significantly affect biodiversity or the environment should proceed only after a rapid environmental assessment, to be prepared jointly with local specialist in the region. Assessments should address wildlife and plant diversity, as well as the project's effects on soil, water quality and carbon sequestration.

AID should also assess the economic value of non-timber products, such as medicinal and edible plants, animals for fur and meat, local consumption needs and non-timber industries such as ecotourism. Where alternative forms of energy are available or feasible, U.S. assistance projects should seek to use or develop them.

Does the distinguished Chairman believe this set of suggestions would be appropriate steps for AID to take to achieve the environmental goals that the Clinton Administration has established?

Mr. LEAHY. The Senator's suggestions are very good ones that AID would do well to implement in a concerted fashion, and I am sure that the Subcommittee would welcome a report back from AID on how they have taken these suggestions to heart.

I appreciate the Senator raising these concerns, and his suggestions are entirely consistent with the bill before us. His questions serve the added purpose of underscoring just how strong

an interest the Senate has in making sure our assistance to the NIS is done well. We need to incorporate environmental concerns into all U.S assistance programs for the NIS, not just projects specifically aimed at environmental protection there.

Mr. LEVIN. I am very gratified at the Chairman's responses to my questions, and thank him for his leadership on these issues.

AMENDMENT NO. 2298

(Purpose: To enhance congressional review of efforts to facilitate peace in the Middle East and for other purposes)

Mr. MCCONNELL offered amendment No. 2298 for Mr. SPECTER and Mr. SHELBY.

The amendment is as follows:

(a) On page 102, line 1, strike all that follows after "Gaza" through the end of line 3 and insert a period after "Gaza".

At the appropriate place, insert the following:

SEC. . (a) ADDITIONAL CONGRESSIONAL EXPECTATION.—Section 583(b)(5) of the Middle East Peace Facilitation Act is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by adding at the end the following new subparagraph: "(E) amending its National Covenant to eliminate all references calling for the destruction of Israel.

Mr. LEAHY. Madam President, would that all moved this quickly. Were the rest of the bill to move this rapidly—and, incidentally, I commend and thank Senators on both sides of the aisle for their work in doing that—if the rest of the bill would move this rapidly, we could finish by about 11 o'clock tonight. If it does not, I suspect we are going to be here in the wee hours of the morning and for some long time tomorrow.

I think Senators are trying to avoid—at least the Senators who cooperated in clearing these amendments are trying to avoid—the Dracula rule of legislation.

For those who are new, of course, the Dracula rule is that rule of legislation found in an unpublished version of the Jefferson Manual which says that legislation, like Dracula, comes out after dark and that is when the votes come.

Some of us would, of course, much prefer it be in the daylight hours. I have a lovely wife of 32 years, my dearest friend and truly the person I miss most when I have these late evenings. I wish I could be home with her. Others here have friends, family, or maybe even the joy of some time when they could do things other than this, and I am sure they would like that, too.

So perhaps we could ease the Dracula rule a bit with the help of any Senators who might be here.

We are very close to 5 minutes of 9. Madam President, I believe at that time, we then go to 5 minutes evenly divided on the Brown amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Madam President, I suggest the absence of a quorum, with the time evenly divided.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

VOTE ON AMENDMENT NO. 2248

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 2248, the Brown-Simon-Mikulsi amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is absent on official business.

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

The result was announced—yeas 76, nays 22, as follows:

[Rollcall Vote No. 196 Leg.]

YEAS—76

Baucus	Faircloth	McConnell
Bennett	Feingold	Mikulski
Bingaman	Feinstein	Moseley-Braun
Bond	Gorton	Moynihan
Bradley	Graham	Murkowski
Breaux	Gramm	Nickles
Brown	Grassley	Nunn
Bryan	Gregg	Packwood
Bumpers	Hatch	Pressler
Burns	Heflin	Reid
Byrd	Helms	Riegle
Campbell	Hutchison	Robb
Chafee	Jeffords	Roth
Coats	Johnston	Sarbanes
Cochran	Kassebaum	Shelby
Cohen	Kempthorne	Simon
Coverdell	Kerrey	Simpson
Craig	Kerry	Smith
D'Amato	Kohl	Specter
Danforth	Lautenberg	Stevens
DeConcini	Levin	Thurmond
Dodd	Lieberman	Warner
Dole	Lott	Wellstone
Domenici	Lugar	Wofford
Durenberger	Mack	
Exon	McCain	

NAYS—22

Akaka	Harkin	Mitchell
Biden	Hatfield	Murray
Boxer	Hollings	Pell
Conrad	Inouye	Pryor
Daschle	Kennedy	Rockefeller
Dorgan	Leahy	Sasser
Ford	Mathews	
Glenn	Metzenbaum	

NOT VOTING—2

Boren	Wallop

So the amendment (No. 2248) was agreed to.

VOTE ON AMENDMENT NO. 2294

The PRESIDING OFFICER (Mr. SIMON). The question is on agreeing to amendment No. 2294 offered by Mr. BUMPERS. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the call.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "nay."

The result was announced—yeas 60, nays 38, as follows:

[Rollcall Vote No. 197 Leg.]

YEAS—60

Akaka	Feinstein	Mitchell
Baucus	Ford	Moseley-Braun
Biden	Glenn	Moynihan
Bingaman	Grassley	Murray
Boxer	Gregg	Nunn
Breaux	Harkin	Pell
Brown	Heflin	Pryor
Bryan	Helms	Reid
Bumpers	Inouye	Riegle
Byrd	Kassebaum	Robb
Campbell	Kennedy	Roth
Cochran	Kerrey	Sarbanes
Conrad	Kerry	Sasser
D'Amato	Kohl	Shelby
Daschle	Leahy	Simon
DeConcini	Levin	Smith
Domenici	Lott	Stevens
Dorgan	Mathews	Warner
Exon	Metzenbaum	Wellstone
Feingold	Mikulski	Wofford

NAYS—38

Bennett	Faircloth	Lugar
Bond	Gorton	Mack
Bradley	Graham	McCain
Burns	Gramm	McConnell
Chafee	Hatch	Murkowski
Coats	Hatfield	Nickles
Cohen	Hollings	Packwood
Coverdell	Hutchison	Pressler
Craig	Jeffords	Rockefeller
Danforth	Johnston	Simpson
Dodd	Kempthorne	Specter
Dole	Lautenberg	Thurmond
Durenberger	Lieberman	

NOT VOTING—2

Boren	Wallop

So the amendment (No. 2294) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2297

The PRESIDING OFFICER. The pending business is amendment No. 2297 offered by Mr. MCCONNELL for Senator DOLE.

Mr. LEAHY. Mr. President, I have a number of statements, and I ask unanimous consent that they be placed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Mr. President, we have Members on both sides of the aisle who are asking legitimate questions, of course, as we progress with the Dracula rule of legislation, voting at this hour. I know we have a number of amendments pending. A number of Senators

have said they wanted rollcall votes. I am concerned at the numbers we are hearing about. We can go on for the next 2 or 3 hours, and vote all day tomorrow, and we would still be at this time tomorrow night voting. I understand some have flights at 6 or 7 tomorrow night that they would like to get.

I suggest this. We have one amendment pending, and we are going to have others, and obviously a tabling motion is in order at any time. But we have tried—Senator MCCONNELL and I—to make sure everybody has had a chance to be heard on whatever their amendments are. My guess is that the best way to proceed would be to have a number of amendments and vote on them tonight. A number of those are requiring rollcalls, and we will try to do it in as short a period of time as we can to get some of the rollcalls out of the way.

Another possibility, I say to my colleagues and the distinguished ranking member, is that I think some of these amendments would compress if we knew that we had a time certain for completion of the bill. I know of nobody on either side who wants to stop this bill from eventually being voted on, either for or against it, but completed. So that even if we had that time, we could then work back from it. Tonight when we had two votes back-to-back, in the hour leading up to that, the Senator from Kentucky and I were able to dispose of 15 amendments. We had a time we knew that everybody was going to have to be voting. We got rid of 15 amendments during that time. These were amendments that, originally, people said would take some time. It is possible to move forward just as Members have by the 6 o'clock cutoff this evening for the admission of amendments. People have been cooperative on both sides of the aisle.

I ask my friend from Kentucky, is there a possibility that we could have a time certain to finish this bill?

Mr. MCCONNELL. I say to my friend from Vermont that we are discussing that matter.

Mr. LEAHY. Mr. President, might I do this, because there are those seeking recognition so that nobody would be at a disadvantage. I am going to suggest the absence of a quorum so we can discuss this and hope that we can call it off within 5 or 6 minutes.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

Mr. DECONCINI. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HELMS. How do you get the quorum call called off?

Mr. LEAHY. I did not hear the request.

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

Mr. HELMS. I object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, first, I have a brief item. It has been agreed to on all sides. If we may have order in the Senate, please.

The PRESIDING OFFICER. The point is well taken. The Senate will be in order. The Senator from North Carolina is entitled to be heard.

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 2282

Mr. HELMS. Mr. President, I believe amendment number 2282 is at the desk, is that correct?

The PRESIDING OFFICER. That is correct.

The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. MOYNIHAN, Mr. MACK, Mr. BROWN, Mr. ROBB, Mr. LAUTENBERG, Mr. BOND, Mr. GORTON, Mr. GRAMM, Mr. LEVIN, and Mr. HATCH proposes an amendment numbered 2284.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

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

SEC. . RESTRICTION ON U.S. GOVERNMENT OFFICES U.S. OFFICIAL MEETINGS IN JERUSALEM.

(1) None of the funds appropriated by this or any other Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States government for the purpose of conducting official United States government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles; and

(2) No officer or employee of the United States government and no agent or other individual acting on behalf of the United States government shall meet in any part of Jerusalem with any official of the Palestinian Authority over Gaza and Jericho or any successor Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Delcaration of Principles for the purpose of conducting official United States government business with such Palestinian Authority.

Mr. HELMS. Mr. President, this amendment—I have sent this amendment to the desk on behalf of myself, Senator MOYNIHAN, Senator MACK, Senator BROWN, Senator ROBB, Senator LAUTENBERG, Senator BOND, Senator GORTON, Senator GRAMM, Senator LEVIN, and Senator HATCH.

Mr. DOMENICI. Mr. President, could we have order?

The PRESIDING OFFICER. The point is well taken. Can we take the conversations off the floor, please?

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HELMS. Yes.

Mr. BYRD. Mr. President, Senators are supposed to stand and address the Chair and not sit in their chairs. I have seen some sitting on both sides of the aisle while objecting and making statements. I hope Senators will abide by the rules.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I think the predominant view about Jerusalem is that Jerusalem is the capital of the State of Israel. It is a unified city and it must remain a unified city.

So, you can imagine my surprise when I heard that the Agency for International Development was considering opening an office in the eastern part of Jerusalem to funnel money directly to the Palestinians. The Israelis have agreed to give the Palestinians a measure of autonomy over Gaza and Jericho, not, I repeat, not Jerusalem.

Allowing United States Government officials to conduct business in any part of Jerusalem with members of the Palestinian authority—aka the PLO—flies in the face of stated United States policy. Having a United States Government office in Jerusalem dedicated to the Palestinian authority is tantamount to having an embassy to a nonexistent State. These are the kind of things that bolster the Palestinians' baseless claims to Jerusalem and bring the status of Jerusalem into question.

First of all, Jerusalem is an issue to be decided years from now between the Israelis and the Palestinians. It is not to be decided by AID and the State Department. Second, it is the oft-expressed view of the United States Congress that united Jerusalem is the capital of the State of Israel.

I understand that AID has backed off somewhat from its idea of a Jerusalem office. Frankly, I don't care. I am horrified they had such an idea in the first place. This amendment bars any funding to open in any part of Jerusalem any office of the United States Government dealing with the Palestinian governing authority. It also bars meetings between United States Government officials and agents and officials of the Palestinian authority in any part of Jerusalem.

Mr. President, let me make this perfectly clear. This amendment will not stop the consulate in Jerusalem from talking to Palestinians or from conducting business with the Palestinian

authority outside Jerusalem. It will stop AID or the State Department from opening or creating a de facto embassy to the Palestinians in Jerusalem.

Mr. President, I understand that this amendment has been accepted by both sides. I am certain that my colleagues recognize that were I to have requested a roll call vote on this amendment, it would have had less than a handful of dissenters. This amendment has the support of the pro-Israel community and the Israeli Government. I ask that my distinguished colleagues on the Appropriations Committee keep that in mind when they go to conference.

Mr. MACK. Mr. President, I am a cosponsor of this amendment offered by Senators HELMS and MOYNIHAN and I rise to support it. The purpose of the amendment is to prevent United States officials from undermining the future status of Jerusalem. The amendment would prohibit official meetings in Jerusalem between United States officials and officials of the new Palestinian authority.

For 19 years, between 1948 and 1967, the city of Jerusalem was divided. An ugly scar, filled with barbed wire, mines, and tank barriers, split the city in two. The western half was Israel's capital, the eastern half was occupied by Jordan.

Throughout those 19 years, no Israeli or Jew was allowed to even visit the holiest site to the Jewish people—the Western Wall. The ancient Jewish Quarter of Jerusalem's old city, including dozens of synagogues, was completely destroyed, and a hotel was built in the ancient Jewish cemetery on the Mount of Olives.

In the Six Day War of 1967, Jerusalem was reunited. Since then, Jerusalem has flourished as a united city open to all faiths. Since then the people of Israel have vowed that Jerusalem would forever remain the undivided capital of Israel.

Mr. President, PLO Chairman Yasser Arafat has repeatedly stated that his objective is a Palestinian State with Jerusalem as its capital. In his infamous speech in Johannesburg he even called for a "jihad", holy war for Jerusalem. Whether such a Palestinian State would be a stepping stone toward an attempt to destroy Israel entirely is a matter for debate. What should not be debatable is that the United States must do nothing to encourage or support any attempt to redivide Jerusalem.

If the Government of Israel wishes to change the status of Jerusalem in the context of a peace agreement that is certainly her right. Jerusalem will be a matter for negotiation between the parties. What is not acceptable is for the United States to pressure Israel to make concessions on Jerusalem.

The goals of freedom, peace, and justice are thwarted, not served, by any step that weakens the State of Israel in her lifelong struggle for existence. The willingness of the Arab world to accept Israeli sovereignty over Jerusalem, and to recognize Israel within secure borders, will be the ultimate test of their willingness to forever end their war against Israel's existence.

The best way for the United States to promote a lasting, just, and secure peace is to support Israel's position that Jerusalem is and must remain the undivided capital of Israel. Unfortunately, current United States policy is to scrupulously refrain from supporting Israeli's position.

It is wrong for the United States to pretend on official maps that Israel has no capital. It is wrong that the United States maintains its embassy in Tel Aviv, not Jerusalem. And it is wrong that the United States officials will not meet with Israel officials in their own offices in the eastern portion of Jerusalem.

This amendment does not address these deficiencies in current U.S. policy. This amendment would, however, help ensure that the United States does not, deliberately or inadvertently, give weight to Palestinian claims on Jerusalem by holding official meetings with Palestinians in Jerusalem. It is a modest but important amendment, and I urge its adoption.

Mr. MOYNIHAN. Mr. President, I am pleased to cosponsor the amendment being offered by the distinguished ranking member of the Foreign Relations Committee concerning Jerusalem. Four years ago, I introduced Senate Concurrent Resolution 106 which said that uncertainly about the status of Jerusalem was harmful to the peace process. It was adopted overwhelmingly by both Houses of Congress. Last fall, shortly after the signing of the Declaration of Principles on the White House lawn, Prime Minister Rabin wrote: "In 1990 Senator MOYNIHAN sponsored Senate Resolution 106, which recognized Jerusalem as Israel's united capital, never to be divided again, and called upon Israel and the Palestinians to undertake negotiations to resolve their differences. The resolution, which passed both houses of Congress * * * I believe, helped our neighbors reach the negotiating table."

The amendment which we are offering this evening attempts to support the peace process in the same way—by removing uncertainties and fears about Jerusalem which make it more difficult for the parties to move forward. The amendment makes two important statements. First, that the United States will not create a new office of Jerusalem for the purpose of conducting business with the newly created Palestinian authority for Gaza and Jericho. Second, that the United States will not participate in meetings in Jerusalem for the purpose of conducting business with the Palestinian authority.

Simply put, there must be no uncertainly about United States conduct toward Jerusalem. For nearly two decades the city was divided. Israeli citizens of all faiths and Jews around the world were prohibited from having access to their holy sites. Now, for more than a quarter century Jerusalem has been united and the religious rights of all faiths have been respected.

Our officials have labored mightily to assist in bringing about a permanent peace in the Middle East. I applaud them. And on the specific issue of Jerusalem, they have already stated publicly that they do not intend to open any new office in Jerusalem to deal with the Palestinian authority and that they will not conduct business with the Palestinian authority in Jerusalem.

Despite these statements, however, there has been considerable uncertainty and concern on this issue. It must be put to rest and that is what this amendment does. It is not helpful to the peace process for there to be any legitimate question about whether our officials might take steps which create damaging precedents or lend any weight to Palestinian claims to Jerusalem. This amendment is intended to end that uncertainly.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further discussion of the amendment?

Mr. GRAMM. Mr. President, if we are going to stay here tonight, I would just as soon have a rollcall vote on this amendment. If we are going to go home, then I think we ought not to have a rollcall vote on it. But if we are going to stay here, I would like to have an opportunity to vote on the amendment.

The PRESIDING OFFICER. Is there a request for the yeas and nays.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The question is on agreeing to the amendment offered by the Senator from North Carolina.

The amendment (No. 2282) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 2254

Mr. HELMS. Mr. President, beginning 40 years ago, in 1954, the taxpayers

of America have been forced to provide tax funds to give away billions for foreign aid which has benefited dictators intent on damaging the national security of the United States. While the GAO and other Government auditing agencies can review American bilateral aid programs, the American taxpayers' money given every year to the United Nations for so-called voluntary programs is rarely ever monitored by anyone outside of Foggy Bottom. International bureaucrats at the U.N. have kept a tight lid on the fact that the American taxpayers are required to furnish the money to entrench some of the most brutal dictatorships in the world.

For example, most Americans are aware that North Korea, Libya, Syria, Cuba, Iran, and Sudan are identified by the United States as terrorist nations. What many Americans do not know is that all of these countries are recipients of millions of dollars of U.S.-subsidized foreign aid from the United Nations.

The State Department claims that U.S. law prohibits U.S. foreign aid from directly funding programs in terrorist nations. Well, that is the same excuse used by President Clinton to pour millions of dollars into the United Nations Fund for Population Activities, which subsidizes Red China's forced abortion programs. But the State Department refuses to consider that this money is fungible. Every penny that the United States gives to the U.N. frees up other resources which are then funneled through the U.N. to terrorist regimes.

One of the lesser known United Nations agencies—but one of the most damaging to American national security—is the United Nations Development Programme. The UNDP as it is called, claims to be "The world's largest multilateral program of grant technical cooperation." That is U.N.-gobbledy gook for a program which, in reality, has served as a pipeline from which American aid flows freely to some of the worst enemies of the United States.

President Clinton has asked Congress to provide $121 million for UNDP for fiscal year 1995, once again making the United States UNDP's largest benefactor. It is time to tell the United Nations: "Enough is enough." The pending amendment proposes to prohibit all U.S. funding for UNDP.

Senators may find interesting some examples of how the American funding of UNDP works against the national security interests of our country. I am sure that most Americans, when they understand exactly who UNDP's clients are, will agree that every penny of their foreign aid is being wasted by the UNDP.

For the past decade, UNDP has served to prop up the dictatorship in North Korea as it quietly developed nuclear weapons. With United States help, UNDP expects to spend more than $26 million between 1992 and 1996 in North Korea, and part of this funding will be used to help North Korea install a sophisticated, underground fiber-optic communications system.

Consider the following: Our State Department calls North Korea, "one of the most repressive countries in the world," where in a most frightening, Orwellian manner, big brother Kim has encouraged children to spy and report on their own parents and siblings. Private telephones are virtually nonexistent and those few that are operative are monitored continuously. Clearly, North Korea's paranoid leadership does not intend to provide civilian access to a new fiber-optic system it cannot monitor effectively.

In reality, the UNDP fiber-optic project is being used by North Korea to provide its aggressive military machine with secure, reliable communications. Insofar as North Korea's highly centralized military is dependent at the present time on obsolete wireless communications that are vulnerable to American interception and jamming, it makes absolutely no sense for the United States to subsidize North Korea's efforts to eliminate their communications achilles heel. It is outrageous that through the UNDP the American taxpayer is further jeopardizing the lives of 37,000 American troops stationed in South Korea by enhancing North Korea's already frightening warfighting capabilities. Have we lost our minds?

A second major UNDP program is designed to enhance energy efficiency in North Korea. Despite abundant coal reserves, North Korea continues to face chronic energy shortages and is extremely vulnerable to energy sanctions. Why? Because instead of investing in new coal-fired powerplants, North Korea has bankrupted its treasury to build a nuclear reactor designed to produce offensive atomic weapons, not electricity.

But, thanks to the UNDP and its support for North Korea's energy sector, this madness can continue to divert scarce resources into nuclear weapons proliferation without worrying about any further degradation of North Korea's energy supply.

Some other ways that UNDP is strengthening the stranglehold on North Korea? Well, the UNDP's "Third Country Programme for the Democratic People's Republic of North Korea," dated November 21, 1991, stated that UNDP has proposed other programs to improve the quality of life for North Koreans.

But, sad to say, North Korea is not an isolated example. Libya is slated to receive more than 40 million dollars' worth of technical assistance from UNDP between January 1993 and December 1996. In its justification, UNDP laments America and other countries' refusal to give foreign aid to Libya. Has the UNDP forgotten that it was Libyan terrorists—working directly from the orders of Colonel Qadhafi—who blew up Pan Am flight 103, killing 270 innocent people? Surely no Senator needs to be reminded how brutal Libya's military regime can be.

According to the State Department's "Country Reports on Human Rights Practices for 1993," horrifying acts of torture by the Libyan Government are commonplace:

> Methods of torture reportedly include: chaining to a wall for hours, clubbing, electric shock, corkscrews in the back, lemon juice in open wounds, breaking fingers and allowing the joints to heal without medical care, suffocation using plastic bags, deprivation of food and water, and beatings on the soles of the feet.

Yet, while Qadhafi continues to torture and murder innocent civilians, UNDP increases its aid program to Libya, which according to a March 1993 UNDP document, is designed to "increase human resource development."

Not only does the U.S. foreign aid program help the UNDP operate in nearly every terrorist nation in the world—it continues to prop up the only Communist dictatorship in the Western Hemisphere.

UNDP plans to give Cuba nearly $11 million through 1996 in part to increase industrial production. And what does the UNDP believe are cause for the economic problems in Communist Cuba? According to a May 13, 1991, UNDP document, "Cuba has been seriously affected by a succession of climatic problems such as cyclone Kate." Well, I have got news for the United Nations: It is not the weather that is causing economic hardship in Cuba, it is Fidel and his dangerously confused policies. No amount of foreign aid will help Cuba as long as Castro remains in power.

The United States is subsidizing UNDP projects that are 180 degrees opposite United States policy toward Cuba. According to a UNDP document from May 13, 1991, development of "traditional exportable products, especially cane sugar, citrus fruits, minerals, tobacco, and marine products." So, American foreign aid is being used—indirectly, of course—to increase Cuban export while our own State Department is responsible for enforcing a trade embargo against Cuba.

North Korea, Libya, and Cuba are only a few examples of the wasteful, misguided UNDP programs which work against American national security interests. UNDP also intends to give the Communist regime's in Vietnam and China more than $200 million over 4 years. UNDP hopes to give Syria—a terrorist training ground which the State Department has said: "torture and abuse remains widespread and systematic"—$20 million over the next 4 years.

If the UNDP is so flush with money that has more than $440 million to

hand out to some of the world's most despicable regimes—regimes that have actively worked to destabilize America and our allies—then it does not need U.S. help. The United Nations has defined the UNDP as a voluntary program—and America should volunteer not to participate.

As I have already mentioned, included among the beneficiaries of the United Nations Development Program are these nations identified as terrorist nations by the United States State Department—Sudan, Libya, North Korea, Syria, Iran, and Cuba. China received $212.5 million; Vietnam has received $86.6 million; Sudan, $45.7 million; Libya, $40.4 million; North Korea, $26.1 million; Syria $20.6 million; Iran, $11 million; and Cuba, $10.9 million.

For North Korea alone, there are $26 million in projects planned from now until 1996, 25 percent of which is for underground fiber optic communications to be used against the United States of America.

This amendment proposes to cut off the funds for this organization unless and until the State Department can get its act together and stop throwing away money in that order.

I ask for the yeas and nays on this amendment.

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

The yeas and nays were ordered.

Mr. HELMS. I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, neither I, nor, I suspect, anybody in this body wants United States tax dollars to go in aid to North Korea, Libya, Syria, countries of that nature. But let us not assume that this amendment has anything whatsoever to do with our tax dollars going to such countries.

Under the law today, our contributions to U.N. agencies that operate in countries like North Korea is fenced. In other words, if they have $100 to spend, they are getting $100 from us. But if they are spending $30 in North Korea, places like that, $30 of ours is held back. This is U.S. law now. A portion of the U.S. contribution is fenced in proportion to the amount the agencies spend in these countries. UNDP cannot spend it.

But what UNDP can do, because of the American contribution, is it can have an American director. And, in fact, the UNDP has always had an American as its director.

UNDP is designed to help those countries and those people in the greatest need. The way it does it, it bypasses the government. In some of these countries—it operates in countries like Africa—they have governments that are basically corrupt governments. It bypasses them and gets the money directly to the poorest of the poor.

It gets it to those children who might be facing such things as river blindness. It gets it to the mother who needs nutrition while pregnant. It gets it to the elderly person who needs medicine. It gets it to the children who need schooling. And it gets it there because it has an American as its director, because we do contribute to it.

It focuses on reducing poverty. It creates jobs. It cleans up pollution. It protects forests, improves agriculture, nutrition, basic education. It fights malaria and AIDS, builds low-cost housing, has drug education, prevention.

This is money that goes directly to people and helps them. If the UNDP, being a voluntary organization, spends money in countries that are on a list that we do not approve of, then our contribution is fenced in direct proportion—in direct proportion, so American tax dollars do not go to North Korea or Burma or places like that.

What I am concerned about is that, if we withdraw from this—and that is what this amendment would do—not only do we not have our American director there, but we are saying we are not going to give money to orphans. That is seriously what it comes down to. We are not going to give it to a child stricken with malaria. We are not going to give it to a poor pregnant woman who needs the nutrition. We are not going to give it to a handicapped parent, in some countries the poorest of the poor. And we are not going to have this ability to go and do an end run around corrupt government officials who steal the money.

I share the sense of antipathy the Senator from North Carolina feels toward North Korea and Syria and Libya and countries like that. I stated this many times on the floor and I have worked very much to make sure that aid does not go to such countries. But I am afraid that we are going to be put in a position where poor children, poor people, the poorest of the poor, are not going to be helped. Nor are we going to have the input into helping them if we withdrew from this program.

So I will oppose it.

The PRESIDING OFFICER. Is there further discussion of the amendment?

If there be no further debate, the question is on agreeing to the amendment, No. 2254.

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 Oklahoma [Mr. BOREN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is absent on official business.

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

The PRESIDING OFFICER (Mr. ROCKEFELLER). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 39, nays 59, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—39

Bennett	Faircloth	McCain
Bond	Ford	Murkowski
Brown	Gorton	Nickles
Burns	Gramm	Pressler
Byrd	Grassley	Robb
Coats	Gregg	Roth
Cochran	Hatch	Sasser
Cohen	Heflin	Simpson
Coverdell	Helms	Smith
Craig	Hutchison	Specter
D'Amato	Kempthorne	Stevens
Dole	Lott	Thurmond
Domenici	Mack	Warner

NAYS—59

Akaka	Feinstein	McConnell
Baucus	Glenn	Metzenbaum
Biden	Graham	Mikulski
Bingaman	Harkin	Mitchell
Boxer	Hatfield	Moseley-Braun
Bradley	Hollings	Moynihan
Breaux	Inouye	Murray
Bryan	Jeffords	Nunn
Bumpers	Johnston	Packwood
Campbell	Kassebaum	Pell
Chafee	Kennedy	Pryor
Conrad	Kerrey	Reid
Danforth	Kerry	Riegle
Daschle	Kohl	Rockefeller
DeConcini	Lautenberg	Sarbanes
Dodd	Leahy	Shelby
Dorgan	Levin	Simon
Durenberger	Lieberman	Wellstone
Exon	Lugar	Wofford
Feingold	Mathews	

NOT VOTING—2

Boren	Wallop

So the amendment (No. 2254) was rejected.

Mr. LEAHY. Mr. 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.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2275

(Purpose: To increase the amount appropriated for international narcotics control and to decrease the amounts appropriated for contribution to the Global Environmental Facility and for contribution to the International Development Association)

Mr. NICKLES. I call up amendment No. 2275 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for himself, Mr. BROWN, and Mr. D'AMATO, proposes an amendment numbered 2275.

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

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

The amendment is as follows:

At the end of the pending committee amendment, add the following: "*Provided further*, the amount on page 3, line 6, is deemed to read $50,000,000; *provided further*, the amount on page 3, line 12, is deemed to read $1,097,000,000; provided further, the amount

on page 25, line 22, is deemed to read $152,400,000."

Mr. NICKLES. Mr. President, could we have order?

The PRESIDING OFFICER. The Senate is not in order.

There are a variety of conversations taking place in the Chamber, and the Chair will patiently wait until the Chamber is quiet.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Mr. LEAHY. Reserving the right to object.

The PRESIDING OFFICER. The Senator reserves the right to object.

Mr. LEAHY. At least for the next 2 or 3 minutes.

Mr. BYRD. Mr. President, a Senator can not reserve the right——

Mr. LEAHY. I object.

Mr. BYRD [continuing]. To object to calling off the quorum.

Mr. LEAHY. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the call of the roll.

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

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

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont, Mr. LEAHY, is recognized.

Mr. LEAHY. Mr. President, I understand from the distinguished ranking member that he has a list of amendments which he wishes to have withdrawn. I would ask to be able to yield to him for that purpose and for other purposes which he may have without losing my right to the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky, Mr. McCONNELL.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the following amendments be withdrawn: Amendments numbered 2267, 2268, 2271, 2285, and 2280.

The amendments (Nos. 2267, 2268, 2271, 2285 and 2280) were withdrawn.

The PRESIDING OFFICER. The Senator has the right to withdraw the amendments.

Mr. McCONNELL. I further ask unanimous consent to set aside the pending amendment, and call up amendment 2270, which has been cleared on both sides.

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

AMENDMENT NO. 2270

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 2270.

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

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

The amendment is as follows:

At the end of section entitled "Assistance to the New Independent States of the Former Soviet Union" add the following new subsection:

"Of the funds appropriated under this heading, not less than 50 percent shall be made available for country specific activities within bilateral, regional, or multilateral programs, excepts as provided through the regular notification procedures of the Committee on Appropriations."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky.

The amendment (No. 2270) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont. And the Senator from Vermont retains the floor under the previous order.

Mr. LEAHY. Mr. President, we have tried to go back and forth, not by order, but by simple comity with amendments, first on the Republican side, and then on the Democratic side, and then the Republican side, and so on. The last two or three were on the Republican side. We hope the next one might be on this side of the aisle.

We tried to accommodate the distinguished Senator from North Carolina who had a series of amendments which did not follow the normal order, and put more on the Republican side.

I also understand in conversations from the distinguished ranking member and the distinguished Republican leader that it may be possible to reach a time agreement for the remaining amendments, and a time certain for final passage.

I ask my friend from Kentucky if that might be so.

Mr. McCONNELL. Yes. Obviously that is so. We have already given to my friend and colleague from Vermont the agreement that we are willing to reach, and it is being looked at on this side of the aisle. So it is a definite possibility to have a time certain for a final vote, and it is awaiting clearance on the other side of the aisle.

Mr. LEAHY. I might suggest—I see the Senator from Florida on the floor and the Senator from Oklahoma. They both have amendments.

I am going to suggest the absence of a quorum. Again I would suggest in doing so, that it probably will not last for more than 3 or 4 minutes. It may save us, as these things often do, several hours.

So with that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. LEAHY. Mr. President, I ask unanimous consent that the following amendments be in order to the bill, with the following time agreements, with the times to be evenly divided in the usual fashion, at the expiration of which there will be a vote on or in relation to the amendment, with no second-degree amendments in order:

Amendment No. 2256, with a time agreement of 50 minutes evenly divided; amendment No. 2281, with 30 minutes equally divided; amendment No. 2273, with 50 minutes equally divided; amendment No. 2272, with 30 minutes equally divided; amendment No. 2275, with 50 minutes equally divided; amendment No. 2290, with 50 minutes equally divided; amendment No. 2284, with 30 minutes equally divided; and that those be the only amendments in order.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Reserving the right to object. There were other amendments——

Mr. LEAHY. The Senator is correct. And that any other amendments be those that have been cleared by the managers of the bill.

Mr. GRAHAM. Reserving the right to object. There was another amendment, No. 2291, which is a companion to No. 2290, which would be offered depending on the outcome and the treatment of No. 2290.

Mr. LEAHY. Why do we not put No. 2291 in and ask for 20 minutes equally divided under the same agreement?

Mr. GRAHAM. That is acceptable.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2297

Mr. LEAHY. Mr. President, I ask unanimous consent that it be in order to bring up amendment No. 2297.

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

Mr. DOLE offered amendment No. 2297.

On page 10, line 10 after the word "law" and before the period (.) add the following new proviso:

"*Provided further*, that of the funds appropriated under this heading, not less than $15,100,000 shall be made available for the Cooperative Association of States for Scholarships Program and not less than $3,000,000 shall be made available for the East Central European Scholarship Program".

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

The amendment (No. 2297) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I ask unanimous consent that Senators LEAHY, JEFFORDS, FEINGOLD, and PELL be added as cosponsors to amendment No. 2286; and that Senators FEINGOLD, HARKIN, JEFFORDS, WELLSTONE, and PELL be added as cosponsors to amendment number 2288.

Mr. LEAHY. Mr. President, so I will not come to the temptation of explaining once more the Dracula rule of legislation, I will suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2279

Mr. LEAHY. Mr. President, I ask unanimous consent that it be in order to call up amendment number 2279.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

Mr. McCAIN offered amendment No. 2279.

At the appropriate place in the bill, insert the following new section:

(a) FINDINGS.—The Senate finds that—

(1) The United States maintains a continuing interest in the security of Europe.

(2) The North Atlantic Treaty Organization remains the principal guarantor of European security.

(3) The security concerns of the United States and Europe are best addressed through the collective security arrangement of the North Atlantic Treaty Organization.

(4) The North Atlantic Treaty Organization is not an offensive threat to any nation not part of the North Atlantic Treaty.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) The North Atlantic Treaty Organization should invite Poland, the Czech Republic, Hungary and Slovakia to accede to the North Atlantic Treaty under Article 10 of the treaty at such time as each is in a position to further the principles of the Treaty and contribute to the security of the North Atlantic area.

(2) Accession to the North Atlantic Treaty should include a commitment to the security of new members according to Article 5 of the treaty.

(3) The President should pursue within the North Atlantic Council the adoption of criteria and timetables for determining the ability of each nation to further the principles of the North Atlantic Treaty and contribute to the security of the North Atlantic area.

(4) Within 90 days of the passage of this act, the President should report to the appropriate Congressional committees the criteria and timetables the United States will pursue within the North Atlantic Council.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2279) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

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

The legislative clerk proceeded to call the roll.

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

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

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate vote on final passage of H.R. 4426, the foreign operations appropriations bill no later than 2 p.m. tomorrow; that upon the disposition of that bill, the Senate proceed to the consideration of H.R. 4453, the military construction appropriations bill; that when the Senate considers the military construction appropriations bill on Friday, July 15, that it be in order for Senator McCAIN to offer two amendments, as follows, and that no amendments be in order to those two amendments, no motions to table be in order, and they be limited to the following times, to be equally divided in the usual form:

First is a McCain amendment regarding add-ons, 2 hours; second is a McCain amendment regarding criteria for add-ons, 1 hour; and that it be in order now to order the yeas and nays on final passage of H.R. 4453.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. I now ask for the yeas and nays on final passage of H.R. 4453.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2296, AS MODIFIED

Mr. MITCHELL. Mr. President, I ask unanimous consent that amendment No. 2296 that was agreed to previously be modified, and I send the modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 2296), as modified, is as follows:

On Page 22, after line 12, add the following new section:

Fund made available in this Act for assistance to the New Independent States of the former Soviet Union shall be subject to provisions of section 117 (relating to Environmental and Natural Resources) of the Foreign Assistance Act of 1961.

Mr. MITCHELL. Mr. President, I now ask unanimous consent that it be in order to order the yeas and nays on final passage of H.R. 4426, the foreign operations appropriations bill.

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

Mr. MITCHELL. 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. MITCHELL. Mr. President, this is the culmination of several hours of discussions and negotiations on how best to proceed on these matters and we have discussed other matters as well, myself and the distinguished Republican leader and the assistant Republican leader, and we hope to have a further announcement with respect to other pending bills earlier tomorrow morning.

I thank my colleague for his cooperation and patience.

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

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

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business.

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

PROPOSAL FOR A UNITED NATIONS "FIRE BRIGADE"

Mr. PELL. Mr. President, I recently read a most interesting proposal by

Timothy W. Stanley, president of the International Economic Studies Institute, and Lukas Haynes, at the Carnegie Endowment for International Peace, calling for the creation of a 5,000-strong rapid deployment force to assist in United Nations peacekeeping efforts. This idea, contained in a article entitled "The U.N. Needs a 'Fire Brigade' To Douse Regional Conflicts" appeared in the July 5, 1994, issue of the Christian Science Monitor, is similar to one proposed by Sir Brian Urquhart.

The authors recognize the need by the international community to have the ability to respond quickly to crises, such as recently in Rwanda or potentially soon in Haiti. They suggest a brigade size unit consisting of volunteers on leaves of absence from their own national services that would train as a unit in order to overcome some of the current logistics and communications problems apparent in U.N. peacekeeping operations.

I ask consent that the article appear in its entirety following my remarks.

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

THE U.N. NEEDS A 'FIRE BRIGADE' TO DOUSE REGIONAL CONFLICTS

(By Lukas Haynes and Timothy W. Stanley)

The alarm went off on April 6, 1994, when a plane carrying the presidents of Rwanda and Burundi was shot down and the first reports of widespread carnage flooded in. Instead of sending international forces to stop the killing, the United Nations troops on the scene were pulled out. Two genocidal months, 300,000 deaths, and half a million refugees later, the United States agreed to a U.N. force of 5,500 troops from seven African countries. With luck, it may arrive in late summer or early fall. In desperation, France has deployed a force of 2,500 (including its Foreign Legion) despite being perceived by Rwandans as partisan. It is far too late for the dead and dying.

"We can do better," as President Clinton likes to say about domestic policy, and the world must do better in fighting conflagrations like Rwanda. Under current U.N. procedures, once a new operation is approved, the secretariat starts from a zero base of resources. The secretary-general must constantly beg member states for the means to implement Security Council resolutions. The answer: a volunteer U.N. "fire brigade"—a quick-response force to stop a low-intensity conflict before it rages out of control.

What kind of a force makes sense? A standard regimental-size combat team with five key features: (1) a standing force; (2) staffed by personnel who volunteered for U.N. service; (3) detached from member states and national chains of command; (4) equipped with on-hand "interoperable" equipment; and (5) led by a unified command reporting to an enhanced military staff at U.N. headquarters.

Such a "fire brigade" would be deployed by airlift immediately upon Security Council authorization without the delay of assembling national contributions. It being a truly international force, no parliament would need to debate why its soldiers would be fighting machete-wielding Rwandans or Haitian thugs.

Such an integrated brigade would become well-disciplined, elite Ranger-like units, training together for "robust peacekeeping," thus minimizing field confusion over training and doctrine. New equipment would not need to be contracted for in each new mission because the brigade would maintain donated material (from the world's vast surpluses) in prestocked regional depots. U.N. operational orders would not be checkmated by national authorities and language proficiency requirements would eliminate field miscues. Soldiers like civil servants, would be paid by the U.N. while on three-to-five-year leaves of absence from their own national service.

What would the brigade's mission be? It would not be a "UN Army" for Chapter VII military enforcement—a proposition many oppose. Large-scale Persian Gulf-type actions require ad-hoc coalitions. This nucleus brigade would be for short-term deployment in situations that do not require high-tech weaponry. Its goals would be to establish an early UN presence, to protect safe-haven boundaries, and to demonstrate Security Council resolve. The brigade would be used only with a political consensus, in the Security Council and broadly within the region, and when its task would be manageable with the small numbers involved.

Because the brigade might come under concerted attack, the Security Council would have to take steps to ensure that appropriate backup forces were available. But the brigade's principal goal would be to prevent outbreaks of fighting and buy time for the deployment of a larger traditional peacekeeping operation.

What are the obstacles and what would it cost? As with all current peacekeeping efforts, the UN lacks an adequate UN military command with communications and logistic staff—a problem the Clinton administration has taken steps to address. As for cost, in 1992 we used Pentagon data to calculate annual costs of under $400 million for a more-ambitious "UN Legion." If this brigade were to be stationed at a base scheduled for closing, and use surplus equipment, a 5,000-strong force might cost only $200 million a year—a bargain compared with the costs of relief and reconstruction, let alone of a quarter-million human lives!

A volunteer force is not a new idea. The UN's first secretary-general. Trygve Lie, former diplomats (like Sir Brian Urquhart), and the majority of a recent congressional commission on improving the UN have recommended a multinational force. US–UN policy was tragically set back by the exaggerated backlash over US casualties in Somalia. While geared to sensible reforms and sounder criteria, current US policy has added doubt and delay to that inherent in UN procedures.

The US is not to blame for the current outbreak of ethnic anarchy. Nor should it take on every crisis. But it does share the blame for the apathy and "donor fatigue" that hobbles the UN. Dealing with destabilizing, low-intensity conflict is difficult but necessary. It is time to seriously consider a volunteer UN "fire brigade" to help contain the blaze of localized conflict. Then, when the alarm bells ring, someone will be there to answer the calls. For they will surely continue to sound.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar No. 1016. Michael Nacht, to be an Assistant Director of the United States Arms Control and Disarmament Agency;

Calendar No. 1017. Amy Sands, to be an Assistant Director of the United States Arms Control and Disarmament Agency;

Calendar No. 1018. Lawrence Scheinman, to be an Assistant Director of the United States Arms Control and Disarmament Agency;

Calendar No. 1019. James Sweeney, to be a Special Representative of the President for Arms Control, Nonproliferation, and Disarmament Matters, United States Arms Control and Disarmament Agency, with the rank of Ambassador;

Calendar No. 1020. Thomas W. Graham, Jr., to be Special Representative of the President for Arms Control, Nonproliferation, and Disarmament Matters, United States Arms Control and Disarmament Agency, with the rank of Ambassador; and

Calendar No. 1025. Nelba R. Chavez, to be Ambassador of the Substance Abuse and Mental Health Services Administration.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that upon confirmation, the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection it is so ordered.

The nominations considered and confirmed en bloc are as follows:

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

Michael Nacht, of Maryland, to be an Assistant Director of the United States Arms Control and Disarmament Agency.

Amy Sands, of California, to be an Assistant Director of the United States Arms Control and Disarmament Agency.

Lawrence Scheinman, of New York, to be an Assistant Director of the United States Arms Control and Disarmament Agency.

James Sweeney, of New Mexico, to be a Special Representative of the President for Arms Control, Nonproliferation, and Disarmament Matters, United States Arms Control and Disarmament Agency, with the rank of Ambassador.

Thomas W. Graham, Jr., of Maryland, to be Special Representative of the President for Arms Control, Nonproliferation, and Disarmament Matters, United States Arms Control and Disarmament Agency, with the rank of Ambassador.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Nelba R. Chavez, of Arizona, to be Administrator of the Substance Abuse and Mental Health Services Administration, Department of Health and Human Services.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to the consideration of legislative business.

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 appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:10 a.m. a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 187. Joint Resolution designating July 16 through July 24, 1994, as "National Apollo Anniversary Observance".

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 859. An act to reduce the restrictions on lands conveyed by deed under the Act of June 8, 1926.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1716. An act to amend the act of January 26, 1915, establishing Rocky Mountain National Park, to provide for the protection of certain lands in Rocky Mountain National Park and along North St. Vrain Creek and for other purposes.

H.R. 1873. An act to require certain payments made to victims of Nazi persecution to be disregarded in determining eligibility for and the a mount of benefits or services based on need.

H.R. 3708. An act to reform the operation, maintenance, and development of the Steamtown National Historic Site, and for other purposes.

H.R. 3817. An act to amend the Fishermen's Protection Act.

H.R. 4253. An act to require the Secretary of the Interior to convey the Corning National Fish Hatchery to the State of Arkansas.

H.R. 4364. An act to direct the Secretary of Transportation to transfer administrative jurisdiction over certain lands for inclusion in the Cape Hatteras National Seashore.

H.R. 4504. An act to amend the Atlantic Striped Bass Conservation Act, and for other purposes.

H.R. 4549. An act to amend title 5, United States Code, to provide for travel and transportation expenses for the family of a career appointee in the Senior Executive Service who dies after transferring in the interest of the Government to an official duty station and who was eligible for an annuity at the time of death, and for other purposes.

H.R. 4569. An act to extend and make amendments to the President John F. Kennedy Assassination Records Collection Act of 1992.

H.R. 4598. An act to direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Resources System, and to authorize appropriations to carry out the Coast Barrier Resources Act.

H.R. 4647. An act to direct the Secretary of the Interior to convey to the city of Imperial Beach, California, approximately 1 acre of land in the Tijuana Slough National Wildlife Refuge.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 273. An act to remove certain restrictions from a parcel of land owned by the City of North Charleston, South Carolina, in order to permit a land exchange, and for other purposes.

S. 1402. An act to convey a certain parcel of public land to the county of Twin Falls, Idaho, for use as a landfill, and for other purposes.

S.J. Res. 187. Joint Resolution designating July 16 through July 24, 1994, as "National Apollo Anniversary Observance".

The enrolled bills and joint resolution were subsequently signed by the President pro tempore [Mr. BYRD].

At 4:13 p.m., a message from the House of Representatives deliver 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. 4649. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes.

The message further announced that the House has passed the following joint resolution, with amendments, in which it requests the concurrence of the Senate:

S.J. Res. 172. Joint Resolution designating May 30, 1994, through June 6, 1994, as a "Time for the National Observance of the Fiftieth Anniversary of World War II."

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1716. An act to amend the Act of January 26, 1915, establishing Rocky Mountain National Park, to provide for the protection of certain lands in Rocky Mountain National Park and along North St. Vrain Creek and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3708. An act to reform the operation, maintenance, and development of the Steamtown National Historic Site, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4253. An act to require the Secretary of the Interior to convey the Corning National Fish Hatchery to the State of Arkansas; to the Committee on Environment and Public Works.

H.R. 4364. An act to direct the Secretary of Transportation to transfer administrative jurisdiction over certain lands for inclusion in the Cape Hatteras National Seashore; to the Committee on Commerce, Science, and Transportation.

H.R. 4504. An act to amend the Atlantic Striped Bass Conservation Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 4549. An act to amend title 5, United States Code, to provide for travel and transportation expenses for the family of a career appointee in the Senior Executive Service who dies after transferring in the interest of the Government to an official duty station and who was eligible for an annuity at the time of death, and for other purposes; to the Committee on Governmental Affairs.

H.R. 4569. An act to extend and make amendments to the President John F. Kennedy Assassination Records Collection Act of 1992; to the Committee on Governmental Affairs.

H.R. 4598. An act to direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Resources System, and to authorize appropriations to carry out the Coast Barrier Resources Act; to the Committee on Commerce, Science, and Transportation.

H.R. 4647. An act to direct the Secretary of the Interior to convey to the city of Imperial Beach, California, approximately 1 acre of land in the Tijuana Slough National Wildlife Refuge; to the Committee on Environment and Public Works.

H.R. 4649. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes; to the Committee on Appropriations.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on July 14, 1994, she had presented to the President of the United States, the following enrolled bills and joint resolution:

S. 273. An act to remove certain restrictions from a parcel of land owned by the city of North Charleston, South Carolina, in order to permit a land exchange, and for other purposes.

S. 1402. An act to convey a certain parcel of public land to the county of Twin Falls, Idaho, for use as a landfill, and for other purposes.

S.J. Res. 187. Joint Resolution designating July 16 through July 24, 1994, as "National Apollo Anniversary Observance."

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–3055. A communication from the Deputy General Counsel, Department of Commerce, transmitting a draft of proposed legislation entitled "High Seas Fisheries Licensing Act of 1994"; to the Committee on Commerce, Science, and Transportation.

EC–3056. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to international military education and training; to the Committee on Foreign Relations.

EC–3057. A communication from the Senior Deputy Assistant Administrator (Bureau for Legislative and Public Affairs), U.S. Agency for International Development, transmitting, pursuant to law, the report entitled "Infrastructure Needs Assessment of the New Independent States, Central and Eastern Europe, and Mongolia"; to the Committee on Foreign Relations.

EC–3058. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 1993 through March 31, 1994; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–591. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Commerce, Science, and Transportation.

"LEGISLATIVE RESOLVE

"Whereas, the Alaska Aerospace Development Corporation is a public corporation established by AS 14.40.821; and

"Whereas, the Alaska Aerospace Development Corporation has identified two areas of aerospace development that have special significance to the state, which are the location of satellite ground stations in the Fairbanks area and the construction of a commercial rocket launch facility on Kodiak Island; and

"Whereas, the strategic northern location of the Fairbanks area, the state's state-of-the-art telecommunications systems, the renowned engineering and science faculty and facilities of the University of Alaska, and the availability of skilled employees and contractors have led a number of aerospace companies to express great interest in locating ground stations in the Fairbanks area for the purpose of controlling, communicating with, and processing information from polar-orbiting satellites; and

"Whereas, the growing commercial demand for low-earth orbit satellites is expected to increase the need for a commercial rocket launch facility in the United States; and

"Whereas, the sites proposed by the Alaska Aerospace Development Corporation on Kodiak Island for a rocket launch facility have attracted governmental and aerospace industry interest because of the safety and environmental features of those sites; and

"Whereas, the plans of the Alaska Aerospace Development Corporation for a rocket launch facility promise a low cost, unbureaucratic rocket launch facility free from the restrictions imposed on facilities owned by the federal government; and

"Whereas, the location of ground stations in the Fairbanks area and the construction of the rocket launch facility on Kodiak Island will provide the state with new sources of skilled, long-term employment, provide additional technology infrastructure to the state, and lead to a continued growth in the state's technology industry; and

"Whereas, both of these projects will provide unparalleled educational opportunities for Alaska students because the Alaska Aerospace Development Corporation intends to work with the state's schools during these projects, and this cooperation will expose state students to some notable persons, including some of the best aerospace scientists in the country and Eugene Cernan, who was the last man to walk on the moon and who is on the corporation's board of directors; and

"Whereas, these projects of the Alaska Aerospace Development Corporation would be enhanced if the aerospace industry and the United States government cooperated with and provided technological and other assistance to the Alaska Aerospace Development Corporation during these projects; be it

"*Resolved* That the Alaska State Legislature hereby expresses its support for the projects of the Alaska Aerospace Development Corporation to locate satellite ground stations in the Fairbanks area and to construct a rocket launch facility on Kodiak Island; and be it further

"*Resolved* That the Alaska State Legislature encourages the aerospace industry and the United States government to cooperate and provide technological and other assistance to the Alaska Aerospace Development Corporation for these projects."

POM–592. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Foreign Relations.

"LEGISLATIVE RESOLVE

"Whereas, China has been a divided nation since 1949, and the Republic of China on Taiwan and the People's Republic of China on the Chinese mainland have exercised exclusive jurisdiction over separate parts of China; and

"Whereas, the United Nations' General Assembly Resolution 2758 adopted in 1971 does not constitute a complete solution to the issue of China's seat in the United Nations; and

"Whereas, the Republic of China on Taiwan acknowledges that two equal and distinct political entities exist within the divided China; and

"Whereas, the Republic of China on Taiwan is currently the 14th largest trading nation in the world; its gross national product is the 20th largest national product in the world; its annual per capita income exceeds $10,000; its foreign exchange reserves exceed $80,000,000,000; and it has become the seventh largest outbound investor in the world; and

"Whereas, the 21,000,000 people on Taiwan enjoy a democratic form of government, and the policies of the Republic of China on Taiwan conform to those of other democratic nations; and

"Whereas, the Republic of China on Taiwan has joined other nations in responding to international disasters and crises, has undertaken programs of assistance for less developed nations, and has in other ways accepted regional and global responsibilities; and

"Whereas, the Republic of China on Taiwan has joined several important multilateral organizations in recent years, including the Asia/Pacific Economic Cooperation and the Asian Development Bank, and its admission into these organizations has been supported by the United States; and

"Whereas, a consensus has emerged in the Republic of China on Taiwan that it should participate in the United Nations, and the Republic of China on Taiwan has launched a campaign to pursue a seat in the United Nations without prejudice to the current position of the People's Republic of China in the United Nations; and

"Whereas, membership of the Republic of China on Taiwan in the United Nations conforms to the United Nations' principle of universality and would contribute to the peace and stability of the Pacific region, and, therefore, to the interests of the United States; be it

"*Resolved by the Alaska State Legislature* That the Republic of China on Taiwan deserves to be allowed full membership in the United Nations.

"Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Boutros Boutros Ghali, Secretary-General of the United Nations; the Honorable Madeleine Albright, U.S. Ambassador to the United Nations; the Honorable Robert C. Byrd, President Pro Tempore of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress."

POM–593. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Appropriations.

"RESOLUTION

"Whereas, Local governments are the most responsive to the people's needs and the first governments to feel the wrath of their constituents when taxes increase; and

"Whereas, Local governments play vital roles in the daily lives of their citizens; and

"Whereas, State expenses for Federal mandates cost an estimated $75 billion nationally; and

"Whereas, Up to 60% of some state budgets are spent on Federal-State programs; and

"Whereas, The Federal government continues to create or expand domestic spending programs with little or no review of the financial burdens it will place on state and local governments; and

"Whereas, In 1993 alone, President Clinton signed 13 bills into law, mandating programs that will cost state and local governments billions of extra dollars primarily for health care, human services and justice programs; and

"Whereas, Some mandates, such as the Americans with Disabilities Act of 1990, were enacted without any reliable estimates of the cost to state and local governments; therefore be it

"*Resolved*, That the Senate of Pennsylvania memorialize the United States Congress to provide perpetual funding to state governments, local governments or school districts for any mandated programs it enacts; and be it further

"*Resolved*, That copies of this resolution be transmitted to the President, the Vice-President, presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

POM–594. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Appropriations.

"RESOLUTION

"Whereas, The Commonwealth is currently spending nearly 20% of its State funds on the health care costs of its citizens; and

"Whereas, The costs of health care both to this Commonwealth and to individuals is rising rapidly; and

"Whereas, The Commonwealth must operate a balanced budget and Federal mandates are placing increasing stress on our ability to do so; and

"Whereas, Changes to the very essence of the health care delivery system of the nation are undergoing debate within Congress; and

"Whereas, This debate could profoundly alter the expectations and the finances of the citizens of this Commonwealth; and

"Whereas, Under President Clinton's Health Security Act, states would have the primary responsibility for ensuring that all citizens within a state have access to health plans providing the national benefits package; therefore be it

"*Resolved*, That the Senate of the Commonwealth of Pennsylvania memorialize Congress to provide funding for the health care requirements it implements over the life of those requirements; and be it further

"*Resolved*, That copies of this resolution be transmitted to the President, the Vice President, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

POM-595. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Appropriations.

"RESOLUTION

"Whereas, Local governments are on the front line in the battle against crime; and

"Whereas, Violent crime can ruin the quality of life for the citizens and business enterprises in our cities and towns; and

"Whereas, Local governments are struggling to provide basic services to their citizens with reasonable amounts of tax revenues; and

"Whereas, Some local governments are at maximum allowable rates for property taxes, wage taxes and other taxes; and

"Whereas, The United States House of Representatives and the United States Senate are debating the provisions of President Clinton's anticrime legislation; and

"Whereas, The Crime Bill authorizes over $15 billion in funding to address crime on several fronts, including $3.45 billion to place 100,000 new police officers on the nation's streets, $3 billion for grants to states to construct additional prisons, $7 billion for community programs and $525 million for programs providing employment opportunities for young adults; and

"Whereas, The legislation provides grants for state and local governments to hire additional law enforcement officers; and

"Whereas, Federal funding for the hiring of 100,000 new police officers represents only 75% of the cost while local governments would have to contribute 25%; and

"Whereas, Federal funding for the program is to continue only for three years, and thereafter local governments would have to provide 100% of the future cost of supporting the 100,000 new police officers; and

"Whereas, The legislation mandates life imprisonment for the conviction of a felony if the defendant previously was convicted of two serious Federal or state offenses, thereby putting further financial burdens on state and local correctional systems; therefore be it

"*Resolved*, That the Senate of the Commonwealth of Pennsylvania memorialize Congress to appropriate Federal aid for the police hiring program each year to a level that would allow Federal support to continue beyond three years; and be it further

"*Resolved*, That if Congress cannot commit to fully funding its aid to urban areas by funding programs for as long as a serious crime problem exists in this country, that the grant program be omitted from the Crime Bill in order to avoid putting the unfunded present and future costs onto local governments; and be it further

"*Resolved*, That copies of this resolution be transmitted to the President of the United States, to the Vice President of the United States, to the presiding officers of each House of Congress and to each Member of Congress from Pennsylvania."

POM-596. A joint resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Appropriations.

"ASSEMBLY RESOLUTION

"Whereas, All too often, the federal government attempts to solve problems by mandating programs and policies on State and local governments; and

"Whereas, While these mandates do not cost the federal government any money, they can be expensive to implement, may wreak havoc with State and local government budgets, and often force States and localities to raise taxes and reduce services in non-mandated programs; and

"Whereas, In addition to cost, these mandates may not be appropriate in all areas of the nation; and

"Whereas, Given our system of government, it is wrong for federal politicians to take advantage of their power to place these onerous obligations on State and local governments; and

"Whereas, If federal politicians mandate a program on State and local governments, then the federal government should provide them with the revenues as well as the responsibilities; and

"Whereas, It is now time for federal politicians to recognize that States and localities can no longer afford the financial burden which is being imposed upon them: Now, therefore, be it

"*Resolved by the General Assembly of the State of New Jersey:*

"1. This House memorializes the President and Congress of the United States to federally fund any program which the federal government mandates on State and local governments.

"2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and every member of Congress elected from this State."

POM-597. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on the Judiciary.

"RESOLUTION

"*Resolved*, That the Senate of the Commonwealth of Pennsylvania memorialize Congress to enact legislation that would require Memorial Day to be observed each year on May 30; and be it further

"*Resolved*, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

POM-598. A resolution adopted by the Arkansas Legislative Council relative to health care reform; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation To Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1994" (Rept. No. 103-308).

By Mr. HOLLINGS, from the Committee on Appropriations, with amendments:

H.R. 4603. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies programs for the fiscal year ending September 30, 1995, and making supplemental appropriations for these departments and agencies for the fiscal year ending September 30, 1994, and for other purposes (Rept. No. 103-309).

By Mr. LAUTENBERG, from the Committee on Appropriations, with amendments:

H.R. 4556. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1995, and for other purposes (Rept. No. 103-310).

By Ms. MIKULSKI, from the Committee on Appropriations, with amendments:

H.R. 4624. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1995, and for other purposes (Rept. No. 103-311).

By Mr. SASSER, from the Committee on Appropriations, with amendments:

H.R. 4453. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes (Rept. No. 103-312).

By Mr. KOHL, from the Committee on Appropriations, with amendments:

H.R. 4649. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes (Rept. No. 103-313).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GLENN, from the Committee on Governmental Affairs:

Judith Bartnoff, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years;

Zoe Bush, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years;

Rhonda Reid Winston, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for a term of fifteen years;

John A. Koskinen, of the District of Columbia, to be Deputy Director for Management, Office of Management and Budget; and

Phyllis Nichamoff Segal, of Massachusetts, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 1999.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any

duly constituted committee of the Senate.)

By Mr. NUNN, from the Committee on Armed Services:

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) area to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORDS of February 3, May 3, 12, 17, 19, June 8, 14, 16, 20, 27, and July 1, 1994 and to save the expense of printing again.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of February 3, May 3, 12, 17, 19, June 8, 14, 16, 20, 27, and July 1, 1994 at the end of the Senate proceedings.)

*In the Air Force there are 47 appointments to the grade of brigadier general (list begins with James E. Andrews) (Reference No. 1009).

**In the Navy there is 1 promotion to the grade of lieutenant commander (Christopher Reddin Meehan) (Reference No. 1110).

*Lieutenant General Joseph W. Ralston, USAF for reappointment to the grade of lieutenant general (Reference No. 1168).

*Major General Lawrence E. Boese, USAF to be lieutenant general (Reference No. 1169).

*Brigadier General Charles H. Roadman, II, USAF to be major general (Reference No. 1255).

*Major General John P. Jumper, USAF to be lieutenant general (Reference No. 1300).

*Admiral Charles R. Larson, USN for reappointment to the grade of admiral (Reference No. 1318).

*Vice Admiral Ronald J. Zlatoper, USN to be admiral (Reference No. 1342).

*Rear Admiral (Selectee) Frank L. Bowman, USN to be Chief of Naval Personnel and to be vice admiral (Reference No. 1343).

*Vice Admiral Joseph P. Reason, USN for reappointment to the grade of vice admiral (Reference No. 1344).

*Rear Admiral Conrad C. Lautenbacher, Jr., USN to be vice admiral (Reference No. 1345).

*Rear Admiral Philip M. Quast., USN to be vice admiral (Reference No. 1346).

*Rear Admiral John S. Redd, USN to be vice admiral (Reference No. 1347).

*Rear Admiral (Selectee) Archie R. Clemins, USN to be vice admiral (Reference No. 1348).

**In the Navy there are 185 promotions to the grade of captain (list begins with Martin E. Bacon) (Reference No. 1353).

*Lieutenant General Thomas S. Moorman, Jr., USAF to be general and to be Vice Chief of Staff, United States Air Force (Reference No. 1358).

*Rear Admiral (lower half) Donald K. Muchow, USN to be Chief of Chaplains and to be rear admiral (Reference No. 1374).

*Major General Patrick P. Caruana, USAF to be lieutenant general (Reference No. 1380).

*Major General Steven L. Arnold, USA to be lieutenant general (Reference No. 1381).

*Brigadier General John J. Cuddy, USA to be Assistant Surgeon General/Chief of Dental Corps and to be major general (Reference No. 1382).

*Lieutenant General Richard D. Hearney, USMC to be general (Reference No. 1385).

*Lieutenant General George R. Christmas, USMC to be lieutenant general (Reference No. 1390).

*Lieutenant General Robert B. Johnston, USMC to be lieutenant general (Reference No. 1391).

*Lieutenant General Charles C. Krulak, USMC to be lieutenant general (Reference No. 1392).

*Major General Arthur C. Blades, USMC to be lieutenant general (Reference No. 1393).

*Major General Harry W. Blot, USMC to be lieutenant general (Reference No. 1394).

*Major General James A. Brabham, Jr., USMC to be lieutenant general (Reference No. 1395).

*Major General Charles E. Wilhelm, USMC to be lieutenant general (Reference No. 1396).

**In the Air Force there are 21 appointments to the grade of second lieutenant (list begins with David C. Allred, Jr.) (Reference No. 1397).

*Lieutenant General John H. Tilelli, Jr., USA to be general (Reference No. 1406).

**In the Air Force and Air Force Reserve there are 20 appointments to the grade of colonel and below (list begins with Jerry J. Foster) (Reference No. 1408).

**In the Marine Corps Reserve there are 41 promotions to the grade of colonel (list begins with John B. Atkinson) (Reference No. 1409).

**In the Navy and Naval Reserve there are 28 appointments to the grade of commander and below (list begins with Dale C. Hoover) (Reference No. 1410).

*Major General Paul E. Blackwell, USA to be lieutenant general (Reference No. 1417).

*Vice Admiral Douglas J. Katz, USN for reappointment to the grade of vice admiral (Reference No. 1418).

*Vice Admiral Timothy W. Wright, USN for reappointment to the grade of vice admiral (Reference No. 1423).

*Rear Admiral William A Earner, Jr., USN to be vice admiral (Reference No. 1424).

**In the Navy there is 1 promotion to the grade of captain (Douglas Jay Law) (Reference No. 1425).

**In the Navy there are 936 promotions to the grade of commander (list begins with Donald Michael Abrashoff) (Reference No. 1426).

*Lieutenant General Walter Kross, USAF for reappointment to the grade of lieutenant general (Reference No. 1433).

*Major General Bruce L. Fister, USAF to be lieutenant general (Reference No. 1434).

*Major General Jay M. Garner, USA to be lieutenant general (Reference No. 1436).

*Brigadier General Donald W. Shea, USA to be Chief of Chaplains and to be major general (Reference No. 1440).

*Lieutenant General James L. Jamerson, USAF to be general (Reference No. 1452).

*Lieutenant General Albert J. Edmonds, USAF for reappointment to the grade of lieutenant general (Reference No. 1454).

*Major General Thomas R. Griffith, USAF to be lieutenant general (Reference No. 1455).

**In the Air Force Reserve there are 44 promotions to the grade of lieutenant colonel (list begins with George B. Barnett) (Reference No. 1459).

**In the Air Force there are 9 appointments to the grade of second lieutenant (list begins with Todd E. Combs) (Reference No. 1460).

**In the Army Reserve there are 24 promotions to the grade of colonel and below (list begins with Terrance R. Brand) (Reference No. 1462).

**In the Army Reserve there are 43 promotions to the grade of colonel and below (list begins with William D. Bertolio) (Reference No. 1463).

**In the Marine Corps there are 33 appointments to the grade of second lieutenant (list begins with Geoffrey H. Barker) (Reference No. 1464).

**In the Naval Reserve there are 1,112 promotions to the grade of commander (list begins with Jeffery R. Abel) (Reference No. 1465).

**In the Air Force Reserve there are 72 promotions to the grade of colonel (list begins with Thomas F. Astaldi) (Reference No. 1466).

**In the Army there are 1,068 appointments to the grade of major and below (list begins with Peter M. Abbruzzese) (Reference No. 1467).

*Lieutenant General Joseph W. Ashy, USAF to be general (Reference No. 1477).

*Major General Caryl G. Marsh, USA to be lieutenant general (Reference No. 1478).

**In the Army there is 1 appointment as permanent professor at the United States Military Academy (Anthony E. Hartle) (Reference No. 1481).

**In the Marine Corps there is 1 promotion to the grade of major (John C. Burlingame) (Reference No. 1482).

**In the Air Force Reserve there are 37 promotions to the grade of lieutenant colonel (list begins with Hunter E. Blackmon) (Reference No. 1483).

**In the Navy there are 490 promotions to the grade of commander (list begins with Charles Francis Adams) (Reference No. 1484).

**In the Air Force there are 39 promotions to the grade of colonel and below (list begins with Frankie L. Griffin) (Reference No. 1492).

**In the Air Force and Air Force Reserve there are 24 appointments to the grade of colonel and below (list begins with Norma J. C. Correa) (Reference No. 1493).

**In the Air Force Reserve there are 13 appointments to the grade of colonel and below (list begins with Mel P. Simon) (Reference No. 1494).

**In the Air Force Reserve there are 38 promotions to the grade of lieutenant colonel (list begins with Dale R. Anderson) (Reference No. 1495).

**In the Army Reserve there are 11 appointments to the grade of colonel and below (list begins with Victor Guiterrez-Fulladosa) (Reference No. 1496).

**In the Army there are 5 promotions to the grade of colonel and below (list begins with Joe C. Crain) (Reference No. 1497).

**In the Army there are 5 promotions to the grade of colonel and below (list begins with John M. Riggs) (Reference No. 1498).

**In the Army there is 1 promotion to the grade of colonel (Charles C. Franz) (Reference No. 1499).

**In the Army there are 4 promotions to the grade of lieutenant colonel and below (list begins with Stanley H. Unser) (Reference No. 1500).

**In the Army there are 2 promotions to the grade of major (list begins with Jill Wruble) (Reference No. 1501).

**In the Navy and Naval Reserve there are 28 appointments to the grade of commander and below (list begins with Louis W. Bremer) (Reference No. 1502).

**In the Army there are 49 promotions to the grade of lieutenant colonel (list begins with Samuel J. Boone) (Reference No. 1521).

**In the Army there are 1,167 promotions to the grade of lieutenant colonel (list begins

with Robert B. Abernathy) (Reference No. 1522).

*Lieutenant General James A. Fain, Jr., USAF for reappointment to the grade of lieutenant general (Reference No. 1537).

**In the Army Reserve there are 28 promotions to the grade of colonel (list begins with Robert F. Anderson II) (Reference No. 1539).

**In the Army Reserve there are 31 promotions to the grade of colonel and below (list begins with Michael J. Bacino) (Reference No. 1540).

*Vice Admiral Richard C. Macke, USN to be admiral (Reference No. 1546).

*Vice Admiral Michael P. Kalleres, USN to be placed on the retired list in the grade of vice admiral (Reference No. 1547).

**In the Marine Corps there are 5 appointments to the grade of second lieutenant (list begins with Ned M. Beihl) (Reference No. 1548).

Total: 5,706.

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. SHELBY (for himself, Mr. THURMOND, Mr. REID, and Mr. STEVENS):

S. 2283. A bill to amend title XVIII of the Social Security Act to provide for coverage of prostate cancer screening and certain drug treatment services under part B of the Medicare program, to amend chapter 17 of title 38, United States Code, to provide for coverage of such screening and services under the programs of the Department of Veterans Affairs, and to expand research and education programs of the National Institutes of Health and the Public Health Service relating to prostate cancer; to the Committee on Finance.

By Mr. CAMPBELL:

S. 2284. A bill to redesignate the Black Canyon of the Gunnison National Monument as a national park, to establish the Black Canyon of the Gunnison National Conservation Area, to establish the Curecanti National Recreation Area, to include the Gunnison River in the Nation's Wild and Scenic River System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. BOXER:

S. 2285. A bill to provide for the sound management and protection of redwood forest areas in Humboldt County, California, by adding certain lands and waters to the Six Rivers National Forest and by including a portion of such lands in the national wilderness preservation system, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LUGAR (for himself and Mr. COATS):

S. 2286. A bill to amend title 23, United States Code, to provide for the use of certain highway funds for improvements to railway-highway crossings; to the Committee on Environment and Public Works.

By Mr. HATCH:

S. 2287. A bill to amend the Internal Revenue Code of 1986 to simplify the assessment and collection of the excise tax on arrows; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. STEVENS, Mr. D'AMATO, and Mr. JOHNSTON):

S. Res. 243. A resolution recognizing the REALTORS Land Institute on the occasion of its 50th Anniversary; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SHELBY (for himself, Mr. THURMOND, Mr. REID, and Mr. STEVENS):

S. 2283. A bill to amend title XVIII of the Social Security Act to provide for coverage of prostate cancer screening and certain drug treatment services under part B of the Medicare Program, to amend chapter 17 of title 38, United States Code, to provide for coverage of such screening and services under the programs of the Department of Veterans Affairs, and to expand research and education programs of the National Institutes of Health and the Public Health Service relating to prostate cancer; to the Committee on Finance.

THE PROSTATE CANCER DIAGNOSIS AND TREATMENT ACT OF 1994

Mr. SHELBY. Mr. President, today I am introducing the Prostate Cancer Diagnosis and Treatment Act of 1994. This year 200,000 men will be diagnosed with prostate cancer and another 38,000 will die from this disease. While advancements in medical technology and treatments are offering the victims of this disease an ever-increasing chance of early detection and survival, coverage for prostate cancer screening and treatment under our Federal health care programs remains far behind these advancements.

Mr. President, in March of this year I was diagnosed with prostate cancer. The cancer was discovered through a prostate specific antigen or PSA test administered as part of a routine physical. I had no physical symptoms—no indication that I was seriously ill with a potentially deadly disease. In early April I had surgery to remove the cancer and I am pleased to report that the surgery was successful and that no further treatments were necessary. The promptness of detection in my case and in most other prostate cancer cases usually means the difference between survival or death.

However, for millions of Medicare recipients and veterans, members of an age group that encompasses 90 percent of prostate cancer victims, the simple PSA test and other advanced tests that lead to early detection and more effective treatment are not available as part of their health care coverage.

As a result of this gap in coverage, prostate cancer deaths have increased by 17 percent between 1988 and 1992. Prostate cancer currently has a mortality rate of 25 percent, a rate equal to that of breast cancer. This Nation currently spends over 1 billion dollars per year on late stage prostate cancer treatment because of a lack of early detection. Mr. President, there are a few inexpensive and simple steps that Congress can take to significantly reduce the mortality rate for this disease.

The Medicare and veterans health programs that are under the direct control of Congress cover much of the age group most at risk for prostate cancer. The legislation that I am introducing would provide for PSA and ultrasound screening tests as a part of Medicare—tests not currently covered by the program. This one step will provide early detection for thousands of prostate cancer cases each year—detection that will significantly enhance the survival chances in these cases.

In addition, this bill would extend prostate cancer screening to the veterans health care program. There is currently no screening program available under Veterans health coverage. Annual screening is recommended by the American Urological Association for men over 50.

This initiative would also add Medicare coverage for prostate cancer treatment with advanced oral drugs that are significantly extending and improving the lives of prostate cancer victims. Finally, the bill would provide for increased authorization for research into the causes of and treatments for prostate cancer over the next 2 fiscal years.

Mr. President, regardless of the outcome of the health care reform debate, Congress must and ultimately will address this deficiency in our Federal health programs. To make the simple changes in these programs that I have outlined here today will save thousands of lives in the years to come and bring us closer to eliminating this killer disease that afflicts so many American men. I urge my colleagues to join me in support of this legislation.

Mr. BRADLEY. Mr. President, let me express to the distinguished Senator from Alabama, I respect him very greatly for his statement, and all of his colleagues are also enormously thankful that the operation was a success.

By Mr. CAMPBELL:

S. 2284. A bill to redesignate the Black Canyon of the Gunnison National Monument as a national park, to establish the Black Canyon of the Gunnison National Conservation Area, to establish the Curecanti National Recreation Area, to include the Gunnison River in the Nation's Wild and Scenic River System, and for other purposes; to the Committee on Energy and Natural Resources.

THE BLACK CANYON CONSERVATION ACT

Mr. CAMPBELL. Mr. President, I am sending legislation to the desk to designate the existing Black Canyon of the Gunnison National Monument as a national park, designate the Gunnison River as a Wild and Scenic River, establish the Black Canyon of the Gunnison National Conservation Area and establish the Curecanti National Recreation Area.

My goal is not to enact this legislation this Congress—the issues may be too numerous and complicated for that—but to hold hearings, learn what the administration thinks of my efforts, wrestle over any changes that need to be made and consult with my colleagues so Congress can move forward expeditiously next year.

Many of the most complicated issues I have addressed in this bill involve water and water rights. That's no surprise given that this legislation directly impacts a major tributary of the Colorado River. I have waited until now to introduce this bill primarily so that those who want to dissect, interpret, and construe the language of the bill will have ample time to help me clarify my language if necessary.

The designation of a new national park, national conservation area and a wild and scenic river could give rise to the creation of new Federal reserve water rights. Rather than debate the issue of whether Federal reserve water rights exist, and whether or not they should be expressly denied, I have elected in the bill to define any new Federal reserve water rights up front.

Coloradoans have just spent 10 years debating about the issue of Federal reserved rights and wilderness areas. It was not clear whether the creation of new wilderness areas gave rise to a Federal reserved water rights. What was clear was that Congress will not pass a bill that denies such a right if it would otherwise be created.

This bill states that any Federal reserved water right arising from these designations shall not expand or conflict with the existing reserved water right for the Black Canyon of the Gunnison National Monument, which has been decreed but not quantified. The language of the bill also states that such Federal water rights are to be exercised coincident with the existing reserved water right and shall be deemed to be fully satisfied by deliveries under the water service contract described in section 8(c) of the bill.

This language allows us to avoid arguments about the creation of Federal reserved water rights and allows us to focus on the mechanism that can ensure water deliveries and the protection of these new BLM and national park system units.

The other major issue comes down to increasing congressional hostility to new national parks. It is no secret that we are loving our parks to death. I recognize that we do not have the money to properly maintain the parks we have, and there is a reluctance to designate new parks without some set criteria. I have addressed these issues head on in my bill, and I welcome some lively debate about the suitability of the redesignation I am proposing.

Mr. President, I want to say that this bill has really taken nearly a decade to produce. The time has come to either protect these resources for future generations or set this proposal aside. I say this because in the next 2½ years, I want proponents to give their all to help me pass a bill. I want all the parties involved to roll up their sleeves and work with me.

Finally, I ask that the rest of my statement, a copy of the bill and a section-by-section breakdown of the bill be included in the RECORD at this time.

BACKGROUND

Even before my election to the House of Representatives in 1986, citizens of local communities, representatives of national environmental organizations, and Federal and State officials have been working as members of an informal advisory committee to help draft legislation to redesignate the Black Canyon of the Gunnison in western Colorado as a national park.

As with all proposals seeking to change the use or status of a public resource, many of the advisory committee members have had competing interests. For instance, the western Colorado congress favored protecting the Gunnison River; water users were concerned about the potential impacts of any Federal reserved water rights that would be created by these designations; the Colorado River energy distributors sought to minimize the impact of the legislation on the operation of the huge Federal dams on the river; the Montrose Chamber of Commerce wants to use the designation to attract visitors; while the Wilderness Society, the Sierra Club, and the National Parks and Conservation Association worked to ensure the bill would not be contrary to what they felt our Nation's natural resource policies ought to be. Other members of the advisory committee included: The National Park Service, the Bureau of Land Management, the Western Area Power Administration, the Colorado Cattleman's Association, the Colorado Off-Highway Vehicle Users Coalition, and river rafting representatives.

I asked the members of the advisory committee to try to reach some consensus on a proposal that would accomplish several goals:

Allow Representatives and Senators from every State to judge whether the Black Canyon of the Gunnison is worthy of national park designation;

Address competing demands for water from the Gunnison River Basin;

Protect the Gunnison River and the lower Gunnison Gorge;

Protect legitimate existing uses of the areas;

Acknowledge the local need to attract tourism to the area; and

Use existing resources, including land-use planning documents, to the fullest extent.

To give you an idea why I wanted to undertake this effort, I would like to refer to a Southwest Parks and Monuments booklet that begins by stating, "Few words adequately describe the splendor of the Black Canyon of the Gunnison—far too many people pass by it. A relative unknown, it ranks among the deepest and narrowest canyons in North America, dwarfing such popular chasms as the Royal Gorge and Bryce Canyon." Truly, its sheer walls, shadowed depths, and the intense colors produced by canyon sunsets awe every visitor. The Ute Indians were very superstitious about the canyon, believing that no man could enter it and return alive.

The existing Black Canyon of the Gunnison National Monument, managed by the National Park Service, and the adjacent downstream Gunnison Gorge Special Recreation Management Area, managed by the Bureau of Land Management, are located in western Colorado. The 29-mile canyon—which includes the national monument and the BLM area—contain steep walls, a deep gorge and unparalleled scenery. The canyon and its rim host a variety of wildlife, including bears, cougars, golden eagles, and peregrine falcons. Recreational uses include gold-medal fishing, hiking, climbing—and in the BLM managed portion—white-water boating, grazing, hunting and trapping. Finally, flowing through the Black Canyon and the nationally significant BLM lands is one of the most outstanding and scenic rivers in the Nation—the Gunnison River.

NATIONAL PARK DESIGNATION

The Black Canyon of the Gunnison National Monument was established in 1933 by Presidential proclamation under the 1906 Antiquities Act. This bill would redesignate it as the Black Canyon of the Gunnison National Park. No lands would be added to the 20,700-acre monument—and none need to be as the monument has been expanded in 1938, 1939, 1960, and 1984, and a wilderness area was added in 1976.

Many complain that we cannot afford any new parks because we cannot afford to manage the parks we already have. I was very mindful of this complaint and in 1988, I asked the Interior Appropriations Subcommittee to direct the National Park Service to complete a "Resource/Boundary Evaluation for Lands Adjacent to Black Canyon of the Gunnison National Monument, Colorado." This study concluded that without the addition of other significant resources, the monument did not qualify for national park status.

I agree that generally, a national park is considered to have a wider variety of resources than a national monument. There is no set criteria for the establishment of a national park, however. No pattern for a park exists and the routes to national park status are as varied as the national parks themselves. Some parks are bigger and some national parks are smaller than the Black Canyon of the Gunnison National Monument. The decision about what areas are suitable for national park designation and which areas are not suitable for national parks status is entirely up to Congress.

Nevertheless, beginning with the premise that my advisory group needed to identify other resources for protection that would be consistent with the National Park Service's recommendation, we set about to craft a proposal that would use the redesignated monument as the centerpiece for an entire enclave of federally protected resources.

NATIONAL CONSERVATION AREA

The second component of this proposal would designate about 64,000 acres of adjacent BLM managed lands as a national conservation area. Within that area, about 21,038 acres have been recommended as wilderness.

The bill would withdraw from mineral entry, subject to valid existing rights, all Federal lands within the NCA. This shouldn't have any impact as the number of mining claims is very small—the BLM has said there are only 10 claims in the entire area—and the possibility of these claims ever being developed in very slim. Hunting, trapping, and fishing would be allowed in the NCA, as would grazing permitted prior to the bill's enactment. Motorized vehicle use is allowed on specifically designated routes. A general management plan is required to be prepared within 3 years after enactment.

In the eyes of my advisory committee, this conservation area constituted the second leg of the triad of resources it wanted to protect.

WILD AND SCENIC RIVER

The bill would also designate a 26-mile segment of the Gunnison River as a wild and scenic river. This segment would begin within the national monument and continue downstream to its confluence with the North Fork, below the NCA boundary.

Although Colorado has many scenic rivers and wild rivers, only one has the national designation under the Wild and Scenic Rivers Act. The advisory committee felt, and the BLM and Park Service agreed, that the Gunnison River deserves to be the second river to be designated as wild and scenic. But before the river could be protected, many complex legal and political issues remained to be resolved.

The first step to resolving the outstanding water rights issues was to have the State Water Conservation Board accept a water right that was donated by Chevron to the Nature Conservancy. This water right provides the basis and required legal protection under State water law for a permanent instream flow of 300 cubic feet per second that will flow through the Gunnison Gorge.

I was particularly excited about the acceptance of this water right because it proved that parties, historically at odds, could overcome philosophical differences in order to implement a permanent in-stream flow below a national monument, where a recognized Federal reserve water right already exists. In addition, monument's existing Federal reserve water right is being quantified by the National Park Service and can protect the national park with a much more senior water right than any new Federal reserve water right could.

The second step was to ensure that future water development would not harm the stretch of river proposed for designation. Therefore, House Natural Resources Committee Chairman MILLER and National Parks, Forest and Public Lands Subcommittee Chairman VENTO joined me in writing to the Bureau of Reclamation on several occasions to request that the Bureau take this legislation into consideration before permitting any new projects on the Gunnison River.

In response, the Bureau of Reclamation proposed crafting a contract that would allow it to provide adequate flows for the wild and scenic river through the national park and conservation area for fish, wildlife, and recreation users, in addition to satisfying the demand for water from Blue Mesa Reservoir.

ASPINALL WATER SERVICE CONTRACT

An Aspinall water service contract may provide the perfect solution for settling the longstanding water rights controversies the advisory committee faced, and which remained unresolved when I first introduced this bill in 1990. Therefore, I have included language in this bill that directs the Bureau of Reclamation to operate the Federal dams on the river on an interim basis to provide water for the reasonable protection of natural resources of the areas established by this bill until the water contract has been completed. When completed, the contract is intended to fully satisfy the water needs of the new areas and the wild and scenic river—and it will have been completed cooperatively by many who originally had the vision to form the advisory committee to push this legislation forward.

Finally, the Secretary must implement this bill consistent with and subject to all the compacts, and other applicable Federal laws that govern the allocation, appropriation, development, and exportation of the waters of the Colorado River Basin.

NATIONAL RECREATION AREA

The last component of this proposal involves the Curecanti National Recreation Area. The national recreation area was first recognized through an agreement between the National Park Service and the Bureau of Reclamation. This 40,000-acre recreation area serves more than a million visitors each year, making it one of the most popular attractions in Colorado.

Although the area has been operating under a cooperative agreement, approved by the Secretary of the Interior, Congress has never formally recognized it, making it difficult for the Park Service to secure adequate funding.

This proposal legislatively establishes the boundaries of the NRA on existing Federal lands and acknowledges the recreational purpose for which the land has been set aside. The bill "grandfathers" in such existing uses as grazing, hunting, fishing, off-road vehicle use, snowmobiling, and other uses that do not interfere with the primary purpose of the CRSP Act, which was water storage and power generation.

The bill also allows the National Park Service to convey a parcel of land next to the Gunnison River, 7 miles west of Gunnison, to the community if it wishes to develop a city park between the town and the recreation area. This would help Gunnison realize one of its many long-term goals for keeping tourists in Gunnison county.

The Aspinall water service contract will take into consideration the water needs of the recreation area such that the water related needs of all areas which are part of this legislation will be provided for in the best possible manner.

SUMMARY

I believe this bill accomplishes several things. First, it redesignates the Monument as a national park without expanding the park boundaries. This preserves existing multiple uses within the area that are so important to off-road vehicle enthusiasts, hunters and fishermen, and local cattlemen who have grazing permits on adjacent lands. It also fulfills the demands of local business people who have long felt that only a park could entice new tourists to pass by this way.

I realize this designation, however, does not and cannot come without cost. With increased use must come increased protection for the canyon's resources. A national park is a lot like a living museum. It is designed to interpret and protect, for all Americans and all generations, an area that Congress has set aside because of its unique and diverse resources.

Combined with the establishment of a new national conservation area, one of only a handful of special areas run by the Bureau of Land Management, and the establishment of only the second wild and scenic river in our State, I hope my colleagues will agree that

Colorado deserves another national park and stands ready to accept the responsibility that comes with it.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

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

SECTION-BY-SECTION DESCRIPTION

(Italic text indicates changes from H.R. 1321 as introduced in the 102d Congress.)

SECTION 1. SHORT TITLE

This section states that the bill's short title is the "Black Canyon Conservation Act."

SECTION 2. REDESIGNATION OF THE NATIONAL MONUMENT AS A NATIONAL PARK

Section 2(a) redesignates the existing Black Canyon of the Gunnison National Monument as a national park.

Section 2(b) states that the new park shall consist of lands within the existing Black Canyon of the Gunnison National Monument and preserves all existing rights within the new park.

Section 2(c) directs the Secretary to manage the new park in accordance with the National Park Service's organic act. This section states that nothing in this Act shall interfere with the purposes of the original Presidential proclamations establishing the Black Canyon of the Gunnison National Monument. *The language referring to the proclamation is intended to ensure that the existing federal reserved water right for the monument is preserved. This bill does not contain the express disclaimer of a federal reserved water right contained in section 3 of H.R. 1321.*

Section 2(d) states that any federal reserved water right arising from the designation of the national park shall not expand or conflict with the existing reserved water right for the Black Canyon of the Gunnison National Monument. This section also states that such federal water rights are to be exercised coincident with the existing reserved water right and that any federal reserved water right for the national park area shall be deemed to be fully satisfied by deliveries under the water service contract described in section 8(c) herein in any year. *H.R. 1321 denied the reservation of a federal reserved water right for the designated national park.*

Section 2 of H.R. 1321 also stated congressional findings and purposes which is no longer included. Section 3 of H.R. 1321 contained the provisions now included in section 2.

SECTION 3. ESTABLISHMENT OF THE BLACK CANYON OF THE GUNNISON NATIONAL CONSERVATION AREA

Section 3(a) and 3(b) establishes the 64,139 acre Black Canyon of the Gunnison National Conservation Area.

Section 3(c) directs the Secretary to prepare and file maps and boundary descriptions of the area. *H.R. 1321 directed the Secretary to file legal descriptions instead of boundary descriptions. Eliminating the requirement of a formal legal description eliminates the need to resurvey the area.*

Section 3(d) directs the Secretary to manage the conservation area in accordance with the Federal Land Policy and Management Act and other applicable laws.

Section 3(e) withdraws the lands within the conservation area (subject to valid existing rights) from mineral entry and from mineral and geothermal leasing.

Section 3(f) allows hunting, trapping and fishing to continue within the conservation area in consultation with the state wildlife agency.

Section 3(g) allows grazing to continue within the conservation area in accordance with the Taylor Grazing Act. *H.R. 1321 allowed grazing to continue within the conservation area in accordance with the Colorado Wilderness Act.*

Section 3(h) states that any federal reserved water right arising from the designation of the conservation area shall not expand or conflict with the existing reserved water right for the Black Canyon of the Gunnison National Monument. This section also states that such federal water rights are to be exercised coincident with the existing reserved water right and that any federal reserved water right for the conservation area shall be deemed to be fully satisfied by deliveries under the water service contract described in section 8(c) herein in any year. *H.R. 1321 denied the reservation of a federal reserved water right for the conservation area.*

Section 3(i) states that motorized vehicles may be used within the conservation area on designated routes. *This language simplifies and clarifies similar provisions contained in H.R. 1321.*

Section 3(j) states that the Secretary shall have the power to limit visitor use of the conservation area if he finds it appropriate for the protection of the area. *This is a new section designed to protect the conservation area.*

Section 3(k) states that persons who violate regulations that are established to protect the conservation area shall be subjected to a fine of $10,000 and/or one year's imprisonment.

H.R. 1321 contained a provision designating the BLM wilderness study area within the conservation as wilderness. That provision is not in this bill.

SECTION 4. DESIGNATING THE GUNNISON RIVER AS A WILD AND SCENIC RIVER

Section 4(a) designates the Gunnison River from the upstream boundary of the Black Canyon of the Gunnison National Monument to the Smith Fork as a Wild and Scenic River. *H.R. 1321 designated the Gunnison River as a Wild and Scenic River to the North Fork of the Gunnison River. Withdrawing the designation to the Smith Fork ensures if any project is developed downstream of the designated reach, no injurious inundation of the reach will occur.*

Section 4(b) states that the storage, diversion and consumptive use of Gunnison River water downstream of the designated reach shall not be considered to have an adverse effect on the water related values of the newly designated river. *H.R. 1321 stated that the storage, diversion and consumptive use of Gunnison River water outside of the designated reach shall not be considered to have an adverse effect on Wild and Scenic River. The specification that downstream development will not be injurious is similar to the provisions in the Cache La Poudre designation. Upstream development will not be impaired, nor will it be injurious to the Wild and Scenic designation of this reach of the Gunnison River. The reach designated as a Wild and Scenic River is insulated from upstream development by the operation of the Wayne N. Aspinall Unit and will be protected by the contract described in section 8(c).*

Section 4(c) states that any federal reserved water right arising from the designation of the Wild and Scenic River shall not expand or conflict with the existing reserved water right for the Black Canyon of the Gunnison National Monument. This section also states that such federal water rights are to be exercised coincident with the existing reserved water right and that any federal reserved water right for the Wild and Scenic River area shall be deemed to be fully satisfied by deliveries under the water service contract described in section 8(c) herein in any year. *H.R. 1321, denied the reservation of a federal reserved water right for the designated Wild and Scenic River reach.*

SECTION 5. GENERAL MANAGEMENT PLAN AND VISITOR CENTER

Section 5(a) instructs the Secretary to develop a comprehensive plan for the long-range protection and management of the conservation area within three years of enactment. The plan will incorporate the Bureau of Land Management's existing Uncompahgre Basin Resource Management Plan (completed on September 1988), the Gunnison Gorge Recreation Area Management Plan completed on July 24, 1985 and supplemented on July 21, 1988). The plan shall also incorporate existing wildlife habitat management plans and directs the Secretary to consult with the state of Colorado.

Section 5(b) authorizes the Secretary to construct a visitor center. *This provision was not included in H.R. 1321.*

Section 5(c) allows private or state lands that are within or contiguous to the boundaries of the conservation area to be incorporated into the conservation area if they are acquired, without the need for statutory approval.

Section 5(d) prohibits the disposal of federal lands within the conservation area. This section also directs the Secretary to manage the Bureau of Land Management Wilderness Study Area within the conservation area in a manner so as not to impair their suitability as wilderness.

SECTION 6. ESTABLISHMENT OF THE CURECANTI NATIONAL RECREATION AREA

This section was not included in H.R. 1321. It was introduced as H.R. 2925, in the 102d Congress.

Section 6(a) establishes the Curecanti National Recreation Area as a unit of the National Park System.

Section 6(b) directs the Secretary to prepare and file maps and boundary descriptions of the area.

Section 6(c) withdraws lands within the recreation area (subject to valid existing rights) from mineral entry and from mineral and geothermal leasing. This section transfers administrative control of the recreation area from the Bureau of Reclamation to the National Park Service. It states that the establishment of the recreation area will not adversely affect the operation and management of dams, structures, or other facilities appurtenant to the Colorado River Storage Project. It states that all lands within the recreation area which have been withdrawn or acquired for reclamation purposes shall remain subject to the purposes and uses established under the Colorado River Storage Project Act of 1956 and such lands shall be delineated through a joint agreement between the Bureau of Reclamation, the National Park Service, and all associated entities.

Section 6(d) adjusts the boundary of the Gunnison National Forest to reflect the transfer of jurisdiction.

SECTION 7. ADMINISTRATION OF THE CURECANTI NATIONAL RECREATION AREA

This section was not included in H.R. 1321. It was introduced as H.R. 2925, in the 102d Congress.

Section 7(a) directs the Secretary to administer the recreation area in accordance with this Act and National Park Service organic act.

Section 7(b) directs the Secretary to provide for general recreation uses; grazing; the maintenance of roads, stock driveways, and utility rights-of-way; off-road vehicle and snowmobile use on designated routes; and other such uses as the Secretary may deem appropriate.

Section 7(c) directs the Secretary to permit hunting, fishing, and trapping within the recreation area. This section allows the Secretary, after consultation with the Colorado Division of Wildlife, to issue regulations, designating zones and establish periods when such activities will not be permitted.

Section 7(d) allows the Secretary to acquire land within, or adjacent to, the boundaries of the recreation area. This section directs the Secretary to sell or exchange real property and improvement within the recreation area, in parcels of 10 acres or less if encroached upon by improvements occupied by persons who in good faith relied upon an erroneous survey, title search, or other land description indicating that there was no such encroachment. This section prohibits the Secretary from selling or exchanging such a tract for less than fair market value, and that the authority to sell or exchange such tracts expires after 10 years.

Section 7(e) directs the Secretary to convey to the city of Gunnison, Colorado, the land known as the Riverway Tract to be used for recreational purposes.

SECTION 8. OPERATION OF FEDERAL WATER PROJECTS

This section was not included in H.R. 1321.

Section 8(a) directs the Secretary to operate the Wayne N. Aspinall Unit of the Colorado River Storage Project to provide water for the reasonable protection of natural resources of the areas established by this Act until the water contract in section 8(c) has been completed. In determining such operations, the Secretary shall consider project purposes, existing water uses and shall consult with water users, the Bureau of Reclamation, the National Park Service, the Bureau of Land Management, the Fish and Wildlife Service, the State of Colorado, contractors who purchase Federal power produced at the Unit, and other entities the Secretary may deem appropriate.

Section 8(b) directs the Secretary to operate the Wayne N. Aspinall Unit and the Uncompahgre Project in a manner that is consistent with the Taylor Park Reservoir Operation and Storage Exchange Agreement dated August 28, 1975, by and between the United States of America, the Colorado River Water Conservation District, the Upper Gunnison Water Conservation District, and the Uncompahgre Valley Water Users Association, as amended.

Section 8(c) directs the Secretary to execute a water service contract as described in the notice to the Federal Register of Wednesday, May 8, 1992, (Vol. 57, No. 88) providing for the delivery of water to areas established by this Act. The water service contract shall be deemed to fully satisfy and fulfill any and all water needs and purposes created by Sections 2, 3 and 4 of this Act.

Section 8(d) directs the Secretary to implement this Act in a manner fully consistent with and subject to the Colorado River Compact, the upper Colorado River Basin Compact, The Water Treaty of 1944 with Mexico, the Boulder Canyon Project Act, the Boulder County Project Adjustment Act, the Colorado River Storage Project Act of 1956, the Colorado River Project Act, and any other applicable Federal reclamation law or decree that governs the allocation, appropriation, development, and exportation of the waters of the Colorado River Basin. It states that nothing in the Act shall be construed to affect in any way the allocations of water secured to the Colorado River Basin States by any compact law or decree; or any Federal environmental law.

Section 8(e) prohibits the Secretary from using funds from the sale of electric power and energy to carry out the purposes of the Act. If the Secretary finds that in any year that the enactment of this Act does cause a reduction in net offsetting receipts generated by all the provisions of this Act, those costs shall be nonreimbursable.

SECTION 9. AUTHORIZATION OF APPROPRIATIONS.

Section 9 authorizes appropriations to carry out the purposes of the Act.

By Mrs. BOXER:

S. 2285. A bill to provide for the sound management and protection of redwood forest areas in Humboldt County, CA, by adding certain lands and waters to the Six Rivers National Forest and by including a portion of such lands in the National Wilderness Preservation System, and for other purposes; to the Committee on Energy and Natural Resources.

THE HEADWATERS FOREST ACT

• Mrs. BOXER. Mr. President, I am pleased today to introduce the Headwaters Forest Act.

This important legislation will help protect approximately 44,000 acres of threatened redwood forests in northern California, and the numerous plant and animal species which depend on the forests for survival.

This bill was introduced in the House by Congressman DAN HAMBURG, and has the support of over 120 House cosponsors. The bill has been approved by the House Natural Resources Committee and the House Agriculture Committee.

The need for this legislation is particularly urgent. For over 120 years, the Headwaters Forest had been managed in an environmentally and scientifically sound manner by the Pacific Lumber Co. But Pacific Lumber was acquired in a hostile takeover in 1985, and the current owner of the land, MAXXAM, Inc., has undertaken an aggressive program of clear-cutting in an effort to pay off high interest bond debt incurred to purchase the property.

At the time MAXXAM engineered the takeover of Pacific Lumber, Pacific's land included about 16,000 acres of virgin old-growth redwood. Today, only about 6,600 acres of these ancient trees remain.

The bill I am introducing today would extend the boundaries of the Six-Rivers National Forest in Humboldt County to include the core 5,000 acres of the Headwaters old-growth redwood forest. These new boundaries would also include 39,000 acres of second-growth forest surrounding the old-growth core.

The bill addresses the concerns of the timber communities of Humboldt County in several ways. First, over 88 percent of the land included in the new boundaries would continue to be available for logging on a sustainable yield basis. Second, primary consideration would be given to unemployed forest workers and fishermen in hiring people to do forest and stream restoration work. Third, payments in lieu of taxes are explicitly authorized for Humboldt County to compensate for any loss of timber tax revenues. Finally, a 10-year transition period payment is authorized to be made to Humboldt County. The payment would match, dollar for dollar, State of California timber yield tax revenues that would have been paid if logging had continued on the 12 percent of the land closed to logging under the bill.

Because of my serious concern about avoiding deficit spending, the bill has been drafted to require the Forest Service to acquire land within the new boundary by land transfers or exchanges. The bill would further require that all exchange acquisitions made under the authority of the bill receive congressional approval.

Direct purchases would be allowed only after exhaustion of all reasonably available alternatives. I am assured by the Congressional Budget Office and staff for the Senate Budget Committee that this bill will not be scored against the budget. There would be no takings under the bill.

Commercial logging would be banned on lands acquired in the old-growth core and management to enhance and sustain old-growth ecosystems would be required. Selective sustainable harvest of the second growth forests would be allowed to the extent consistent with maximizing the needs of old growth.

Without Federal action MAXXAM's plunder will continue and an important part of our national heritage—among the oldest living things on Earth—will be lost forever. It is time to act.

I urge my colleagues' support for this legislation.

Mr. President, I ask unanimous consent that a copy of this legislation be printed in the RECORD.

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

S. 2285

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 "Headwaters Forest Act of 1994".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that:

(1) Redwoods are a significant national symbol and a defining symbol of the State of California.

(2) Old growth stands of redwood trees are a unique and irreplaceable natural resource.

(3) Most of the old growth forests of the United States have been cut.

(4) Less than 5 percent of the original 2,000,000 acres of redwood trees of the West Coast of California remain standing.

(5) The redwood stands that remain are crucial to maintain habitat needed for survival of species that are dependent on old growth forests.

(6) An example of an old growth redwood forest that is crucial to the survival of species that are dependent on old growth forests is the Headwaters Forest, California.

(7) The Headwaters Forest is home to one of the three largest populations in California of marbled murrelets, a rare sea bird that nests only in coastal old growth trees and such forest also provides habitat for the northern spotted owl and native salmon stocks that spawn in the creeks of the forest.

(8) The other remaining stands of old growth forests and old growth redwoods are unprotected and are under immediate threat of being harvested without regard to a consideration of their ecological importance and without the benefit of Federal timber harvest guidelines.

(9) Instead of basing decisions on sound forest management practices, harvesters of old growth redwoods are cutting significant amounts of old growth redwoods in the areas proposed to be added to the National Forest pursuant to this Act at a rate determined by the demands for the payment of high interest on poor quality bonds.

(b) PURPOSES.—The purposes of this Act are to add certain lands and waters to the Six Rivers National Forest, California, and include a portion of such lands and waters in the national wilderness preservation system—

(1) to provide for the sound management and protection of old growth redwood forest areas in Humboldt County, California; and

(2) to preserve and enhance habitat for the marbled murrelet, the northern spotted owl, native salmon stocks, and other species that are dependent on old growth forests.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) HEADWATERS FOREST.—The term "Headwaters Forest" means the Headwaters Forest, California.

(2) HEADWATERS FOREST WILDERNESS.—The term "Headwaters Forest Wilderness" means the lands in the State of California that are acquired pursuant to section 4 that are within the areas generally depicted on the map referred to in section 4(a) as the "Headwaters Forest Wilderness (Proposed)".

(3) SIX RIVERS NATIONAL FOREST ADDITION.—The term "Six Rivers National Forest Addition" means the area added to the Six Rivers National Forest pursuant to section 4.

SEC. 4. ADDITION TO SIX RIVERS NATIONAL FOREST.

(a) EXTENSION OF BOUNDARIES.—

(1) IN GENERAL.—The exterior boundaries of the Six Rivers National Forest in the State of California are hereby extended to include the area comprising approximately 44,000 acres, as generally depicted on the map prepared by the National Forest Service entitled "Six Rivers National Forest Addition proposed", dated June 1993.

(2) FILING OF MAP.—A copy of the map referred to in paragraph (1) shall be on file and available for public inspection in the office of the Forest Supervisor, Six Rivers National Forest, and in the office of the Chief of the Forest Service, Department of Agriculture.

(b) ACQUISITION OF LAND.—

(1) IN GENERAL.—

(A) MEANS OF ACQUISITION.—The Secretary may acquire lands or interests in land within the exterior boundaries of the Six Rivers National Forest Addition by donation, by purchase with donated or appropriated funds, or by an exchange.

(B) EXCESS AND SURPLUS FEDERAL PROPERTY.—If the Secretary identifies as suitable for an exchange under subparagraph (A), excess or surplus Federal property, as determined under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) in the form of lands that are under the jurisdiction of any other department, agency, or instrumentality of the United States, the Secretary may take such action as may be necessary to obtain the advance approval of Congress to transfer the lands to the Secretary for exchange. A transfer of such lands shall be made on the condition that the department, agency, or instrumentality that transfers the lands may not receive compensation for such transfer.

(C) ACQUISITION OF LANDS OUTSIDE OF BOUNDARIES.—If a tract of land is only partly within the boundaries referred to in subparagraph (A), the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs.

(D) EXCHANGE OF LANDS ACQUIRED OUTSIDE OF BOUNDARIES.—Land acquired pursuant to subparagraph (B) outside of the boundaries referred to in subparagraph (A) may be exchanged by the Secretary for non-Federal lands within such boundaries.

(E) CERTAIN UNEXCHANGED LANDS.—The Secretary shall report the acquisition of any land acquired pursuant to subparagraph (B) that is not exchanged by the Secretary pursuant to subparagraph (D) to the Administrator of the General Services Administration. The Administrator shall dispose of such lands pursuant to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(F) REQUIREMENTS FOR ACQUISITION OF CERTAIN LANDS.—Lands, and interests in lands, within the boundaries of the Six Rivers National Forest Addition which are owned by the State of California or any political subdivision thereof, may be acquired only by donation or exchange.

(2) ACCEPTANCE OF FUNDS.—

(A) IN GENERAL.—The Secretary may—

(i) accept from the State of California funds in an amount sufficient to cover the cost of acquiring lands within the Six Rivers National Forest Addition pursuant to this Act; and

(ii) notwithstanding any other provision of law, retain and expend such funds for purposes of such acquisition.

(B) TREATMENT OF FUNDS.—Any funds made available to the Secretary pursuant to subparagraph (A) shall be used for the purposes specified in such paragraph without further appropriation and without fiscal year limitation.

(c) LAND ACQUISITION PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop and implement a land acquisition plan.

(2) CONTENT OF PLAN.—A plan developed under paragraph (1) shall—

(A) contain specific provisions addressing the time and manner of the acquisition of lands under subsection (b);

(B) in acquiring such lands, give first priority to the acquisition of lands for the Headwaters Forest Wilderness;

(C) include an analysis of practicable means of providing for compensation for the acquisition of such lands other than cash payments, including providing for the use or exchange of certain excess or surplus property of the Federal Government (as determined under the Federal Property and Administrative Services Act of 1949; 40 U.S.C. 471) that the Secretary shall identify and list; and

(D) acquire lands in accordance with the requirements of paragraph (3).

(3) EXHAUSTION OF NON-CASH ALTERNATIVES.—With respect to the acquisition of a specific parcel of land pursuant to the plan, the Secretary shall, to the maximum extent practicable, use all practicable alternatives to cash payments from funds appropriated to the Department of the Interior. With respect to such acquisition, the Secretary may use such cash payments only to the extent that such alternatives are not sufficient to provide for such acquisition.

(4) DISTRIBUTION OF PLAN.—The Secretary shall submit a copy of the plan developed under this subsection to the Committee on Energy and Natural Resources, the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate and the Committee on Natural Resources, the Committee on Agriculture, and the Committee on Appropriations of the House of Representatives.

SEC. 5. WILDERNESS AREAS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), lands in California that are acquired under section 4 that are in the Headwaters Forest Wilderness shall, upon acquisition, be considered wilderness and a part of the National Wilderness Preservation System.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the inclusion of any lands in the Headwaters Forest Wilderness, the Secretary shall submit a copy of the map and a legal description of the area so included with the Committee on Energy and Natural Resources of the Senate and with the Committee on Natural Resources of the House of Representatives.

(2) CORRECTION OF CLERICAL AND TYPOGRAPHICAL ERRORS.—The Secretary may correct clerical and typographical errors in a map or legal description referred to in paragraph (1).

(3) FILING OF MAPS AND BOUNDARY DESCRIPTIONS.—Each map and legal description submitted to the committees of Congress specified in paragraph (1) shall be on file and available for public inspection in the Office of the Chief of the Forest Service, United States Department of Agriculture.

(c) BUFFER ZONES NOT INTENDED.—

(1) STATUTORY INTENT.—Nothing in this Act is intended to require the creation of protective perimeters or buffer zones around a wilderness area designated pursuant to this Act.

(2) PERMISSIBILITY OF CERTAIN WILDERNESS ACTIVITIES ALONG A BOUNDARY.—The fact that a nonwilderness activity or use may be seen or heard from an area within a wilderness may not be used alone to preclude such activities or uses adjacent to the boundary of the wilderness area.

(d) STATE AUTHORITY OVER FISH AND WILDLIFE.—In accordance with section 4(d)(8) of the Wilderness Act (16 U.S.C. 1133(d)(8)), nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of California with respect to wildlife and fish in any areas designated by this Act as wilderness.

SEC. 6. ADMINISTRATION.

(a) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 1 year after the Secretary acquires all or a significant portion of the lands identified under the land acquisition plan developed under section 4(c), the Secretary shall develop and implement a comprehensive management plan for the Six Rivers National Forest Addition.

(2) CONTENT OF PLAN.—The comprehensive management plan developed under paragraph (1) shall prescribe measures for the preservation of the existing old growth redwood ecosystems in the Six Rivers National Forest Addition, including the following:

(A) With respect to the sale of timber—

(i) prohibiting the sale of timber from lands within the old growth redwood groves in the Six Rivers National Forest Addition, as depicted generally on the map referred to in section 4(a); and

(ii) permitting the sale of timber in areas of the Six Rivers National Forest Addition not specified in clause (i) in a manner consistent with the purposes of this Act and any other applicable Federal laws.

(B) Restoration measures to restore lands affected by timber harvests that occurred before the date of implementation of the plan to mitigate watershed degradation and the impairment of habitat for the marbled murrelet, spotted owl, native salmon stocks, and other species dependent on old growth forests.

(3) REVIEW AND REVISION OF PLAN.—

(A) Except as provided in subparagraph (B), at such time as the Secretary revises the applicable land and resource management plan for the Six Rivers National Park that is in effect on the date of enactment of this Act the Secretary shall review and revise the comprehensive management plan developed under this subsection.

(B) The Secretary may revise the schedule for reviewing and revising a comprehensive management plan developed under this subsection if the Secretary determines that a more frequent schedule of review and revision is necessary to meet the purposes specified in section 2(b).

(b) APPLICABLE LAWS AND POLICIES.—

(1) IN GENERAL.—The Secretary, acting through the Chief of the Forest Service, shall administer the lands acquired under section 4(b) in accordance with the comprehensive management plan developed under subsection (a), other applicable requirements of this Act, and any other applicable law.

(2) WILDERNESS.—Except as provided in paragraph (3), subject to valid existing rights, any lands acquired and designated as wilderness under section 5(a) shall be administered in accordance with the comprehensive management plan developed under subsection (a), other applicable requirements of this Act, and any other applicable law, including the Wilderness Act (16 U.S.C. 1131 et seq.).

(3) EFFECTIVE DATES UNDER WILDERNESS ACT.—With respect to lands designated as wilderness under section 5(a), any effective date under the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of acquisition of such lands under section 4.

(c) EMPLOYMENT PRACTICES.—To the maximum extent practicable, the Secretary shall take such action as may be necessary to ensure that all work to implement the restoration measures under the comprehensive management plan developed under subsection (a) are performed by unemployed forest workers and unemployed timber workers, unemployed commercial fishermen, or other unemployed persons whose livelihood depends on fishery and timber resources.

(d) AGREEMENTS.—In order to facilitate the management of the lands subject to the comprehensive management plan developed under subsection (a), the Secretary, acting through the Chief of the Forest Service, may enter into agreements with the State of California for the management of lands owned by the State or purchased with State assistance.

SEC. 7. PAYMENTS TO LOCAL GOVERNMENT.

(a) PILT.—Solely for purposes of payments made pursuant to chapter 69 of title 31, United States Code, all lands added to the Six Rivers National Forest pursuant to section 4 shall be deemed to have been acquired for the purposes specified in section 6904(a) of such title 31.

(b) 10-YEAR PAYMENT.—

(1) IN GENERAL.—Subject to the annual appropriations and subsection (c), for the 10-year period beginning on the date of the acquisition of lands under section 4, the Secretary shall make annual payments with respect to such acquired lands to Humboldt County in the State of California in an amount equal to the State of California Timber Yield Tax revenues payable under section 38101 et seq. of the California Revenue and Taxation Code (as in effect as of the date of enactment of this Act) that would have been paid with respect to such lands if the lands had not been acquired by the United States, as determined by the Secretary pursuant to this subsection.

(2) DETERMINATION OF AMOUNT OF PAYMENTS.—The Secretary shall determine the amount of each annual payment made pursuant to paragraph (1) on the basis of an assessment of a variety of factors, including the following:

(A) Timber actually sold during the year for which the payment is based from comparable commercial forest lands of similar soil type and slope.

(B) A determination of appropriate timber harvest levels.

(C) A consideration of comparable timber size class, age, and quality.

(D) Market conditions.

(E) Applicable Federal laws and applicable laws of States and political subdivisions of States.

(F) The goal of achieving a sustainable, even-flow harvest of renewable timber resources.

(c) CALIFORNIA TIMBER YIELD TAX.—The amount of State of California Timber Yield Tax payments paid to Humboldt County for any year pursuant to the laws of California for timber sold from lands acquired under this Act shall be deducted from the sums to be paid to Humboldt County in such year under subsection (b).

(d) 25-PERCENT FUND.—Amounts paid under subsection (b) with respect to any land in any year shall be reduced by any amounts paid under the last paragraph in the matter under the heading "FOREST SERVICE." in the Act of May 23, 1908 (35 Stat. 360, chapter 192; 16 U.S.C. 500) which are attributable to sales from the same lands in that year.

SEC. 8. FOREST STUDY.

(a) IN GENERAL.—The Secretary shall study the lands within the area comprising approximately 13,620 acres and generally depicted as "Study Area" on the map referred to in section 4(a).

(b) REQUIREMENTS FOR STUDY.—In carrying out the study, the Secretary shall—

(1) analyze the potential of the area specified in subsection (a) as an addition the Headwaters Forest; and

(2) identify, with respect to the area—

(A) the natural resources of such area, including wildlife and fish and the location of old growth forests, old growth redwood stands, habitat for threatened and endangered species and populations (including the northern spotted owl and marbled murrelet);

(B) commercial timber volume;

(C) recreational opportunities;

(D) watershed management needs; and

(E) the cost of acquiring the lands of the area.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare a report that contains the findings of the study conducted under this section and submit a copy of the report to the Committee on Energy and Natural Resources of the Senate, the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Agriculture of the House of Representatives.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.•

By Mr. LUGAR (for himself and Mr. COATS):

S. 2286. A bill to amend title 23, United States Code, to provide for the use of certain highway funds for improvements to railway-highway crossings; to the Committee on Environment and Public Works.

THE RAIL GRADE CROSSING SAFETY ENHANCEMENT ACT OF 1994

• Mr. LUGAR. Mr. President, today I am introducing the Rail Grade Crossing Safety Enhancement Act of 1994. This legislation will provide States flexibility in determining the best use of Federal transportation funds to reduce accidents and increase safety at railroad grade crossings. This bill is of great importance to many Hoosier citizens, to local communities, and to the Nation as a whole.

Across America this year, several hundred people will be killed and thousands more injured as a result of vehicle-train collisions. While rail crossing accidents declined last year, the number of fatalities from these accidents increased in 1993 by 8.1 percent.

In Indiana, however, both grade crossing accidents and fatalities are on the rise. In 1993, Hoosiers ranked fifth in the Nation in the number of fatalities with 36, and third in the total number of crossing accidents with 299.

Recently, I took a 65-mile train trip across northern Indiana aboard a Q-500 CSX locomotive. As we traveled from the city of Garrett to the town of Teegarden, I saw what engineers witness every day—drivers ignoring warning signals and crossing the tracks within a few hundred feet of our oncoming train. This experience reaffirmed my view that rail crossing safety devices need to be improved, and that rail safety education must be a major part of any effort to reduce grade crossing accidents.

To address this growing problem in my State, I began working with Transportation Secretary Peña and with the Indiana Department of Transportation [INDOT] to find solutions that will help States better use available funds to target Indiana's most dangerous crossings.

I also asked the General Accounting Office earlier this year to study Indiana railroad crossing improvement programs and to evaluate how best to make necessary and long term safety improvements in Indiana.

I am a cosponsor of S. 2127, the Railroad Grade Crossing Safety Act of 1994, a bill that seeks to promote rail safety by using existing resources to improve safety education, encourage private sector participation, enhance cooperation among agencies, and strengthen enforcement of rail crossing laws. This measure encourages public participation by including a toll-free phone number for the public to report equipment malfunctions at grade crossings.

While these initiatives will help improve safety at grade crossings, I believe an additional change in transportation law is needed to further assist States using Federal dollars for safety.

Title I, section 153 of the Intermodal Surface Transportation Efficiency Act of 1991 penalizes States that do not have in effect laws requiring seat belts for motorists and helmets for motorcycle riders. Under the provision, those States that do not have both seat belt and universal helmet laws must devote 1.5 percent of their Federal surface transportation funds to nonconstruction safety education programs. The percentage increases to 3 percent for fiscal year 1995 and in future fiscal years.

I strongly support transportation safety and education programs, and believe motorists and motorcyclists alike should drive and ride defensively with proper protective gear. I also believe, however, that safety belt and helmet laws are best decided by State legislatures. While the authors of this provision were well-intentioned in their efforts to promote safety, I do not believe it is appropriate for the Federal Government to penalize States to force compliance on these matters.

The ISTEA requirement to divert a portion of a State's highway construction funds to section 402 safety programs limits States' ability to apply these funds for other legitimate safety enhancing projects, namely, installation of protective warning devices at grade crossings.

I believe railroad grade crossing improvements differ from other highway projects because they provide a visible and quantifiable return on investment. While some highway safety projects are designed primarily to increase a region's economic growth, the sole purpose of safety improvements at grade crossings is to reduce accidents and save lives.

States with a high number of rail crossings and crossing accidents would benefit from the additional flexibility this bill provides. In 1993, 40 percent of grade crossing accidents in the United States—and 31 percent of fatalities—occurred in States that did not meet the Federal safety belt and helmet law requirement.

With this legislation, a Governor could request that a portion of the diverted funds be used to install protective devices at hazardous rail crossings as part of a comprehensive, statewide rail safety improvement and rail safety education initiative.

I want to emphasize that this legislation is limited in scope and is not intended to be a slippery slope for States to raid designated Federal safety education programs for construction projects. It does provide, however, flexibility for States to request that all or a portion of diverted Federal highway funds be available for one legitimate, safety-oriented, lifesaving purpose: To save lives through installation of more and better protective warning devices at dangerous rail crossings.

The purpose of section 153 of ISTEA is to improve safety on our Nation's highways. Because the only conceivable purpose of rail crossing safety equipment is safety, I believe this measure conforms to the original spirit and intent of section 153.

I recently received a letter from INDOT Commissioner P'Pool expressing his support for this legislation. Mr. President, I ask unanimous consent that it be printed in the RECORD.

Mr. President, concern about improving rail safety is growing in Congress, at the State level, and in our schools and communities. Partnerships between the public and private sectors—such as the valuable work being done by Operation Lifesaver, Inc., a nationwide nonprofit rail safety organization—have raised education and awareness about rail crossing safety. These joint efforts will continue to be a vital component in the campaign to eliminate accidents at rail grade crossings.

It is my sincere hope that the Senate will support this important legislation. This bill is a cost-effective, common sense approach that will help eliminate a persistent and preventable problem. Rail transportation is, and will continue to be, an important part of our Nation's continued economic strength. This measure provides States an additional tool to reduce the number of needless deaths and injuries caused by motorists who try to beat the train.

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

INDIANA DEPARTMENT OF TRANSPORTATION,
Indianapolis, IN, June 23, 1994.

Hon. RICHARD G. LUGAR,
U.S. Senate, Washington, DC.

DEAR SENATOR LUGAR: I have reviewed with great interest your proposed bill allowing seatbelt/motorcycle helmet sanction funds to be used for the improvement of railway-highway crossings. Clearly, you recognize that rail-highway crossing safety is an issue of vital importance to the people of the State of Indiana as well as the nation as a whole.

I am pleased to inform you that INDOT is in full support of your proposed legislation. We will be communicating with the other members of Indiana's Congressional delegation to urge them to join you in advocating this measure.

Your bill is especially valuable because it not only addresses the need to fund rail-highway improvements, but also because it provides sensible funding flexibility in concert with priorities recommended by the states.

Sincerely,

FREDERICK C. P'POOL.•

By Mr. HATCH:

S. 2287. A bill to amend the Internal Revenue Code of 1986 to simplify the assessment and collection of the excise tax on arrows; to the Committee on Finance.

ARROW EXCISE TAX ACT OF 1994

Mr. HATCH. Mr. President, I rise today to introduce legislation that will simplify the Internal Revenue Code regarding the imposition of the Federal excise tax on arrows. Given the complexities of today's tax code, meaningful simplification should be warmly welcomed.

Mr. President, this bill will benefit manufacturers, wholesalers, retailers, assemblers, and, most importantly, the consumers of archery equipment. In 1993, there were nearly 3 million licensed bow and arrow hunters in the United States, including 28,000 from my home State of Utah. These figures exclude millions of individuals who enjoy archery as a hobby but do not hunt with a bow and arrow. Let me explain both the present status of this excise tax and why simplification is needed.

Under section 4161(b) of the Internal Revenue Code, an excise tax of 11 percent is imposed upon the sale by the manufacturer, producer, or importer, of an arrow or an arrow's components parts and accessories. A complete arrow consists of various component parts, namely: a shaft, a point, a nock, and a vane. The arrow shaft is sold separate from the point, nock, and vane, which are attached to the shaft to make a complete arrow. The assembly of these parts into a finished arrow may take place at a wholesale manufacturing level, a distribution level, a retail level, or at the consumer level. Identifying the manufacturer for purposes of the tax is difficult because of the long distribution chain between the raw material supplier and the consumer. Under current law, anyone who manufacturers arrows, or the various parts of arrows, may be required to collect the excise tax.

The current interpretation of the tax law on arrows has resulted in a great deal of confusion among retailers as well as among IRS field agents enforcing the law. Currently, local shops are subject to different interpretations of what is taxable. Ultimately, the tax falls on the last person in the chain to materially change the article before it is sold to the consumer. Unfortunately,

several members of this chain may fit the definition of a manufacturer, and each is liable for the tax unless certain registration requirements are met and exemption forms filed.

As you can see, Mr. President, the method for collecting the excise tax on arrows needs to be streamlined. My bill would change the imposition of the excise tax to fall on the component shafts, points, nocks, and vanes that are manufactured, rather than on the aggregated value of the assembled arrow. This is a significant change, but one that will greatly simplify the administration of the tax. Individual distributors, assemblers, and retail sellers of arrows or parts of arrows will no longer be responsible for collecting the excise tax. Only the manufacturers of these parts will bear the responsibility of the excise tax. Thus, identification of the manufacturer will be simpler and clearer. Industry representatives, who support these changes, have indicated to me that this simplification should increase compliance and therefore enhance revenues. Enforcement by the IRS should also be less difficult under this legislation.

Mr. President, the result of this bill is a narrowing of the collection base. Instead of having thousands of distributors, retailers, or custom arrow shops being potentially liable for the tax as under the current law, about 65 companies would be liable under the bill. This simplification would save the IRS a considerable amount of time and money in enforcing the tax. It also would free smaller dealers and stores from the burden of computing and remitting the excise tax.

The language in this bill accomplishes the needed simplification of this particular section of the tax code. One consequence of this change is the possibility that a higher excise tax rate may be needed to make the measure revenue neutral. The arrow manufacturing industry agrees that this simplification is not intended to decrease revenue to the Federal Government. I am working with the Joint Committee on Taxation to find a rate of tax that will make the end result revenue neutral. The bill, as introduced, Mr. President, includes an 11-percent tax rate, which is the same as under present law. It is my intention to adjust this rate, up or down, as needed, to keep this bill revenue neutral. I want to point out, however, that greater compliance should be achieved by having a much smaller number of entities responsible for the tax. This greater compliance, together with the savings realized from the reduced manpower requirements the IRS needs to enforce this tax, should combine to allow an equal or lesser tax rate than under current law. These factors should be considered when determining the revenue impact of this legislation.

Mr. President, the amount of revenue we are talking about is around $13 million a year. These revenues are, by law, required to go to the Pittman-Robertson Fund, established by the Federal Aid to Wildlife Restoration Act. The proceeds of this fund go toward wildlife restoration and hunter education programs administered by the U.S. Fish and Wildlife Service. The bulk of this fund is, in turn, passed onto the States to fund their own wildlife programs.

Under current law, arrows made by native Americans are exempt from the Federal excise tax. The simplification bill I am introducing today would not remove or alter this exemption in any way.

In conclusion, Mr. President, I believe that today, more than ever, we need to be mindful of the many burdens we are placing on small businesses and consumers through numerous Federal mandates and burdensome tax compliance measures. Businesses and consumers nationwide spend billions of dollars each year on tax compliance. Consumers, of course, pay for this compliance through higher retail prices for goods and services. We all know this money could be put to more productive use. Even though this bill is small in comparison to the immense tax code, I think it is right on target in terms of helping us to achieve tax simplification.

Mr. President, this legislation is a beneficial modification to the tax code presented in a win-win framework. I hope it will be swiftly adopted, and I encourage my colleagues to support and cosponsor this bill.

ADDITIONAL COSPONSORS

S. 359

At the request of Mr. DECONCINI, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 359, a bill to require the Secretary of Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 993

At the request of Mr. KEMPTHORNE, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 993, a bill to end the practice of imposing unfunded Federal mandates on States and local governments and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations.

S. 1735

At the request of Mr. SIMON, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 1735, a bill to establish a Privacy Protection Commission, and for other purposes.

S. 1976

At the request of Mr. DODD, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of S. 1976, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the Act.

S. 2114

At the request of Mr. BIDEN, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 2114, a bill to provide for the payment to States of plot allowances for certain veterans eligible for burial in a national cemetery who are buried in cemeteries of such States.

S. 2247

At the request of Mr. GORTON, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 2247, a bill to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons, and for other purposes.

SENATE JOINT RESOLUTION 199

At the request of Mr. COCHRAN, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Joint Resolution 199, a joint resolution proposing an amendment to the Constitution of the United States relative to the free exercise of religion.

SENATE RESOLUTION 170

At the request of Mr. CHAFEE, the names of the Senator from Colorado [Mr. BROWN], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Resolution 170, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included as primary care providers for women in Federal laws relating to the provision of health care.

SENATE RESOLUTION 185

At the request of Mr. D'AMATO, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of Senate Resolution 185, a resolution to congratulate Phil Rizutto on his induction into the Baseball Hall of Fame.

SENATE RESOLUTION 234

At the request of Mr. MOYNIHAN, the names of the Senator from Vermont [Mr. JEFFORDS] and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Resolution 234, a resolution expressing the sense of the Senate concerning the fifth year of imprisonment of Daw Aung San Suu Kyi by Burma's military dictatorship, and for other purposes.

AMENDMENT NO. 2245

At the request of Mr. NICKLES his name was added as a cosponsor of Amendment No. 2245 proposed to H.R. 4426, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

AMENDMENT NO. 2246

At the request of Mr. DORGAN his name was added as a cosponsor of

Amendment No. 2246 proposed to H.R. 4426, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

AMENDMENT NO. 2248

At the request of Mr. KOHL his name was added as a cosponsor of Amendment No. 2248 proposed to H.R. 4426, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

At the request of Mr. BROWN the names of the Senator from Virginia [Mr. WARNER], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from North Carolina [Mr. HELMS], the Senator from South Dakota [Mr. PRESSLER], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of Amendment No. 2248 proposed to H.R. 4426, supra.

SENATE RESOLUTION 243—RELATIVE TO THE REALTORS® LAND INSTITUTE ON THE OCCASION OF ITS 50TH ANNIVERSARY

Mr. LOTT (for himself, Mr. STEVENS, Mr. D'AMATO, and Mr. JOHNSTON) submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 243

Whereas, in 1944, the REALTORS® Land Institute was founded by 20 land specialists who met at the Drake Hotel in Chicago, Illinois, to establish a national organization that would provide education, information, marketing opportunities, and broker networking to enhance the ability of their members to conduct business as recognized professional land use specialists and, through collective action, preserve private property rights;

Whereas the REALTORS® Land Institute has been an affiliate of the National Association of REALTORS® for 50 years;

Whereas, in 1994, the REALTORS® Land Institute celebrates 50 years of serving land owners, users, and realtors throughout the United States and Canada;

Whereas the REALTORS® Land Institute members have developed international marketing capabilities and networks throughout the world;

Whereas the REALTORS® Land Institute is comprised of members who subscribe to a strict code of ethics and to just and equitable principles in real estate transactions;

Whereas the REALTORS® Land Institute encourages continuing education and rewards members who complete an extensive education program and service to the land industry with a national designation of Accredited Land Consultant (ALC); and

Whereas the REALTORS® Land Institute is a national professional trade association, dedicated to advancing the effective use of our most precious commodity, land: Now, therefore, be it

Resolved, That the Senate recognizes the REALTORS® Land Institute on the occasion of its 50th Anniversary.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the REALTORS® Land Institute.

• Mr. LOTT. Mr. President, I rise today to submit a Senate resolution commemorating the 50th anniversary of the REALTORS® Land Institute [RLI]. The REALTORS® Land Institute was founded by 20 land specialists who met at the Drake Hotel in Chicago in 1944. The purpose of their meeting was to establish a national professional trade association dedicated to the advancement of the effective use of our most precious commodity—land.

The REALTORS® Land Institute was organized as the institute of Farm Brokers. As the scope of its activities grew, the name was changed several times; the most recent change occurred in early 1986 when the present name was adopted.

The REALTORS® Land Institute has been an affiliate of the National Association of Realtors for 50 years and is devoted to advancing the interests of those who are involved in various phases of land development and proper land utilization.

The REALTORS® Land Institute provides a forum to bring together members interested in improving their professional competence in all aspects of the land segment of the real estate business. This includes:

Identification of appraising, acquisition, syndication, and development as recognized land specialties within the real estate profession;

Development and establishment of professional standards of practice;

Fostering professional expertise through educational activities and programs;

Identification of members to the public;

And formulation of wise land use and the reasonable rights and privileges of private ownership.

The REALTORS® Land Institute is comprised of members who subscribe to a strict code of ethics and to just and equitable principles in real estate transactions. The organization provides education, information, marketing opportunities, and broker networking to enhance members abilities to conduct their business as recognized professional land use specialists. REALTORS® Land Institute members have developed international marketing capabilities and networks throughout the world. Through collective action, they also attempt to preserve private property rights.

Education is a key activity of the institute. Seminars are sponsored by individual State chapters on a regular basis. On the national level, the institute offers the REALTORS® Land Institute land university which features nine state-of-the-art courses for land related professionals.

Additionally, the institute awards the Accredited Land Consultant [ALC] designation to members who meet rigid standards of professional competence after they complete required course work and service to the land industry.

For 50 years, the REALTORS® Land Institute has helped their members better serve their clients, their communities, and their industry. Now, on their 50th anniversary, they are renewing their commitment to service and focusing on the future. This is illustrated by their theme for this anniversary year, "celebrating the past—welcoming the future."

Congress should commend the REALTORS® Land Institute on their myriad of achievements over the last 50 years by honoring them with this commemorative resolution. This resolution meets the Judiciary Committee's policy for the consideration of commemorative measures; thus, I believe it is appropriate that we pass it. I invite my colleagues to join with me in commending the REALTORS® Land Institute on 50 outstanding years of service.•

AMENDMENTS SUBMITTED

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1995

PRESSLER AMENDMENT NO. 2261

Mr. MCCONNELL for Mr. PRESSLER proposed an amendment to the bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995; as follows:

On page 112, between lines 9 and 10, insert the following new section:

PAYMENTS-IN-KIND AS VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING ACTIVITIES

SEC. . It is the sense of the Congress that—

(1) United States voluntary contributions to peacekeeping operations conducted by the United Nations may consist of contributions of excess defense articles or may be in the form of payments made directly to United States companies providing goods and services in support of United Nations peacekeeping activities; and

(2) such contributions should be made in consultation with the Secretaries of State and Defense.

HATFIELD AMENDMENT NO. 2262

Mr. MCCONNELL for Mr. HATFIELD proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 11, line 19, after "1961" and before the period (.) add the following new proviso:

"Provided further, that of the funds appropriated under this heading, not less than an amount equal to the amount made available for the Office of Population of the Agency for International Development in fiscal year 1994 shall be made available to that office"

McCONNELL (AND D'AMATO) AMENDMENT NO. 2263

Mr. McCONNELL (for himself and Mr. D'AMATO) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the end of section entitled "Assistance to the New Independent States of the Former Soviet Union" add a new subsection:

"Not less than $15,000,000 of the funds appropriated under this heading shall be made available to the International Criminal Investigative Training Assistance Program (ICITAP) to undertake a police development and training program to assist in institutional reforms and improve the professional capabilities of Russian police agencies; Provided further, that funds made available shall be used to support the following activities:

(1) develop and professionalize the criminal justice agencies

(2) improve criminal investigative and forensic capabilities

(3) establish institutional training capabilities based on democratic principles of policing, and respect for human rights and the rule of law;

(4) improve accountability of law enforcement agencies by introducing systems and procedures for investigating allegations of abuse or malfeasance;

D'AMATO (AND OTHERS) AMENDMENT NO. 2264

Mr. D'AMATO (for himself, Mr. McCONNELL, Mr. DOMENICI, and Mr. LEAHY) proposed an amendment to the bill H.R. 4426, supra; as follows:

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

SEC. . Of the funds appropriated for the New Independent States of the former Soviet Union and Eastern Europe, not to exceed $15,000,000, shall be made available to the Federal Bureau of Investigation for transnational and international law enforcement cooperation with the New Independent States of the former Soviet Union and the emerging democracies of Eastern Europe to combat organized crime.

McCAIN AMENDMENT NO. 2265

Mr. McCAIN proposed an amendment to the bill H.R. 4426, supra; as follows:

At the end of the pending committee amendment add the following:

"*Provided further*, That of the funds appropriated under Title II, not less than $600,000 shall be available to support democracy programs in the People's Republic of China: *Provided further*" that the Agency for International Development shall make these funds available for the activities described in the previous proviso on a grant basis to U.S. non government organizations, on a competitive selection basis, notwithstanding any other provision of law."

Provided further that the following section of the bill is null and void. "Provided further that of the funds appropriated under this heading, not less than $600,000, shall be available to support parliamentary training and democracy programs in the People's Republic of China: Provided further That the Agency of International Development shall make funds available for the activities described in the previous proviso on a grant basis to the International Republican Institute and the National Democratic Institute, notwithstanding any other provision of law."

McCONNELL (AND BROWN) AMENDMENT NO. 2266

Mr. McCONNELL for himself and Mr. BROWN) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the bill insert the following:

SEC. . (a) Within 60 days of enactment of this Act, the President shall submit a report to the Committee on Appropriations defining specific military, economic and political standards required to gain admission to NATO; *Provided further*, that such report is not limited to the principles enunciated in the Partnership for Peace; Provided further, such report shall include an assessment of measures which would be necessary to guarantee the armed services of Poland, Hungary, the Czech Republic, Slovakia, Lithuania, Latvia and Estonia are capable of military interoperability with NATO and fulfilling other member responsibilities.

(b) Notwithstanding any other provision of law, 120 days after enactment of this Act, excess defense articles made available under sections 516 and section 519 of the Foreign Assistance Act of 1961 shall be provided to carry out the measures identified in subsection (a) with regard to military interoperability.

McCONNELL AMENDMENTS NOS. 2267–2271

Mr. McCONNELL proposed five amendments to the bill H.R. 4426, supra; as follows:

AMENDMENT NO. 2267

On page 16, line 19, strike the word "within" and all that follows through the word "later" on line 20 and insert in lieu thereof the following "by October 1, 1994".

AMENDMENT NO. 2268

At the appropriate place in the bill, add the following new section:

SEC. . (a) Section 102 of the Freedom Support Act (Public Law 102–511) is amended—

(1) by deleting subsection (a); and

(2) in subsections (b) and (c), by striking "Consistent with subsection (a), coordination," and inserting in lieu thereof "Coordination" in both places the phrase appears.

(b) Section 103 (a) of the Freedom Support Act is amended by striking out "the Coordinator designated pursuant to section 102(a)" and inserting in lieu thereof "the Administrator of the Agency for International Development."

AMENDMENT NO. 2269

On page 53, line 11, strike the word "*Provided*" and insert the following;

"*Provided*, That only those activities, programs, projects, type of material assistance, countries, or other operations referred to under this paragraph which have been justified through Congressional Presentation documents and/or budget justification documents presented in the same format and in the same level of detail as provided in fiscal year 1993 shall be considered to be justified under the language of this paragraph: *Provided further*"

AMENDMENT NO. 2270

At the end of section entitled "Assistance to the New Independent States of the former Soviet Union" add the following new subsection:

"Of the funds appropriated under this heading, not less than 50 percent shall be made available for country specific activities within bilateral, regional, or multilateral programs, except as provided through the regular notification procedures of the Committee on Appropriations."

AMENDMENT NO. 2271

At the end of the section entitled Assistance to the New Independent States of the Former Soviet Union add the following new subsection:

"Not less than $15,000,000 of the funds appropriated under this heading shall be available for legal reform programs; *Provided further*, that these funds shall support efforts to draft commercial and criminal codes and provide attorney, jury and judicial training and education."

MURKOWSKI AMENDMENT NO. 2272

Mr. McCONNELL for Mr. HELMS (for himself and Mr. MURKOWSKI) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the end of Section 2780(d) of the Arms Export Control Act of 1968, add the following: "in an action brought by a party under section 1605(a)(5) of the Foreign Sovereign Immunities Act against a state designated under this subsection, United States government agencies shall provide to the party or facilitate the acquisition of evidence relevant to the action unless the President determines either that such cooperation would significantly prejudice a pending criminal investigation or prosecution or that it is not in the national security interest of the United States to provide such information."

DOLE AMENDMENT NO. 2273

Mr. McCONNELL for Mr. DOLE proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the bill, insert the following section:

"No funds appropriated under this Act or any other Act may be made available to the Democratic People's Republic of Korea until the President certifies and reports to Congress that the Democratic People's Republic of Korea:

(1) does not possess nuclear weapons;

(2) has halted its nuclear weapons programs; and

(3) has not exported weapons-grade plutonium."

MURKOWSKI (AND ROCKEFELLER) AMENDMENT NO. 2274

Mr. McCONNELL for Mr. MURKOWSKI (for himself and Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 4426, supra; as follows:

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

SEC. . UNITED STATES PANEL OF THE JOINT COMMITTEE ON UNITED STATES-JAPAN CULTURAL AND EDUCATIONAL COOPERATION.

Section 4 of the Japan-United States Friendship Act (22 U.S.C. 2903) is amended by adding at the end the following new subsection:

"(d) The membership of the United States Panel of the Joint Committee on United States-Japan Cultural and Educational cooperation shall be drawn from among individuals who are deeply familiar with Japan and United States-Japan relations, as demonstrated in their professional careers, and

who have performed distinguished service in—

"(1) law, business, or finances;

"(2) education, training, or research at post-secondary levels;

"(3) the media or publishing;

"(4) foundation or philanthropic activity;

"(5) the American arts, culture, or the humanities; or

"(6) other aspects of American public life."

SEC. . BROADENING INVESTMENT AUTHORITY.

Section 7 of the Japan-United States Friendship Act (22 U.S.C. 2906) is amended—

(1) in subsection (b)—

(A) in the first sentence, by inserting ", at the direction of the Chairman of the Commission," after "Secretary')"; and

(B) in the second sentence, by striking "in interest bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States" and inserting "in instruments or public debt with maturities suitable to the needs of the Fund"; and (2) in subsection (c), by inserting ", at the direction of the Chairman of the Commission," after "sold".

NICKLES (AND OTHERS) AMENDMENT NO. 2275

Mr. MCCONNELL for Mr. NICKLES (for himself, Mr. BROWN, and Mr. D'AMATO) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the end of the pending committee amendment add the following: "Provided further, the amount on page 3, line 6, is deemed to read $50,000,000; provided further, the amount on page 3, line 12, is deemed to read $1,097,000,000; provided further, the amount of page 25, line 22, is deemed to read $152,400,000."

PRESSLER AMENDMENT NO. 2276

Mr. MCCONNELL (for Mr. PRESSLER) proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 112, between lines 9 and 10, insert the following new section:

UNITED NATIONS OFFICE OF INSPECTOR GENERAL

SEC. . The Senate hereby reaffirms that section 401 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) remains in effect, including all its terms and conditions relating to the establishment of an independent office of Inspector General within the United Nations.

HELMS (AND ROTH) AMENDMENT NO. 2277

Mr. MCCONNELL (for Mr. HELMS for himself and Mr. ROTH) proposed an amendment to the bill H.R. 4426, supra; as follows:

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

SEC. . Sense of the Congress concerning German and Japanese permanent membership in the United Nations Security Council.

In the past five years, the United Nations has engaged in more peacekeeping operations than in the preceding forty;

The Security Council is the U.N. body chiefly responsible for matters of peace and security;

Any country accorded permanent membership in an expanded Security Council must be capable of fulfilling all of the responsibilities equated with such status, including participation in any U.N. military operations;

According permanent membership to nations not capable of carrying out these responsibilities will allow those countries to play a central role in shaping U.N. peacekeeping and peacekeeping operations which could endanger the lives of American and other troops, but in which their own forces could play no part;

Japan and Germany, as the world's second and third largest economies, respectively, have attained levels of global reach and influence equal to or surpassing current permanent members of the Security Council;

Germany and Japan have announced their desire to gain permanent membership in the Security Council;

Japan currently maintains that its constitution prohibits the country from carrying out all the peacekeeping and peacemaking responsibilities that permanent membership entails;

Japan's ruling coalition government appears unwilling to address these issues, even in the face of a potential crisis on the Korean peninsula which may well require multilateral military action;

The German High Court, sitting in Karlsruhe, Germany, ruled, on July 12, 1994, that the German constitution contains no prohibition against the overseas deployment of Germany's armed forces in multilateral peacekeeping operation.

Now, therefore, be it the sense of the Senate that:

(1) Since Germany has addressed the problem of its participation in multilateral military activities, the U.S. should support that nation's prompt elevation to permanent Security Council membership;

(2) Japan be encouraged to discuss thoroughly and openly its own problems in participating in such activities, and take whatever steps are necessary to enable it to fully engage in any form of U.N. peacekeeping or peacemaking operation; and

(3) The United States should actively support Japan's effort to gain permanent membership only after Japan takes such steps * * *.

* * * * *

MCCAIN AMENDMENT NO. 2278

Mr. MCCONNELL (for Mr. MCCAIN) proposed an amendment to the bill H.R. 4426, supra; as follows:

At an appropriate place in the bill insert the following new section:

(a) FINDINGS.—The Senate finds that—

(1) Peace in Cambodia promotes stability in Southeast Asia.

(2) The newly democratic nation of Cambodia is engaged in a continuing military struggle against the Khmer Rouge.

(3) Peace talks between the government of Cambodia and the Khmer Rouge have repeatedly broken down.

(4) The Cambodian Parliament took action on July 6, 1994 to outlaw the Khmer Rouge.

(5) Ceding any position in the freely elected government of Cambodia to the Khmer Rouge is not in the interest of the Cambodian people and is incompatible with a constructive U.S.-Cambodia relationship.

(6) Cambodian officials have requested military assistance from a number of nations, including the United States.

(7) The U.S. administration, in consultation with its allies, is in the process of determining the appropriate type and level of U.S. military assistance to Cambodia.

(8) Congress is concerned that absent proper training, professionalism and adequate salaries, providing Cambodian forces with arms and ammunition will not be beneficial.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that—

(1) In concert with interested democratic nations, the U.S. should provide non-combat military training assistance to the newly democratic government of Cambodia.

(2) Military Assistance should include efforts to establish an orderly and equitable promotion process, establish an effective command structure, establish a viable and effective system of military justice, establish effective logistics, establish modern communications networks, establish dependable accounting procedures, promote human rights and respect for the rule of law and promote respect for civilian leadership of the military.

(3) The President should make every effort to fully utilize requested 1994 and 1995 levels of IMET for Cambodia to expand the program beyond its current scope.

(4) The President should consider qualified Cambodians for admission to U.S. military academies.

(5) The President should dispatch as soon as possible a military attache to the U.S. Embassy in Cambodia.

(6) Lethal assistance should not be provided to Cambodia until such time as the President can certify the professionalization of the Cambodian Armed Forces.

(7) No military assistance should be provided the Cambodian Armed Forces if the Government includes members of the Khmer Rouge or if the Constitution promulgated on September 24, 1993 fails.

(8) No military assistance should be provided in concert with the Democratic Peoples' Republic of Korea.

(9) The President should convey to Thailand United States concern over the continued support for the Khmer Rouge by elements of the Thai military and to urge the Thai Government to intensify its efforts to terminate that support, in accordance with the Paris Peace Accords.

MCCAIN AMENDMENT NO. 2279

Mr. MCCONNELL (for Mr. MCCAIN) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the bill insert the following new section:

(a) FINDINGS.—The Senate finds that—

(1) The United States maintains a continuing interest in the security of Europe.

(2) The North Atlantic Treaty Organization remains the principal guarantor of European security.

(3) The security concerns of the United States and Europe are best addressed through the collective security arrangement of the North Atlantic Treaty Organization.

(4) The North Atlantic Treaty Organization is not an offensive threat to any nation not part of the North Atlantic Treaty.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) The North Atlantic Treaty Organization should invite Poland, the Czech Republic, Hungary and Slovakia to accede to the North Atlantic Treaty under Article 10 of the treaty at such time as each is in a position to further the principles of the Treaty and contribute to the security of the North Atlantic area.

(2) Accession of the North Atlantic Treaty should include a commitment to the security of new members according to Article 5 of the treaty.

(3) The President should pursue within the North Atlantic Council and adoption of criteria and timetables for determining the

ability of each nation to further the principles of the North Atlantic Treaty and contribute to the security of the North Atlantic area.

(4) Within 90 days of the passage of this act, the President should report to the appropriate Congressional committees the criteria and timetables the United States will pursue within the North Atlantic Council.

McCAIN AMENDMENT NO. 2280

Mr. McCONNELL (for Mr. McCAIN) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the bill insert the following new section:

INTERNATIONAL EXECUTIVE SERVICE CORPS

SEC. . None of the funds appropriated by this Act that are administered by the Agency for International Development may be made available for any project or activity of the International Executive Service Corps if such project or activity would provide services to an organization that, in the judgment of the Administrator of the Agency for International Development, is capable of obtaining the same or similar services without assistance from the Agency and without significant financial burden to that organization.

HELMS AMENDMENT NO. 2281

Mr. McCONNELL (for Mr. HELMS) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the end of the first Committee amendment, insert the following:

SEC. . LIMITATION ON THE USE OF FUNDS FOR THE GOVERNMENT OF COLOMBIA.

(a) LIMITATION.—None of the funds appropriated by this Act shall be obligated or expended for the Government of Colombia unless the President determines and certifies that the Government of Colombia is taking actions to—

(1) fully investigate accusations of corruption by the narcotics cartels involving senior officials of the Government of Colombia;

(2) implement the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, bribery and other forms of public corruption;

(3) reduce illicit drug production to the maximum extent which were determined to be achievable during the fiscal year;

(4) significantly disrupt the operations of the narcotics cartels; and

(5) investigate all cases in which any senior Colombian official is accused or implicated in engaging in, encouraging, or facilitating the illicit production or distribution of narcotic and psychotropic drugs or other controlled substances.

HELMS (AND OTHERS) AMENDMENT NO. 2282

Mr. McCONNELL for Mr. HELMS (for himself, Mr. MOYNIHAN, Mr. MACK, Mr. BROWN, Mr. ROBB, Mr. LAUTENBERG, Mr. BOND, Mr. GORTON, Mr. GRAMM, Mr. LEVIN, Mr. HATCH, and Mr. D'AMATO) proposed an amendment to the bill H.R. 4426, supra; as follows:

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

SEC. . RESTRICTION ON U.S. GOVERNMENT OFFICES U.S. OFFICIAL MEETINGS IN JERUSALEM.

(1) None of the funds appropriated by this or any other Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States government for the purpose of conducting official United States government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles; and

(2) No officer or employee of the United States government and no agent or other individual acting on behalf of the United States government shall meet in any part of Jerusalem with any official of the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles for the purpose of conducting official United States government business with such Palestinian Authority.

COHEN AMENDMENT NO. 2283

Mr. McCONNELL for Mr. COHEN proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 112, between lines 9 and 10, insert the following new section:

SEC. . POLICY REGARDING GERMAN PARTICIPATION IN INTERNATIONAL PEACEKEEPING OPERATIONS.

(a) FINDINGS.—The Congress finds that—

(1) for more than four decades following the Second World War, Germany was a divided nation;

(2) notwithstanding the creation of the Federal Republic of Germany on September 7, 1949, and the German Democratic Republic on October 7, 1949, the Four Allied Powers retained rights and responsibilities for Germany as a whole;

(3) the Federal Republic of Germany acceded to the United Nations Charter without reservation, "accept[ing] the obligations contained in the Charter . . . and solemnly undertak[ing] to carry them out", and was admitted as a member of the United Nations on September 26, 1973;

(4) the Federal Republic of Germany's admission to the United Nations did not alter Germany's division nor infringe upon the rights and responsibilities of the Four Allied Powers for Germany as a whole;

(5) these circumstances created impediments to the Federal Republic of Germany fulfilling all obligations undertaken upon its accession to the United Nations Charter;

(6) Germany was unified within the Federal Republic of Germany on October 3, 1990;

(7) with the entry into force of the Final Settlement With Respect to Germany on March 4, 1991, the unified Germany assumed its place in the community of nations as a fully sovereign national state;

(8) German unification and attainment of full sovereignty and the Federal Republic's history of more than four decades of democracy have removed impediments that have prevented its full participation in international efforts to maintain or restore international peace and security;

(9) international peacekeeping, peacemaking, and peace-enforcing operations are becoming increasingly important for the maintenance and restoration of international peace and security;

(10) United Nations Secretary General Boutros Boutros-Ghali has called for the "full participation of Germany in peacekeeping, peacemaking, and peace-enforcing measures";

(11) the North Atlantic Council, meeting in ministerial session on June 4, 1992, and December 17, 1992, stated the preparedness of the North Atlantic Alliance to "support, on a case-by-case basis in accordance with our own procedures, peacekeeping activities under the responsibility of the Conference on Security and Cooperation in Europe" and "peacekeeping operations under the authority of the United Nations Security Council";

(12) the Federal Republic of Germany participated in these North Atlantic Council meetings and fully associated itself with the resulting communiques;

(13) the Western European Union (WEU) Ministerial Council, in the Petersberg Declaration adopted June 19, 1992, declared that "As the WEU develops its operational capabilities in accordance with the Maastricht Declaration, we are prepared to support, on a case-by-case basis and in accordance with our own procedures, the effective implementation of conflict-prevention and crisis-management measures, including peacekeeping activities of the CSCE or the United Nations Security Council";

(14) the Federal Republic of Germany presided over this Western European Union Ministerial Council meeting and fully associated itself with the Petersberg Declaration;

(15) the Federal Republic of Germany, by virtue of its political, economic, and military status and potential, will play an important role in determining the success or failure of future international efforts to maintain or restore international peace and security;

(16) the Federal Constitutional Court of Germany has ruled that the Basic Law of Germany permits the Armed Forces of Germany to participate in international military operations, including combat operations, conducted under a system of collective security, including the United Nations, the North Atlantic Treaty Organization, and the Western European Union;

(17) Germany is currently engaged in a debate on the proper role for the German military in the international community;

(18) one important element in the German debate is the attitude of the international community toward full German participation in international peacekeeping, peacemaking, and peace-enforcing operations;

(19) it is, therefore, appropriate for the United States, as a member of the international community and as a permanent member of the United Nations Security Council, to express its position on the question of such German participation; and

(20) distinctions between peacekeeping, peacemaking, and peace-enforcing measures are becoming blurred, making absolute separation of such measures difficult, if not impossible.

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

(1) an appropriate response under current circumstances to Germany's past would be for Germany to participate fully in international efforts to maintain or restore international peace and security; and

(2) the President should strongly encourage Germany, in light of its increasing political and economic influence, its successful integration into international institutions, and its commitment to peace and democratic ideals, to assume full and active participation in international peacekeeping, peacemaking, and peace-enforcing operations.

DOMENICI AMENDMENT NO. 2284

Mr. McCONNELL (for Mr. DOMENICI) proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 20, line 13, delete the period, and add the following new proviso:

": *Provided further*, That the President may transfer such funds to appropriations available to the Department of Defense and other agencies of the United States government for the purposes of cooperative threat reduction and countering the proliferation of weapons of mass destruction under the provisions of title XII of Public Law 103–160 and Section 575 of Public Law 103–87: Provided further, That the amounts transferred shall be available subject to the same terms and conditions as the appropriations to which transferred: *Provided further*, That the authority to make transfers pursuant to this provision is in addition to any other transfer authority of the President: *Provided further*, that the total amount of any transfer authority utilized shall not exceed the amount transferred by the Department of Defense to the Department of State and other agencies under Title VI of Public Law 103–87."

DOMENICI AMENDMENT NO. 2285

Mr. MCCONNELL (for Mr. DOMENICI) proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 7, line 2, delete the period and add the following new proviso:

Provided, That these funds may not be obligated or expended until the Secretary of the Treasury has notified the Chairmen of the Senate and House Committees on Appropriations that the United States does not support an International Monetary Fund proposed to create additional global reserve assets though a general allocation of Special Drawing Rights."

WELLSTONE (AND OTHERS) AMENDMENT NO. 2286

Mr. LEAHY for Mr. WELLSTONE (for himself, Mr. LEAHY, Mr. JEFFORDS, Mr. PELL, and Mr. FEINGOLD) proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 112, between lines 9 and 10, insert the following new section:

SUPPORT FOR HUMAN RIGHTS AND OTHER NONGOVERNMENTAL ORGANIZATIONS IN INDONESIA

SEC. . Of the funds appropriated by this Act, $250,000 shall be made available to support nongovernmental human rights organizations in Indonesia and $250,000 shall be made available to support nongovernmental environmental organizations to assess or otherwise address acute envrionmental problems, particularly those affecting indigenous peoples, in Indonesia.

LAUTENBERG AMENDMENT NO. 2287

Mr. LEAHY for Mr. LAUTENBERG proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 112, between lines 9 and 10, insert the following new section:

REGARDING THE EXTRADITION TO THE UNITED STATES OF MOHAMMAD ISMAIL ABEQUA

SEC. .(a) The Senate finds that—

(1) Mohammad Ismail Abequa is a naturalized United States citizen who is alleged to have strangled his estranged wife, Nihal Abequa, in Morris County, New Jersey on July 3, 1994;

(2) Mohammad Ismail Abequa fled to Amman, Jordan on July 5, 1994, with the couple's two children Sami and Lisa, aged 3 and 6 years old, respectively;

(3) New Jersey officials have confirmed that Mohammad Ismail Abequa arrived in Amman on July 6, 1994, via an international flight from London and that he had the two children in his custody upon arrival in Jordan;

(4) Mohammad Ismail Abequa reportedly has a record of wife beating and child abuse while living in New Jersey, and the children could be in danger;

(5) the children have a close relative, Nihal's sister, who, reportedly, will care for and nurture them in New Jersey; and

(6) the personal involvement of King Hussein of Jordan in finding the children quickly could prevent their serious injury by Abequa.

(b) The Senate hereby express its concern both that Mohammad Ismail Abequa be brought to justice and that the safety of the two children held by Abequa be ensured.

(c) It is the sense of the Senate that—

(1) The Government of Jordan should use its resources to apprehend and extradite Mohammad Ismail Abequa to the United States where he will be afforded the due process of the laws of the State of New Jersey; and

(2) the appropriate officials of the Department of Justice and the Department of State should work aggressively toward that goal.

LEAHY (AND OTHERS) AMENDMENT NO. 2288

Mr. LEAHY (for himself, Mr. HARKIN, Mr. JEFFORDS, Mr. FEINGOLD, Mr. WELLSTONE, and Mr. PELL), proposed an amendment to the bill H.R. 4426, supra; as follows:

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

INDONESIA

Sec. . The United States should continue to refrain from selling or licensing for export to the Government of Indonesia defense articles such as small or light arms and crowd control items until the Secretary of State determines and reports to the Committee on Appropriations that there has been significant progress made on human rights in East Timor and elsewhere in Indonesia, including in such areas as:

(1) complying with the recommendations in the United Nations Special Rapporteur's January 1992 report and the March 1993 recommendations of the United Nations Human Rights Commission;

(2) significantly reducing Indonesia's troop presence in East Timor; and

(3) participating constructively in the United Nations Secretary General's efforts to resolve the status of East Timor.

BUMPERS (AND OTHERS) AMENDMENT NO. 2289

Mr. LEAHY for Mr. BUMPERS (for himself, Mr. DORGAN, and Mr. BROWN) proposed an amendment to the bill H.R. 4426, supra; as follows:

Strike lines 2–10 on page 10, and insert in lieu thereof the following:

"*Provided further*, none of the funds appropriated under this heading shall be available to support parliamentary training and democracy programs in the People's Republic of China."

GRAHAM (AND DECONCINI) AMENDMENT NO. 2290

Mr. LEAHY (for Mr. GRAHAM, for himself, and Mr. DECONCINI) proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 34, beginning on line 11, strike "*Provided further*," and all that follows through "activities:" on line 15.

GRAHAM (AND DECONCINI) AMENDMENT NO. 2291

Mr. LEAHY for Mr. GRAHAM, (for himself, and Mr. DECONCINI) proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 34, line 11, strike "Peru,".

DORGAN (AND HELMS) AMENDMENT NO. 2292

Mr. LEAHY for Mr. DORGAN (for himself and Mr. HELMS) proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 112, between lines 9 and 10, insert the following:

POLICY REGARDING HUMANITARIAN AID TO HAITI

SEC. 577. It is the sense of the Senate that the Secretary of State, the Secretary of the Treasury, and the Administrator of the Agency for International Development should expedite approval of valid applications for emergency medical evacuation flights out of Haiti and for humanitarian aid flights to Haiti, where such aid consists of food, medicine, or medical supplies, or spare parts or equipment for the transportation or distribution of humanitarian aid by nongovernmental or private voluntary organizations.

BROWN AMENDMENT NO. 2293

Mr. MCCONNELL for Mr. BROWN proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the bill, add the following new section:

SEC. . LOANS TO NATIONS THAT ENFORCE THE ARAB BOYCOTT OF ISRAEL.

The President should use the voice and vote of the United States in all multilateral banks of which the United States is a member to ensure that no loans are given to nations which support or encourage the primary, secondary or tertiary boycott of Israel.

BUMPERS (AND OTHERS) AMENDMENT NO. 2294

Mr. LEAHY for Mr. BUMPERS (for himself, Mr. DORGAN, Mr. BRYAN, Mr. FEINGOLD, Mr. HELMS, Mr. SIMON, Mr. KOHL, and Mr. BROWN) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the end of the pending committee amendment add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated under this Act shall be available to support parliamentary training and democracy programs in the People's Republic of China.

HELMS AMENDMENT NO. 2295

Mr. HELMS proposed an amendment to the bill H.R. 4426, supra; as follows:

In Section 577, strike "other bodies" and insert in lieu thereof, "commissions".

LEVIN AMENDMENT NO. 2296

Mr. LEAHY (for Mr. LEVIN) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place, insert the following:

Funds made available on this Act for assistance to the New Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to Environment and Natural Resources) of the Foreign Assistance Act of 1961.

DOLE AMENDMENT NO. 2297

Mr. McCONNELL (for Mr. DOLE) proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 10, line 10 after the word "law" and before the period (.) add the following new proviso:

"Provided further, that of the funds appropriated under this heading, not less than $15,100,000 shall be made available for the Cooperative Association of States for Scholarships Program and not less than $3,000,000 shall be made available for the East Central European Scholarship Program"

SPECTER (AND SHELBY) AMENDMENT NO. 2298

Mr. McCONNELL (for Mr. SPECTER for himself and Mr. SHELBY) proposed an amendment to the bill H.R. 4426, supra; as follows:

(a) On page 102, line 1, strike all that follows after "Gaza" through the end of line 3 and insert a period after "Gaza".

At the appropriate place, insert the following:

SEC. . (a) ADDITIONAL CONGRESSIONAL EXPECTATION.—Section 583(b)(5) of the Middle East Peace Facilitation Act is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by adding at the end the following new subparagraph: "(E) amending its National Covenant to eliminate all references calling for the destruction of Israel.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, July 14, 1994, beginning at 9:30 a.m., in G–50 Dirksen Senate Office Building on S. 2269, the Native American Cultural Protection and Free Exercise of Religion Act of 1994.

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

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, July 14, 1994, to consider the nominations of John Schmidt, of Washington, DC, to be Associate Attorney General, Guido Calabresi, of Connecticut, to be U.S. circuit judge for the second circuit and Daniel Dotson, of Utah, to be a U.S. marshal for the District of Utah.

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

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, July 14, 1994, at 10 a.m., in room 216, Senate Hart Office Building, to hold a hearing on the nomination of Stephen G. Breyer of Massachusetts, to be Associate Justice of the Supreme Court.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, July 14, 1994, at 9:30 a.m., to hold a hearing on the operations of the Library of Congress and S. 1900, to provide for the protection of books and materials from the Library of Congress.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a markup on the Veterans Health Care Reform Act of 1994 at 2 p.m. on Thursday, July 14, 1994. The markup will be held in room 418 of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, July 14, 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 RESEARCH AND DEVELOPMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Research and Development of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., July 14, 1994, to receive testimony from the scientific community on the scientific and technological basis for radon policy.

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

ADDITIONAL STATEMENTS

JOB CORPS

• Mr. SIMON. Mr. President, I would like to recognize the Job Corps Program for its 30 years of success in providing extremely disadvantaged youth with vocational training and job placement assistance that breaks the cycle of poverty, dependence, despair and, often, crime. Each year, Job Corps assists more than 60,000 young people in becoming productive, economically self-sufficient members of society. Few employment and training programs target high-school dropouts with low reading levels, and fewer still have had their effectiveness documented in as rigorous an independent evaluation as has Job Corps. Unfortunately, there appears to be some confusion and concern about the findings of a report issued several years ago by the Department of Labor's inspector general. I would like to insert in the RECORD a letter from Secretary Reich that addresses in detail each concern cited by those who have been critical of this program. Given Job Corps' proven track record of success, 17 of my colleagues and I have asked the Appropriations Committee to retain the increase in funding requested by the administration. I would like to insert a copy of this letter in the RECORD as well.

The material follows:

Department of Labor,
Washington, DC, July 12, 1994.

Hon. PAUL SIMON,
U.S. Senate,
Washington, DC.

DEAR SENATOR SIMON: As a supporter of the Job Corps program, I wanted to bring to your attention a recent development. Last week we received a copy of the June 30 letter sent to Senator Byrd by Senators Kassebaum (KS) and Kerrey (NE) in which they propose that the FY 1995 Job Corps budget be frozen at the FY 1994 level and that the expansion of the program be suspended. I have urged the Senate Appropriations Committee to reject this proposal.

Given the importance of the Job Corps program to the disadvantaged youth of this country, I thought it was important to set the record straight on issues that have been raised by Senators Kassebaum and Kerrey. Citing reports issued back in 1990–1991 by the Department's Inspector General, Senators Kassebaum and Kerrey suggest that Job Corps does not provide effective training and employment-related services to its target population. They have also called into question the integrity of the program and its local administrators. In both areas, I must disagree.

The Job Corps program is America's oldest, largest, and most comprehensive residential training and education program for young, unemployed, and under-educated youth. Designed for severely disadvantaged youth, the program breaks the cycle of poverty and welfare dependence by providing the vocational training and job placement that youths need to become taxpaying citizens. The program is administered through a network of 111 centers, each year serving more than 60,000 young people located in 46 States, Puerto Rico, and the District of Columbia.

The $1.0 billion program boasts a proven track record. A highly regarded evaluation of the program in the early 1980s found that Job Corps resulted in a savings for society due to increased earnings, reduced government assistance, and reductions in serious crime, with a net benefit to society of $1.46 for every $1.00 invested in the program.

Enclosure 1 contains detailed responses to each of the specific concerns that have been raised by Senators Kassebaum and Kerrey. Most of these issues are being raised on the basis of either erroneous information or misinterpretations of isolated facts and statistics taken from Inspector General reports. Enclosure 2 details the programmatic impact of the House-passed FY 1995 budget for Job Corps.

Your continued support of this successful program is important. Please feel free to contact Chris Moseley of my staff (219-6141) if you have any questions.

Sincerely,

ROBERT B. REICH,
Secretary of Labor.

RESPONSES TO STATEMENTS IN KASSEBAUM-KERREY LETTER

There is no new OIG report on the Job Corps. The following statements by Kassebaum and Kerrey refer to OIG reports that were issued in 1990-1991.

Statement. High compensation for Job Corps center executives. The IG found 5 of 11 CEOs of individual program sites earned salaries and bonuses amounting to more than $160,000 annually. One center director earned $327,352.

Response. This statement is not true. The December 3, 1990 OIG report referenced clearly indicates that compensation for center directors ranged from a low of $32,615 to high of $87,012.

The CEOs referred to are not directors of individual program sites. They are CEOs of major corporations or subsidiaries which have contracts to operate Job Corps centers along with a variety of other businesses (e.g. Teledyne and ITT). The $327,352 cited as a center director's salary is actually the total compensation of the President of a firm whose principal business is in the defense industry. Only a small prorata share of that CEO's salary is paid by Job Corps. Apportioning executive level compensation among a number of different contracts is a required accounting procedure for such indirect costs that are incurred under government contracts.

The 1990 OIG report states specifically "* * * the majority of the executives, as individuals, appeared to receive reasonable compensation." In addition, Job Corps conducted a study which indicated that Job Corps executives are compensated at rates well below industry averages. All salaries for employees covered by Job Corps contracts are specifically reviewed and approved before the contracts are awarded.

Statement. There is no performance criteria for bonuses paid.

Response. While this finding did apply to some contractors during the period covered by the 1990 OIG report, Job Corps and the Office of Cost Determination responded immediately and have insured that all bonus plans are now documented and strongly correlated with center performance.

Statement. Five operators improperly charged the bonuses as indirect costs to the program.

Response. Payments of these bonuses were not improper and there were no disallowed costs. The OIG directed that these expenses be classified as direct rather than indirect. This is an accounting distinction only. Job corps has required all contractors to adhere to the correct accounting procedures in this area. Indirect cost allocations are reviewed and approved through regular reviews by the Department's Office of Cost Determination.

Statement. Extremely high trainee dropout rates. Out of approximately 60,000 students who started the PY 1992 program, more than 25,000 (43%) dropped out and were not placed or their whereabouts were unknown. The majority of those left the program within the first 90 days.

Response. This statement leads to the inappropriate conclusion that an early dropout rate in this range represents poor program performance. This is not the case. The apparently high dropout rates exist because of the strict discipline and behavioral codes at Job Corps that are part of its success. The Mathematical evaluation shows substantial overall gains in earnings for enrollees even after averaging the performance of those who dropped out early. The social benefits still greatly outweigh the costs.

Job Corps serves severely disadvantaged youth. The typical enrollee is an 18 year old economically disadvantaged minority male who is a high school dropout who reads at the seventh grade level and has never held a full time job. In addition, a substantial number of these youth have had prior contact with the criminal justice system, test positive for substance abuse and come from families receiving public assistance.

Job Corps data for PY 1992 indicate that 69% of these severely disadvantaged students stay beyond the early dropout period of 3 months. The great majority of students are therefore successful in adjusting to a disciplined, regulated residential program. In order to obtain substantial reductions in the early dropout rate, it would be necessary to pre-screen otherwise eligible young people on the basis of likelihood to succeed—a practice referred to as creaming.

While early dropouts do not generally obtain GED's or complete vocational training, they do receive placement services. Even the OIG report indicates that only 15% of dollars invested are for participants who receive no measurable results. Moreover, relatively few dollars are spent on short-term stayers.

The placement results for these early dropouts are included in the overall Job Corps placement rate and other performance statistics.

Statement: Only 14,445 (about 24 percent) of the starting class completed one of the vocational skill programs, which is a primary goal of Job Corps.

Response. This statement is factually incorrect. Job Corps data for PY 1992 indicate that 19,731 students (32 percent of all terminees) completed their vocational training. In addition, 10,931 (18 percent of all terminees) obtained a GED, which is another important Job Corps goal. Job Corps strives continually to increase these positive outcomes.

Statement. Low (12 percent) job-trade match placement of trainees and Job Corps' questionable accounting procedures of these placements.

Response. The goals of Job Corps are to raise employment rates, increase earnings, increase educational attainment and reduce involvement in crime. The Mathematica evaluation shows that it has succeeded admirably at doing this. Training in a particular trade is a means toward these real goals, not an end in itself. If training in a particular field motivates a young person to get more education and/or leads to success in another field, then we still consider that a success. By any reasonable measure, Job Corps is successful at doing this.

More important than job training match placements, the issue is whether the Job Corps curriculum and approach increase earnings and employment, reduce serious criminal activity, and other socio-economic outcomes for participating youth relative to what they would have been without Job Corps and whether it does so in a cost effective manner. The evaluation evidence indicates that Job Corps does perform well in this regard.

A major new longitudinal evaluation study to update these findings is currently underway. Annual program outcomes data have been consistent since the last study.

Looking at the issue from the narrow job-trade match placement perspective, the Job Corps data shows that 38 percent of those who obtained jobs did so in training-related occupations. The 12 percent figure cited above inappropriately measures training-related placements against all terminees, including those who entered college or other educational institutions, as well as those who were not successfully placed.

Statement. Insufficient job placement performance measurement—A trainee is considered placed if he/she is verified to have worked 20 hours during the first week on the job. No other follow up is required.

Response. The Job Corps termination placement definition is correct as stated and meets or exceeds the measurement employed by other Federal employment and training programs. The placement definition is currently under review by Job Corps in light of JTPA amendments and government-wide efforts to develop common core data elements for all training programs.

ADDITIONAL STATEMENTS IN KASSEBAUM AND KERREY PRESS RELEASES

Statement. Job Corps claims a 70% placement rate of its graduates in jobs or colleges, but the IG has disputed that figure. The IG has argued that that actual total placement is about 57% and a majority of those placed end up in low pay, entry level jobs they could have obtained without the program.

Response. The DOL Congressional budget submittal for 1995 projects a 70% placement rate. This is based on new management emphasis on placement activities and represents a modest increase over the 65% percent actual level that has been reported for PY 1992, the most recent year for which complete data are available.

An overall placement rate in PY 1992 of 65% represents nearly 40,000 young people moving from dependency to employment or full-time education. The overall placement rate represents a combination of terminees who are located after leaving the centers plus an estimate of placements that occur among the relatively small portion of terminees who cannot be located after termination. The estimating procedure assumes that only 34% of those not located obtain jobs. This is a conservative estimating procedure that reflects only the self placement experience of terminees generally.

The 57% OIG figure does not accurately portray the Job Corps placement rate. This figure was developed by OIG on the assumption that none of the terminees who could not be located obtained jobs. The latest OIG report addresses the estimating procedure currently being employed and argues only for an alternative methodology.

Given the severely disadvantaged nature of Job Corps students, even if the OIG methodology for determining the placement rate were accepted, a placement rate of 57% should be considered a success. A 57% placement rate for youth who are all economically disadvantaged, reading on average at the 7th grade level, and often have a history of drug abuse or involvement in the criminal justice system should be a success by any standard. It is the reason Job Corps was and

continues to be one of the model programs for the past 30 years and the reason the Administration proposes to expand this success.

Statement. Job Corps placement contractors are paid for placements, even when students find their own jobs.

Response. This statement is incomplete. The unit cost payments stated in terms of placements are intended to cover costs that go beyond those for direct placements. These unit cost payments are structured to reimburse a wide range of services, including job development, gathering information from former students, contacts with employers for placement verification, documentation of placement results and report submission.

Statement. Consistently poor performing Job Corps centers continue to operate without improvement or a decision to close them.

Response. This statement does not reflect actual practice. For the 79 privately-operated contract centers, performance assessment is an integral part of the Job Corps procurement process. Job Corps centers are closely evaluated against formal performance standards and reviewed on an annual basis for compliance and quality. An assessment of poor performance impacts contracting decisions regarding continued operation of a center as well as the firm's prospects in competing for other center contracts. Contracts for operating centers are let for a two year base period and include three option years, for maximum duration of five years.

The impact of Job Corps emphasis on performance in procurement is demonstrated as follows: In the past two years, 20 contracts were terminated prior to their maximum duration, most of these on the basis of unfavorable performance assessments.

During the same period, 27 procurements were conducted for center operations contracts. In 16 of these, incumbents were challenged and new center operators were selected in 7 instances.

This approach to remedying poor performance at privately operated contract centers by changing center operators makes more sense than closing centers and abandoning a 20+ million dollar taxpayer investment in training facilities.

Thirty centers are operated by other Federal agencies, the Department of Interior and the Agriculture Department, under an interagency agreement. In cases of poor performance by any of these federally-operated centers, the Department of Labor works closely with agency management to improve performance. When that fails stronger measures are taken. For example, Job Corps had to close a center (for more than a year) in one situation and temporarily discontinue student enrollment in several others. Unlike the contracted centers, the Department of Labor is not able to bring in new organizations to operate these federally-administered centers in the case of poor performance.

Statement. Daily absenteeism of 50% of trainees on residential sites.

Response. This statement is incorrect. Job Corps data indicate that, on average, 88% of all students are present on center. The remaining 12% are absent from the Job Corps center for reasons such as illness, family emergencies, annual leave or unexcused absences.

EXPLANATION OF HOUSE-PASSED JOB CORPS FUNDING LEVEL

The Administration's FY 1995 request for Job Corps calls for a continuation of steady expansion of this high-return investment in our nation's disadvantaged youth. The House-passed level includes $1,107 million for the program, an increase of $67 million over the FY 1994 level ($49 million below the President's original request).

The requested increase is largely related to needed funding for the existing centers and construction funding for the eight new centers (announced in early 1994) that Congress approved in the FY 1993 and 1994 appropriations. Only a small portion ($15 million) of this increase is related to further expansion of the program to six new centers.

Included in this request is an increase of $36 million to simply cover increased operating costs at the existing 111 Job Corps Centers. Most of this cost increase is of an uncontrollable nature, e.g., negotiated salary increase, inflationary increases in the costs of food, clothing, utilities, etc. A portion of the increase is also needed to cover planned increases in capacity with centers where new dorm construction will be completed between new and FY 1995. Without these funds, fewer students will be served.

The House-passed level includes $36 million—an increase of $16 million over the FY 1994 level—for construction funds for new centers. This action simply follows through on the commitments Congress has made over the past two years to program expansion. Without these additional funds, construction of the eight new Centers cannot be completed. This request includes the funds to continue progress on construction for the following eight new Centers: Loring AFB; Maine; Fort Devens, Massachusetts; Homestead AFB, Florida; Memphis, Tennessee; Montgomery, Alabama; Flint, Michigan; Chicago, Illinois; and Treasure Island Naval Station, California.

Finally, the House-passed level includes an increase of $15 million to initiate six additional centers. These funds are needed to order to continue the long term expansion initiative known as the "50/50" plan. This amount represents first year facility funding to initiate these six additional centers. Without these funds, no new Centers can be selected this year.

U.S. SENATE,
Washington, DC, July 8, 1994.

Hon. TOM HARKIN,
Chairman, Labor-HHS-Education Appropriations Subcommittee, Washington, DC.

DEAR TOM: We are writing to ask that you retain the Administration's request for an increase in funding for Job Corps, our nation's largest, most comprehensive and effective residential vocational and educational program for unemployed and undereducated youth. Job Corps helps America's hardest to employ youths become responsible, productive, independent citizens.

Job Corps stands out as one of our country's most successful job training programs. It serves approximately 65,000 students each year in 108 centers throughout the U.S. Job Corps has a successful placement rate of 65 percent.

The average Job Corps student is 18 years old, reads at a seventh grade level, has a disruptive home life, has never held a full-time job, and comes from a family with an income of under $7,000. More than 80 percent are high school dropouts.

More than 1.5 million Job Corps participants have been prepared for jobs, the military, and advanced educational opportunities since its inception in 1964. We are pleased that last year Job Corps announced its expansion to nine new centers, serving an additional 3,600 youth who are most at-risk. Nevertheless, in Illinois, for every student enrolled in Job Corps there are 65 young people who are eligible and in need but who go unserved.

According to the Mathematica Policy Research study, for every dollar invested in Job Corps, $1.46 is returned to the economy through reduction in income maintenance payments, the costs of crime and incarceration, and through increased taxes paid by Job Corps graduates. In addition to improving their future earnings ability, Job Corps participants are less dependent on welfare and unemployment insurance.

As you know, the President has requested an 11 percent increase in Job Corps appropriations for next year. We think this is a crucial investment.

Thank you for your consideration.

Cordially,

Paul Simon, Edward M. Kennedy, Bob Graham, Barbara Boxer, Harris Wofford, George Mitchell, Howard Metzenbaum, Jim Sasser, Carl Levin, Harlan Mathews, Carol Moseley-Braun, Richard C. Shelby, Howell Heflin, Herb Kohl, William S. Cohen, Donald Riegle, Orrin Hatch, Harry Reid.•

THREE CHEERS FOR WEST WARWICK HIGH SCHOOL

• Mr. CHAFEE. Mr. President, I would like to pay tribute to the outstanding performance of the team from West Warwick High School, West Warwick, RI, in the "We the people. . . The Citizen and the Constitution" national competition.

The national competition was held in Washington, DC, from April 30–May 2, 1994. These outstanding young students from West Warwick competed against 47 classes from schools throughout the Nation. The "We the People" program is the most extensive of its kind, developed to help students understand the history and principles of the U.S. Constitution and Bill of Rights, and to learn to participate responsibly in our political system.

The 21 students from West Warwick High School, as well as the young men and women from around our Nation, demonstrated an excellent understanding of the fundamental ideals and values of the U.S. Government. Throughout the competition these students exhibited a great deal of teamwork and cooperation—characteristics that will serve them well in the years to come. These students had the opportunity to meet and talk with many other students from around the Nation, which certainly added to the educational experience of all involved.

Programs such as "We the People" are extremely influential in promoting the desire to be educated and to be involved in our Government. Being a part of this program and competition bestows a great deal of honor on all who participated. The family and friends of those involved must be very proud, as am I. Good luck to these students, some of whom may be leaders of their generation, in future endeavors.

I commend the achievements of these students, and congratulate their teacher and all the faculty at West Warwick High School for a job well done.

Mr. President, I ask that the names of these exemplary West Warwick High School students and their teacher, Ellen Garland, be entered into the CONGRESSIONAL RECORD, as follows:

Lauren Bentley, Krista Bourgoin, Greg Brennan, Kimberly Caressimo, Jennifer Cook, Michael Cook, Paul Gauvin.

Carolyn Gereau, Deborah Goldgaber, Christopher Grenon, Erin Hearne, Christina James, James Jeff III, Steven Joseph.

Benjamin Lyttle, Geoffrey Monti, Erin Murray, Christopher Phillips, Kristie Piascik, Angela Rossi, Pablo Suarez.•

DESIGNATING THE WEEK OF OCTOBER 17 AS "NATIONAL CHARACTER COUNTS WEEK"

• Mr. LIEBERMAN. Mr. President, I am pleased to join my colleagues in bringing attention to the importance of character by designating the week of October 17 as "National Character Counts Week." It is not surprising that there is growing sentiment in the United States that our Nation is losing sight of the basic values upon which it was founded. You only need to read the front page of your local newspaper or listen to the news report of your favorite radio or TV station to have a growing sense of frustration about the moral health of our communities. The danger we face is letting that frustration turn into a sense of apathy and despair.

Our communities are not abstract entities, for they consist of ourselves, our families, neighbors, and fellow workers. Our community of friends and acquaintances we interact with on a day-to-day basis flourishes when we base those interactions on such principles as trustworthiness, respect, responsibility, fairness, caring, and civic responsibility. We must find ways of encouraging and honoring the use of these principles of character in our everyday lives. Designating the week of October 17 as "Character Counts Week" gives us an opportunity to heighten all of our awareness of the importance of a strong set of values for our community and that each of us has a direct responsibility in nurturing those values.

The causes of violence, drug abuse, alcoholism, abusive behavior, and teenage pregnancy are not unrelated to the strength of our collective set of values. Nor should we assume that strong character is an innate and self-nurturing trait available in equal measure in each of us. We struggle with value choices each day: having courage of one's convictions while practicing respect for the views of others; supporting individual rights while at the same time understanding one's societal responsibilities; doing what is right for the long run instead of going against one's moral precepts for short-term gain. These choices many times are difficult and all of us from time to time need reinforcement of their underlying precepts.

For our youth we must assure that we have built an appropriate foundation before any reinforcement of values can have an impact. Through the involvement of family, schools, community, and religious organizations we can both build and reinforce that foundation. I am committed to working with my colleagues to find ways to build character education into public and private programs through leadership and legislation.•

THOMSON CONSUMER ELECTRONICS, INC.

• Mr. LUGAR. Mr. President, for many years, Thomson Consumer Electronics, Inc., and its predecessor company, RCA Consumer Electronics, has been a major corporate citizen of Indiana, employing thousands of men and women at its facilities in Indianapolis, Bloomington and Marion. Thomson Electronics is perhaps best known as the company that makes and markets the RCA, GE, and ProScan brands of color TV and other video products.

I rise today to recognize and salute a Thomson executive who has contributed so much to his company, industry and Nation. D. Joseph Donahue, Thomson's Senior Vice President for Technology and Business Development, is retiring this month following a distinguished 43-year career in the U.S. electronics industry. During these four decades, Joe Donahue has held a variety of senior management posts in engineering, manufacturing and marketing, including CEO positions in both semiconductors and consumer electronics.

After joining Gen. David Sarnoff's team at RCA in 1951, Joe Donahue helped pioneer the development of the first color picture tube, holding a number of key patents still in use today by the picture tube industry. Later in his career, he returned to this field as vice president of engineering at RCA Picture Tubes.

Joe Donahue's vast experience also includes 17 years with RCA Semiconductors, where he held a number of key posts including CEO of RCA Solid State. He joined RCA Consumer Electronics in 1977 as vice president, operations, with overall responsibility for engineering, purchasing, manufacturing, and product assistance.

Under his direction, the company's flagship plant in Bloomington, IN, was automated and became the world's largest color TV receiver manufacturing facility, a distinction it enjoys to this day. In 1982, Joe was named CEO of RCA Consumer Electronics, where he further strengthened RCA's market leadership in color television, VCRs and camcorders.

Five years ago, Joe Donahue arrived in Washington as senior vice president for technology and business development, with special responsibility for advanced television systems. Through his work, he brought to the high-definition television [HDTV] policy debate the perspective of someone intimately familiar with digital video research and development. He immersed himself in industry and government activities continuing his positive work with the electronics industry.

Joe Donahue was a founding member and principal in the advanced television research consortium [ATRC] which developed the "Advanced Digital HDTV" system, one of the leading contenders in the FCC's HDTV selection process. When an FCC advisory committee recommended that the major proponents join forces in a so-called "Grand Alliance," Joe Donahue played an active role in identifying and integrating the attributes of the competing technologies into a "best of the best" HDTV system for the United States. He also serves as chairman of a worldwide industry effort aimed at developing a digital HDTV recording [VCR] standard.

Mr. President, I know that my colleagues will join me in recognizing Joe Donahue's long and distinguished career with Thomson Consumer Electronics. I join his family and many friends in wishing him well in what I know will be an active and productive retirement.•

EDDIE EDWARDS

• Mr. WOFFORD. Mr. President, I rise today to salute the hard work of Mr. Eddie Edwards who was recently honored by the western Pennsylvania N.A.A.C.P. branches for his contribution to the African-American community and his work as one of the very few African-American television station owners.

On Martin Luther King's birthday in 1991, Mr. Edwards became the first African-American to own a television station, WPTT-TV-Pittsburgh, in the top 20 broadcast markets in the United States. Having worked with Martin Luther King, I know he would have found this achievement appropriate. When Martin was assassinated, he was beginning to tackle in earnest the issues of economic empowerment and the opportunity to not just sit down at the table but to own it.

Barely over forty, Eddie Edwards is one of the youngest owner-operators in the broadcasting business and already is a "veteran" with 25 years of experience in the field.

And, Mr. President, on top of all the professional success he has enjoyed, Mr. Edwards has still found time to be very active in the Pittsburgh community. He has worked to make a real difference in the lives of young people with his work on the National Board of Directors of Boy Scouts of America and the "Toys for the Needy" Campaign that he initiated with the Salvation

Army. He is the husband of Willette and the proud father of Eddie, Jr. who is now at Penn State.

I am delighted to join with the 27 N.A.A.C.P. branches of western Pennsylvania and their Regional Director, Mr. Charles Stokes in recognizing the many accomplishments of Mr. Eddie Edwards.●

OCEAN FREIGHT REIMBURSEMENT PROGRAM

● Mr. D'AMATO. Mr. President, I am concerned that at a time when private volunteer organizations [PVOs] are virtually overwhelmed with requests for assistance of all kinds in the Caribbean Basin, a source of extremely valuable support, AID's Ocean Freight Reimbursement Program [OFRP], will apparently not even receive the level of funding available last year for the shipment of urgently needed supplies.

In report 103-287 the Senate Appropriations Committee strongly commends the efforts of private volunteer organizations, stating that PVOs provide invaluable support in implementing programs to meet basic needs in both development and emergency situations. The committee also recommends that best efforts be made by the Agency to provide funding at last year's levels to several specified programs, including the Ocean Freight Reimbursement Program.

I am therefore extremely disturbed to learn that, far from the committee's OFRP recommendation to fund at the same level as last year, the Agency has capped these funds to a maximum of $150,000 for any qualifying PVO, which means of course that the level of actual goods supplied this year will have to be reduced by some quarter of a million dollars if the balance of the freight costs must be picked up privately. Many other PVO's benefiting from the OFRP must find themselves in the same position.

Mr. President, at a time when the Nation finds itself in need of all the assistance it can get from friendly sources overseas and in particular in the Caribbean, it is utterly shortsighted to curtail an inexpensive and exceptionally useful program such as the OFRP, which helps to maximize substantial private sector contributory effort.

The Ocean Freight Reimbursement Program should in fact be augmented rather than decreased. It should, at the very least, continue to be funded, as we have recommended, at the same level as last year. I urge the attention of my colleagues to this important matter.●

ORDERS FOR FRIDAY, JULY 15, 1994

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Friday, July 15, that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that immediately thereafter the Senate resume consideration of H.R. 4426, the Foreign Operations Appropriations bill, under the limitations and conditions of a previous unanimous consent agreement.

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

RECESS UNTIL 9 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, and I see no other Senator seeking recognition, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 11:53 p.m., recessed until Friday, July 15, 1994, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 14, 1994:

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

RALPH EARLE II, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY DIRECTOR OF THE UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY, VICE STEPHEN READ HANMER, JR., RESIGNED.

DEPARTMENT OF ENERGY

ELIZABETH ANNE MOLER, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 1999. (REAPPOINTMENT)

DEPARTMENT OF JUSTICE

WILLIAM HENRY VON EDWARDS III, OF ALABAMA, TO BE U.S. MARSHAL FOR THE NORTHERN DISTRICT OF ALABAMA FOR THE TERM OF 4 YEARS, VICE THOMAS C. GREENE.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 14, 1994:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Nelba R. Chavez, of Arizona, to be Administrator of the Substance Abuse and Mental Health Services Administration, Department of Health and Human Services.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Michael Nacht, of Maryland, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

Amy Sands, of California, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

Lawrence Scheinman, of New York, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

James Sweeney, of New Mexico, to be a Special Representative of the President for Arms Control, Nonproliferation, and Disarmament Matters, U.S. Arms Control and Disarmament Agency, with the rank of Ambassador.

Thomas W. Graham, Jr., of Maryland, to be Special Representative of the President for Arms Control, Nonproliferation, and Disarmament Matters, U.S. Arms Control and Disarmament Agency, with the rank of Ambassador.

The above nominations were approved subject to nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.